

# R-16

May 9, 2023

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive and file a report prepared by Lisa Wise Consulting, Inc., and the Public Outreach report prepared by City of Long Beach (City) staff regarding the City's existing sidewalk vending regulations; and,

Request the City Attorney to prepare an Ordinance based on the recommendations outlined herein regarding sidewalk vending regulations and update the Long Beach Municipal Code (LBMC) to comply with the most recently enacted State legislation regarding sidewalk vending; to consolidate, where feasible, provisions of the LBMC relating to the regulation and enforcement of sidewalk vendors and similar operations into one Ordinance; and, in consultation with City Manager, or designee, repeal provisions of the LBMC that are obsolete, no longer applicable, or no longer enforced related to sidewalk vendors and similar operations. (Citywide)

## DISCUSSION

In 2018, the State of California passed Senate Bill 946 (SB 946) which took effect on January 1, 2019. SB 946 established parameters for the local regulation of sidewalk vendors, which only allows local authorities to regulate sidewalk vending in accordance with the provisions of the bill. The bill's primary intent was to decriminalize sidewalk vending so that local authorities could issue only administrative rather than criminal citations.

According to SB 946, a "sidewalk vendor" is "a person who sells food or merchandise from a pushcart, stand, display pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person upon a public sidewalk or other pedestrian path." For the purposes of this discussion, "sidewalks" and "other pedestrian pathways" will be considered to be paved surfaces primarily for pedestrian travel.

The following outlines the requirements and restrictions the City may or may not impose on sidewalk vendors of food and merchandise under SB 946.

Under SB 946, the City may adopt requirements which are directly related to objective health, safety, or welfare concerns, including:

- Requiring sidewalk vendors to obtain permits and/or licenses.
- Requiring the sidewalk vendor to provide information about themselves and their vending operations.

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- Placing limitations on hours of operation that are not unduly restrictive.
- Adopting requirements to ensure compliance with the federal Americans with Disabilities Act (ADA) of 1990 and other disability access standards.
- Adopting requirements that ensure sanitary conditions.
- Prohibiting stationary sidewalk vending in areas that are zoned exclusively residential. (Roaming sidewalk vendors cannot be prohibited in areas zoned exclusively residential.)
- Adopting requirements within parks that are necessary to prevent an undue concentration of commercial activity which would unreasonably interfere with the scenic and natural characteristics of a park and to ensure the public's use and enjoyment of natural resources and recreational opportunities.
- Prohibiting stationary sidewalk vendors from vending in parks only if the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire.
- Prohibiting sidewalk vendors in areas located within the immediate vicinity of a permitted certified farmers' market, a permitted swap meet, or an area designated for a temporary special permit, such as an encroachment permit or special event permit.
- Prohibiting any vending other than sidewalk vending of food or merchandise.

Under SB 946, the City may not:

- Require sidewalk vendors to operate in a specific area or within certain parts of the public right-of-way, unless the local authority is restricting vending to protect the community's health, safety, or welfare or as designated by SB 946.
- Require sidewalk vendors to obtain consent or approval of any nongovernmental entity or individual in order to vend.
- Restrict the overall number of sidewalk vendors, unless the restriction is directly related to objective health, safety, or welfare concerns.
- Adopt additional requirements regulating the time, place, and manner of sidewalk vending unless the requirements are directly related to objective health, safety, or welfare concerns. Perceived community animus or economic competition does not constitute an objective health, safety, or welfare concern.

To comply with SB 946, the City needs to consolidate, where feasible, and repeal existing sections of the LBMC that relate to sidewalk vending. The City also needs to draft an Ordinance outlining regulations related to sidewalk vending consistent with the provisions of SB 946.

In June 2022, Lisa Wise Consulting, Inc. (LWC), was retained to provide recommendations on regulations and policies related to sidewalk vending. The scope of LWC's work was to audit the existing LBMC, prepare a case study review of sidewalk

vending programs in comparable California cities, engage with internal stakeholders regarding current conditions of sidewalk vending within Long Beach, and create a set of recommendations for future action which considered all stakeholders. LWC's Considerations and Recommendations Report is attached (Attachment A).

## **Outreach Results**

While LWC engaged with internal stakeholders, City staff engaged with various external stakeholders and the community at large. Internal stakeholders that were engaged included the following Departments: Development Services, Economic Development, Financial Management (FM), Fire, Health and Human Services (Health), Parks, Recreation and Marine (PRM), Long Beach Police (LBPD), and Public Works (PW); along with the City Manager's Office, including the Office of Special Events and Filming and Equity. These internal stakeholders reported the following:

- Sidewalk vendors provide an amenity for some individuals and communities, but can create a nuisance for others.
- Existing regulations and procedures are unclear and difficult to consistently enforce.
- Current City staff resources and capacity present an enforcement challenge.
- A comprehensive Sidewalk Vending Program and additional staffing could ease enforcement challenges.

For more details on feedback received, see the "Departmental Interview" section of Attachment A.

External stakeholders that were engaged included representatives from Business Improvement Districts (BIDs) neighborhood associations, community-based organizations, businesses, sidewalk vendors, and residents. Common themes of the external stakeholder feedback included the following:

- Sidewalk vendors provide alternative options to food that is available, and in food deserts, provide some of the only nearby food access.
- Concerns with ADA accessibility and potential areas of traffic concerns.
- Sidewalk vending provides entrepreneurial opportunities, though some are concerned that sidewalk vendors do not currently contribute to the tax base and have fewer fees and regulations compared to brick-and-mortar businesses.
- Health and safety concerns, including food safety, proper disposal of grease and products, and the safety of sidewalk vendors.
- Concerns regarding trash and debris left by patrons.
- Enforcement concerns related to the City's health inspection team's current capacity to regulate food-related sidewalk vending.

For more details on feedback received, please see the Community Engagement Report in Attachment B.

In addition, on March 13, 2023, the City's Economic Development Commission (Commission) provided feedback on sidewalk vending regulations and expressed similar concerns for brick-and-mortar businesses while also acknowledging the entrepreneurial opportunities and benefits of sidewalk vending. The Commission encouraged synergies between brick-and-mortar businesses and sidewalk vendors so they could be mutually beneficial, such as employee sharing. The Commission also expressed concerns for the City's ability to enforce regulations and mentioned fully recovering enforcement costs through permit and licensing fees.

### **Sidewalk Vending Regulation Recommendations**

The following list of recommended regulations are based on the recommendations provided by LWC and the feedback received by both internal and external stakeholders. Staff is proposing that the City Council's policy work end with a comprehensive Ordinance outlining the operation and regulation of sidewalk vendors operating upon a public sidewalk or pedestrian path. The Ordinance would include needed definitions; regulate vending in exclusively zoned residential areas and parks; outline parameters relating to distance from various facilities and above ground structures; outline operating requirements; and, require permits and licenses where applicable. The Ordinance will outline the permit requirements and standards as well as enforcement and fines for violating the Ordinance.

The Ordinance would apply only to "sidewalk vendors," the definition of which is limited to vendors of food and merchandise who vend on public sidewalks or other pedestrian paths. Accordingly, vending on private property and vending of services will not be covered by the new Ordinance and will be governed according to current regulations and policies. Food and merchandise vendors operating on private property or as part of a special event will continue to be required to obtain and display a business license and/or health permit and have permission from the special event planner or private property owner. Vendors of services will continue to be allowed to vend at the discretion of the Parks and Recreation Commission in uplands park property only, and not in tidelands areas.

Provisions of the proposed sidewalk vending ordinance which apply inside the Coastal Overlay Zone and related to coastal development as defined in California Public Resources Code section 30106, are subject to California Coastal Commission jurisdiction and cannot take effect in the Coastal Overlay Zone until the date the California Coastal Commission unconditionally certifies those provisions for inclusion in the local coastal program.

#### **1. Definitions**

As outlined in LWC's Recommendations Memo (Attachment A) there are conflicting definitions related to sidewalk vending present in the LBMC. The Ordinance would include definitions of terms related to sidewalk vending and eliminate unintended

interpretations and ambiguities in sidewalk vending policies. Examples of terms to be defined include, but are not limited to: “above ground structures,” “certified farmers’ market,” “food,” “goods,” “parkway,” “public right-of-way,” “sidewalk,” “sidewalk vendor,” “roaming sidewalk vendor,” “stationary sidewalk vendor” and “vending equipment.”

## 2. Zoning, Land Use Controls, and Distancing

The recommendations in this section are based on the recommendations from LWC and feedback from the internal and external outreach efforts while focusing on health, safety, welfare, and equity concerns.

### Prohibited Operating Areas

- Stationary sidewalk vendors shall not be permitted to operate in an area zoned exclusively residential.
- SB 946 allows local authorities to establish regulations within parks that are necessary to prevent an undue concentration of commercial activity which would unreasonably interfere with the scenic and natural characteristics of the park. It also allows regulations that would ensure the public’s use and enjoyment of natural resources and recreational opportunities with parks. For these reasons, sidewalk vendors shall not vend in the following areas, their parking lots, or their ingress and egress routes:
  - Properties that contain protected habitat and mitigation areas such as DeForest Park and Wetlands, Willow Springs Park Wetlands, Los Cerritos Wetlands, Colorado Lagoon, Jack Dunster Marine Biological Reserve, Sims’ Pond Biological Preserve, Golden Shore Marine Biological Reserve Park, and El Dorado Nature Center.
- Any City property subject to a lease or operating agreement such as
  - Long Beach Convention Center
  - Shoreline Village
  - Pike Outlets
  - Rainbow Harbor Esplanade, including Shoreline Aquatic Park and Pine Avenue Pier
  - Rainbow Lagoon Park
  - Rancho Los Alamitos
  - Rancho Los Cerritos
  - City permitted/leased community gardens
  - City-owned municipal golf courses

### Distance Requirements

To promote and protect the public health, safety, and welfare in the City, the distance requirements outlined below must be maintained between a sidewalk vendor and the surrounding environment. Vending on public sidewalks and other pedestrian paths creates the potential for safety hazards, such as inhibiting the ability of individuals with disabilities and other pedestrians to follow a safe path of travel; interfering with the performance of police, firefighter, and emergency medical personnel services; encouraging pedestrians to cross outside of a crosswalk or stand in roadways to purchase food and/or merchandise; and, creating obstacles and contributing to congestion for pedestrian, vehicle, and bicycle traffic.

<b>Recommended Distance Regulations for Sidewalk Vending</b>	
<b>Recommended Regulation</b>	<b>Justification</b>
No vending in the public right-of-way (defined a public easement for streets, alleys, or other areas other than a sidewalk), or any area that blocks the safe flow of pedestrians or vehicles, unless otherwise allowed.	To ensure traffic safety.
All vendors must maintain a minimum 4 feet of clear sidewalk/pedestrian path width as a path of travel, except for a roaming sidewalk vendor to briefly conduct a sale. Even during such instances as roaming sidewalk vendors stopping to briefly make a sale, all sidewalk vendors must immediately move to provide access to the sidewalk so as not to impede the flow of pedestrian or other traffic.	To ensure compliance with the Americans with Disabilities Act of 1990 and to ensure pedestrians have a safe path of travel.
Stationary sidewalk vendors and roaming sidewalk vendors may stop to vend in the parkway (the area adjacent to a roadway between the sidewalk line and the roadway), so long as vending is only done on areas where plants are not present, no damage is done to the parkway landscaping, it is safe to vend in the parkway, and all other requirements under this ordinance are met.	This is more permissive and would make vending feasible in areas where the minimum 4-feet of sidewalk/pedestrian path width cannot be otherwise maintained.
No vending on any public property that does not meet the definition of a public sidewalk or pedestrian path unless otherwise allowed, including, but not limited to, any alley, bike or shared use path, bridge, marina, median, square,	To protect public health, safety and welfare.

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courtyard, street, street end, or parking lot, unless otherwise allowed.	
No vending on any slope greater than 5 percent or where signage indicates that wheels must be cramped to the curb.	To ensure vending conveyances do not accidentally roll down a hill.
No vending in any location that obstructs traffic signals or regulatory signs.	To prevent traffic congestion and to ensure visibility of signs and protect public safety.
No vending to any customers in moving vehicles.	To prevent traffic congestion and to protect public safety.
No vending within 18 inches of the edge of a curb.	To ensure a safe distance from parked car doors and passing vehicular traffic and to ensure public safety.
No vending within 5-feet of an above ground structure in sidewalks, pedestrian paths, and the public right-of-way (such as utility boxes, parking meters, and streetlights).	To prevent overconcentration on sidewalks or parkways and ensure pedestrian traffic moves freely.
No vending within 5 feet of a bus or Metro stop.	To ensure clear passage for loading and unloading passengers.
No vending within 10-feet of a driveway, alley approach or marked crosswalk.	To ensure visibility for vehicles and pedestrians.
No vending within 10-feet of an ATM, or outlined shared e-scooter / bike parking.	To prevent overconcentration on sidewalks or parkways and ensure pedestrian traffic moves freely.
No stationary sidewalk vending within 10-feet of an entrance or exit to a building / structure / facility, fire escape or emergency exit. Roaming sidewalk vendors shall not block these locations.	To ensure unimpeded access for building evacuations during an emergency.
No stationary sidewalk vending within 15-feet of a Fire Department connection, fire hydrant, fire lane or any fire backflow preventer. Roaming sidewalk vendors shall not block these locations.	To ensure unimpeded access for public safety personnel and equipment during maintenance or an emergency.
No vending within 15-feet of an outdoor dining, patio area, sidewalk dining or permanent parklet, or location with a valid encroachment permit.	To prevent overconcentration on sidewalks or parkways and to ensure pedestrian traffic moves freely.
No food vending within 15-feet of a public restroom.	To ensure sanitary dining conditions.
No vending within 15-feet of a street intersection, loading zone ADA curb ramp / curb cut, parking space or	To ensure visibility for vehicles and pedestrians and to ensure easy access

access ramp designed for individuals with disabilities.	for individuals with disabilities to ADA infrastructure.
No vending within 25-feet of a Beach Access point.	To ensure unimpeded access for public safety personnel and equipment during maintenance or an emergency.
No stationary sidewalk vending within 40-feet of another stationary sidewalk vendor.	To prevent overconcentration on sidewalks or parkways, to ensure adequate space for customer queuing, and to ensure pedestrian traffic moves freely.
No vending within 50-feet of a railroad crossing.	To ensure safety and visibility for vehicles and pedestrians.
No vending within 100-feet of the vehicle entrance of any fire station, police department, hospital, lifeguard tower, lifeguard headquarters, or any other emergency response structure or path.	To ensure unimpeded access for public safety personnel at all times.
No vending within 100-feet of a posted sidewalk or street closure, unless otherwise permitted.	To ensure public safety during construction or other activities.
No vending within one block of a school within 30 minutes before or after the school's opening or closing hours.	To ensure student safety as they are traveling to and from these locations, to avoid congestion and congregating at these locations and to ensure students are only exposed to healthy food options.
No vending within 500-feet of any permitted special event, swap meet, farmers' market or filming permit.	To prevent congestion and ensure adequate crowd control safety measures can be taken at these locations by public safety personnel.

### Vending in Areas Zoned as Parks

SB 946 allows sidewalk vending on public sidewalks and other pedestrian pathways, including those in parks. However, SB 946 allows local authorities to establish regulations within parks that are necessary to prevent an undue concentration of commercial activity which would unreasonably interfere with the scenic and natural characteristics of the park. It also allows regulations that would ensure the public's use and enjoyment of natural resources and recreational opportunities with parks. A local authority may also prohibit stationary sidewalk vendors from vending in the park if the operator of the park has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire.

In addition to the prohibited areas and distance recommendation as well as the operating conditions outlined in Section 3, the operating conditions for areas zoned as parks (including parks, beaches and piers) outlined below allow vendors and patrons the



enjoyment of natural resources and recreational opportunities within public parks without an undue concentration of commercial activity and without interfering with sporting events.

- Stationary sidewalk vendors are not permitted within 500-feet any concessionaire that has signed an agreement with the City that exclusively permits the sale of food or merchandise by the concessionaire.
- No vending within 15-feet of monuments, statues, memorials, or art installations.
- Stationary sidewalk vendors are not permitted to vend on bike or shared paths, but may vend within the space 10-feet off of path, measured perpendicular to the path, so long as it is safe to do so, customers do no queue on the path, and all other requirements under this ordinance are met.
- Stationary sidewalk vendors may vend within the space 10-feet off of a pedestrian path, measured perpendicular to the path, so long as it is safe to do so and customers do not queue on the path, and all other requirements under this Ordinance are met.
- Roaming sidewalk vendors are not permitted to vend on shared paths but may vend on pedestrian paths and may stop to briefly conduct a sale. Even during such instances as roaming sidewalk vendors stopping to briefly make a sale, all sidewalk vendors must immediately move to provide access to the pedestrian path so as not to impede the flow of pedestrian or other traffic.
- Roaming Sidewalk vendors may not vend on greenspace and shall not interfere with any sporting events or the free use of any designated sport play areas or open recreation space and shall not approach spectators who are watching a sporting activity to sell food or merchandise.
- Sidewalk vendors shall not use any vehicle to drive onto pathways, turf, or sand areas.
- Sidewalk vendors shall take appropriate care to not damage turf, irrigation or any other infrastructure.
- Sidewalk vendors shall not vend in the parking lots of any public parks.

### 3. Operating Conditions

Vending on public sidewalks and other pedestrian paths creates opportunities for some but may be a nuisance for others. To promote and protect public health, safety, welfare and equity in the City, the operating conditions outlined below are recommended.

These operating conditions allow vendors and patrons to take advantage of the daylight hours while not being so strict as to introduce undue burdens or constraints of trade, and clearly delineate what a sidewalk vendor may or may not do or use.

#### Operating Hours

- Roaming vending activities on residential blocks may occur between the hours of 7:00 a.m. and 8:00 p.m. or sunset, whichever is later.
- Vending activities on non-residential blocks, excluding parks, may occur between 6:00 a.m. and 10:00 p.m. or the operating hours imposed on other businesses on the same block, whichever is least restrictive. (According to SB 946, sidewalk vendors may not be required to close earlier than any other business on the same street.)
- Vending is permitted between 8:00 a.m. and closing time of the park or sunset in parks where there is no designated closing time.

### Operating Requirements

#### Sidewalk vendors shall:

- Operate in a space no larger than 80-square feet. This would be equivalent to a 16x5 foot area.
- Clean up all trash, debris, spills, grease, and oil, related to the sidewalk vending activities within a 10-foot radius around their vending area.
- Only set up chairs and/or umbrellas for the sole use of the sidewalk vendor and the umbrella cannot exceed a maximum height of eight (8) feet.
- Maintain adequate trash containers in or on their sidewalk vending conveyance or location.
- Comply with all applicable laws relating to the employment of minors. Any minor assisting with or engaged in vending shall be accompanied by a sidewalk vendor with valid permits and licenses. Any and all actions of the minor related to vending, including any violations committed by the minor, are attributable to the sidewalk vendor.
- Follow the Expanded Polystyrene Ordinance per section 8.63 of the LBMC.
- Follow the Noise Ordinance per section 8.80.010 of the LBMC.
- Follow the Public Facilities Disposal of Refuse and Pacific Ocean Area Sanitation requirements per sections 16.08.420 and 16.12.260 of the LBMC.

#### Sidewalk vendors shall not:

- Rent merchandise to customers.
- Solicit sales by travelling door-to-door on private property.
- Set up tables, chairs, umbrellas or canopies for customer use.
- Hang or affix any items to above ground structures, fences, gates, or onto public or private buildings.
- Display merchandise or food that is not available for immediate sale.
- Sell any food or merchandise that requires verification of a minimum age for

purchase, such as alcohol, tobacco, tobacco products, or firearms.

- Sell any controlled substance, drug, or pharmaceutical.
- Sell any vaping or drug paraphernalia.
- Sell adult-oriented material or animals.
- Sell counterfeit, stolen, or illegal goods.
- Sell weapons, including but not limited to: knives, guns, explosive devices, BB devices, or imitation firearms.
- Use amplified or non-amplified sound-making devices in conjunction with vending, such as speakers, microphones, public address systems, bells, and chimes.
- Use any electrical, flashing, wind powered, or animated signs.
- Use an electrical outlet or power source that is owned by the City or another person other than the sidewalk vendor.
- Empty their trash into public trashcans.
- Dispose of items or material into the curbs, gutters, streets, drains or storm drain system or onto any other public or private property. Items include but are not limited to: any water or rinse residue used for vending activities such as cooler water, ice or food preparation water, food debris, hot coals or ashes and grease.
- Drive onto or otherwise stage their vehicle on the curb, parkway or sidewalk to unload sidewalk vending equipment, materials or personnel.
- Fail to comply with all posted parking restrictions.
- Adversely affect the City's ability to perform municipal functions or furnish City services.
- Interfere with the performance of police, firefighter, lifeguard and emergency medical personnel services.
- Obstruct the free and easy access to and departure from any portion of any public landing, pier or wharf within the marinas.

#### 4. Permitting Requirements

Sidewalk vending shall only be allowed to take place with the issuance of a Business License in the form of an easily identifiable sticker issued by FM, similar to other mobile operations, which must be obtained prior to sidewalk vending. The Business License shall be displayed at all times. Sidewalk vendors shall obtain a California Seller's Permit, if applicable.

Any sidewalk vendor selling food or beverages must obtain a City Health Permit, unless exempt. The City Health Permit shall be displayed at all times and the vendor shall be subject to the requirements in the California Retail Food Code.

#### 5. Exception for Minors

In residential zones only, minors operating vending equipment for a temporary use or selling products for a recognized 501(c)(3) charity for the purpose of fundraising shall be exempt from the requirements of this Ordinance. Access and accessibility provisions would apply.

6. Enforcement

Enforcement fines and revocation process for permits related to the Sidewalk Vending Ordinance will comply with SB 946 and SB 972 and will be outlined in detail once an Ordinance is drafted and presented to City Council.

**Implementation**

Education and Outreach

An educational campaign will go into effect after the Ordinance is passed so that vendors are aware of the new Ordinance and regulations and will have the ability to come into compliance. Enforcement of the Ordinance will follow this educational campaign. Enforcement will primarily be handled by Health and FM with support from PW and LBPD. LBPD's support will be periodic in nature, based on operational conditions to ensure public and staff safety. Penal Code violations shall continue to be handled by LBPD, such as vendors that sell alcohol or other items illegally.

Educational materials including business license and health permit applications and regulations will be provided on the City website and distributed to vendors in person to help vendors be best informed and to provide community members with information of where to submit complaints. A Community Education Campaign will be introduced and will include relevant presentations and sessions for questions and answers. All materials will be available orally and in writing in English, Spanish, and any other languages deemed necessary for adequate communication.

In May 2022, the City Council adopted Resolution 22-0072 to prioritize education for sidewalk food vendors operating without a health permit until the State amended the California Retail Food Code (CRFC) to support the operation of small-scale sidewalk food vendors. Since then, the City has taken an education-first approach for sidewalk food vendors operating without health permits and has allowed for two educational visits prior to enforcement action, except in instances where an imminent health safety hazard requires immediate action. Effective January 1, 2023, the CRFC was amended to relax certain structural and operational requirements for lower risk sidewalk food vending operations. Given that the State has amended the CRFC to support the operation of small-scale sidewalk food vendors, the condition set forth in the Resolution has been satisfied and the City will continue to educate first but allow for enforcement to occur after the first educational visit. By June 30, 2023, it is anticipated that all vendors will have received at least one educational visit and it will have been six months since SB 972 went into effect. Due to this, staff will return with a Resolution to repeal Resolution 22-0072 to allow the City to return to normal enforcement, which would continue to incorporate

education and outreach while allowing enforcement to occur concurrently.

In addition to education and outreach on regulations, information on sidewalk vendor safety will also be included to provide vendors information on how to vend safely, the digital inclusion initiative, and business assistance available from the Economic Development Department. This sidewalk vendor safety education is in response to concerns regarding vendor safety that were raised throughout the outreach and engagement process and in response to an item brought forward by Councilwoman Saro on June 15, 2021, intending to provide assistance to improve the safety and security of sidewalk vendors within Long Beach. For more information, please see the Sidewalk Vending Safety and Security memorandum for the Mayor and City Council provided in May.

### **City Resources and Revenue**

One-time FY 23 costs to establish the Sidewalk Vending Program are estimated at \$40,000 and will include technology needs and outreach and educational efforts. To effectively accommodate the program, a technology solution is needed to accept the complaints received surrounding sidewalk vending activities, send out automatic notices to the appropriate staff, and update the complainant. Staff proposes to use the existing GoLongBeach application for these purposes. The implementation time frame necessary to update GoLongBeach is estimated at one month, with a one-time implementation cost estimated at \$8,000. Further, staff in PW, Health, and FM will engage in community education and outreach efforts and enforcement related to the new sidewalk vending Ordinance and its requirements. This one-time cost to be incurred by these departments for outreach and educational efforts and enforcement is estimated at \$32,000 in FY 23.

Ongoing funding and staffing levels will need to continue to be evaluated and adjusted as the new program moves forward. Following an assessment of program requirements, consultant recommendations and community feedback, an initial assessment for additional ongoing costs is estimated at a minimum of \$367,053 per year. Of this amount, \$205,355 supports an enhancement of 2.0 Full-Time Equivalents (FTEs) for permitting, licensing, and regulation duties required at the start of the program. Duties include educating vendors and the community, ensuring vendors comply with local and state regulations, performing routine health and safety inspections, receiving and assessing complaints, and taking actions needed to investigate and address complaints in a timely manner. The 2.0 FTEs are comprised of 1.0 FTE Environmental Health Specialist in Health and 1.0 FTE Clerk Typist III in FM. This staffing increase in FM is in addition to expanding the current duties of other existing staff, such as Business License Inspectors and Customer Service Representatives to cover the sidewalk vending program. The remaining amount of \$61,698 is needed for materials and supplies in Health and \$100,000 for on-going enforcement and regulation support from the PW and LBPD. Potential overtime costs in Health, FM, PW, and LBPD are excluded from these estimates.

New revenue generated from the Sidewalk Vending Program inspection and permit fees is anticipated to offset a portion of annual program costs. Fees and charges associated

with the program will need to continue to be monitored along with program expenditures, with proposed rate adjustments to full cost recovery where appropriate. Health will assess existing permit fees already included in the Citywide Master Fees and Charges Schedule specific to food service carts, tricycles, and current plan check fees according to the risk category associated with the types of food available from each vendor. These fees, including proposed rate increases to food service cart and tricycle permit fees to align with the cost of service, was presented to the City Council on April 18, 2023. The proposed rate adjustments will return on May 23, 2023 for City Council approval as part of a mid-year FY 23 fee Hearing to amend the Citywide Master Fees and Charges Schedule. Health recommends annual permit rates at \$300 for food service carts without plumbing, \$730 for food service carts with plumbing, and \$253 for tricycles. Health's recommended permit rates are comparable to fees being charged by the Los Angeles County Public Health Department, which range from \$393 to \$772; the Orange County Public Health Services Department, which ranges from \$151 to \$696; and the Pasadena Public Health Department, which range from \$214 to \$373. The department also recommends assessing current mobile food facility plan check fees with rates ranging from \$250 for lowest risk to \$1,165 for the highest risk. Risk categories align with the increasing level of inspection needed based on vendor offerings with the lowest category applied for packaged, non-perishable foods to the highest category for unpackaged, perishable foods. The annual permit rate charged for tricycles and health plan check fees are recommended at subsidized levels, as a rate increase to full cost recovery may create financial barriers to operators.

FM will also return to the City Council in FY 23 with a request to amend the Citywide Master Fee and Charges Schedule and establish a new Sidewalk Vending Business License Fee. City staff anticipates that the rate for a business license will be proposed at \$300 to align with full cost recovery, although the City Council could direct these costs to be subsidized and a lower fee established. Following FY 23, the fee will be adjusted in June of each year and will be subject to an annual CPI increase. The fee range across comparable jurisdictions varies widely and includes the following: Anaheim at \$170, Bellflower at \$206, Carson at \$459, El Segundo at \$226.40, Hermosa Beach at \$325, Los Angeles at \$541, Santa Monica at \$122.68, San Diego ranging from \$72 and up (depending on the sidewalk vending operation), and Torrance at \$322.

### **Other Considerations**

While the recommended regulations are comprehensive in nature, staff notes that other suggestions and concerns were received throughout the public engagement process. Some of these items are addressed through other regulatory mechanisms and are not included in the City's Ordinance recommendations. If an item was not included, the explanation is provided below.

- Limiting the number of sidewalk vending permits/business licenses for either individual or corporations, or possibly having different regulations for corporations versus individuals applying for sidewalk vending businesses licenses.
  - These are items that staff is looking into further and specifics are being determined and will be finalized prior to implementation.

- Limiting sidewalk vendors from operating in front of brick-and-mortar restaurants or retail stores, or establishing sidewalk vendor designated areas.
  - Pursuant to SB 946, local authorities can only adopt time, place and manner regulations if they are an objective health, safety, or welfare concern. SB 946 specifically stipulates that perceived community animus or economic competition does not constitute an objective health, safety, or welfare concern.
- Concern that sidewalk vendors operating in Business Improvement Districts (BIDs) should pay BID fees.
  - Fee assessments for BIDs are collected through the annual Los Angeles County property tax bill and the assessments for the Business Improvement Areas (BIAs) are collected with the annual City Business License renewal process. Since sidewalk vendors do not own property, they would not be able to be assessed as part of a BID. According to the establishing Ordinances for BIAs, only businesses occupying premises within the BIA are included. Since sidewalk vendors do not occupy premises, they cannot be included as a business in BIA assessments. Further, SB 946 stipulates that a local authority shall not require a sidewalk vendor to first obtain the consent or approval of any nongovernmental entity or individual before he or she can sell food or merchandise.
- Requiring sidewalk vendors to have insurance.
  - The intent of SB 946 was to promote entrepreneurship and support immigrant and low-income communities. Given this, requiring insurance could be cost-prohibitive for sidewalk vendors and is estimated to range between \$300-\$1,000 for general liability insurance. As part of its regular practice, the City requires hold harmless indemnification when issuing licenses and permits. Due to these reasons, an insurance requirement is not recommended and would be left to the discretion of the sidewalk vendor.
- Many of the sidewalk vendors in operation are taco vendors.
  - Even with amendments to the California Retail Food Code from SB 972, taco stands are required by State Health Code to have three compartment sinks, handwashing sinks, proper mechanical refrigeration, and other requirements to maintain health and safety. In order to comply, complex operations such as those undertaken by taco vendors will need to adjust to incorporate these health and safety requirements in order to be permitted.
- Type of equipment being used by sidewalk vendors.
  - Though not specifically called out in the recommendations, concerns will be mitigated through the permitting process, especially food-related sidewalk vendors.
- Suggestions to host sidewalk vendor rallies or events.
  - Currently, organizers do host such events through the City's Office of Special Events. If an organizer or promoter was interested in hosting a more

regular series of events, the City would work with them to determine how best to support such an effort. The City is not able to serve as the organizer of such events at this time due to resource constraints.

- Requiring sidewalk vendors to abide by SB 1383, California's new organics recycling law.
  - It is estimated that each sidewalk vendor would not produce more than 10 gallons of food waste, which is the threshold of the new law. If they do meet the threshold, they would be required to abide by SB 1383 requirements.
- Requiring sidewalk vendors to pay sales tax and follow labor laws, including minimum wage.
  - To clarify, sidewalk vendors are required to pay sales tax, when applicable, and follow labor laws. However, these requirements are governed by the State and therefore it is not necessary for them to be specified in the recommended regulations.

This matter was reviewed by Deputy City Attorney Marsha Yasuda on April 18, 2023, and by Revenue Management Officer Geraldine Alejo on April 17, 2023.

#### TIMING CONSIDERATIONS

City Council action is requested on May 9, 2023, to allow commencement of this work.

#### FISCAL IMPACT

The sidewalk vending program has a minimum estimated cost impact of \$407,053, of which \$40,000 is a one-time cost for program implementation in FY 23. The remaining amount of \$367,053 are estimated structural costs following program implementation to cover efforts in the FM, Health, LBPD, and PW.

The estimated FY 23 one-time costs of \$40,000 includes \$8,000 to integrate the sidewalk vending program into the existing GoLongBeach application and \$32,000 for education and outreach efforts and enforcement. One-time implementation costs are unbudgeted; however, an appropriation increase is not requested at this time. If needed, an appropriation request will be made to the City Council once program timing is established and following a review of existing resources budgeted in the applicable departments available to support these expenditures in the current year.

In addition to one-time implementation costs, the sidewalk vending program is estimated to result in a minimum annual structural cost increase of \$367,053 based on a current assessment of program needs. Of this amount, Health's costs are estimated at \$188,612 and include \$126,914 for an Environmental Health Specialist for inspection and permitting, as well as \$61,698 for materials and supplies. The increased cost to FM is estimated at \$78,441 for a Clerk Typist III and \$10,000 for materials and supplies. This FTE increase in FM is in addition to an expansion of current staff duties to support the program. Finally, an estimated \$100,000 for additional on-going enforcement support may be required from PW and LBPD. Ongoing funding and staffing levels to successfully implement the program will need to continue to be evaluated as the program moves



forward and details are refined. On-going costs are not budgeted. Following City Council approval of the program, staff will return with a request for appropriation and funding from the General Fund and Health Fund Groups as part of the FY 24 budget process, along with any offsetting program revenue that may be identified from new and adjusted fees to be proposed in FY 23. The City will begin to incur these costs in FY 23 at the onset of the program. Staff will monitor program expenditures and the ability to fund within current budgeted resources. If needed, staff will return with a request for appropriation in FY 23.

As part of program implementation, the Health and FM Departments will return to the City Council with proposed new and adjusted fees. The Health recommends annual permit rates at \$300 for food service carts without plumbing, \$730 for food service carts with plumbing, and \$253 for tricycles. Plan check fees will also be assessed based on the risk level associated with the food type available from the vendor ranging from \$250 to \$1,165 according to risk levels associated with food type. During these early stages of program development, Health is estimating their total annual costs related to sidewalk vending (inclusive of additional cost noted above) to be \$360,000 and is estimating revenue from these fees to be roughly \$100,000 annually. This will result in an estimated \$260,000 annual program shortfall to be subsidized with City funds. A subsidy is recommended as cost recovery may create financial barriers to operators. Additionally, FM recommends establishing a new sidewalk vending business license fee at \$300 per year which will be subject to annual CPI adjustments. This business license fee is calculated to offset the full cost of service associated with FM's program costs, unless directed by City Council to develop a lower fee based on a justification for a subsidy. A request by each department to amend the Citywide Master Fees and Charges Schedule to establish these rates will return to City Council for approval in FY 23. Fees and charges associated with the program will need to continue to be monitored along with program expenditures, with adjustments to align with full cost recovery where appropriate.

This recommendation has a significant staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. Approval of this recommendation will provide continued support to the local economy. The number of additional local jobs associated with this recommendation is unknown.

**SUGGESTED ACTION:**

Approve recommendation.

Respectfully submitted,



THOMAS B. MODICA  
CITY MANAGER

ATTACHMENTS: A – LWC CONSIDERATIONS AND RECOMMENDATIONS REPORT  
B – STAFF'S SIDEWALK VENDING: COMMUNITY ENGAGEMENT REPORT

# Considerations and Recommendations Report

**Sidewalk Vending Ordinance**  
City of Long Beach

Prepared by:  
Lisa Wise Consulting, Inc. (LWC)  
December 2022

# MEMO

To: City of Long Beach  
From: Lisa Wise Consulting, Inc.  
Date: December 2<sup>nd</sup>, 2022  
Subject: Departmental Interview Summary Memo

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## Introduction

Lisa Wise Consulting, Inc. (LWC) is assisting the City of Long Beach (City) in the development of a Sidewalk Vending Ordinance. As part of this effort, LWC conducted 9 virtual Interviews with City staff from August 3-30 via WebEx. The objective of these interviews was to gain a better understanding of the critical issues affecting sidewalk vending operation in Long Beach from the perspective of those departments responsible for regulating them.

This memo outlines 1) the common themes that arose from the Departmental Interviews, highlighting the “inside” perspective gained from City staff, and 2) a summary of specific responses given based on each question.

## Common Themes

- **Sidewalk Vendors provide an amenity for some individuals and communities but create a nuisance for others**

The amenities that sidewalk vendors may provide include food options in food deserts or areas with limited variety in consumer choices, contribute to public safety by providing additional foot traffic and “eyes on the street,” supply goods and services in public areas, and activate the sidewalk with pedestrians. However, some individuals, business owners, and homeowners find sidewalk vendors to be a nuisance by providing inappropriate services (i.e. pole dancing instruction, massages) in public, attracting customers that would otherwise go to brick-and-mortar businesses, vending potentially unsafe or uninspected goods.

- **Existing regulations and procedures are unclear and difficult to enforce consistently.**

The Municipal Code does not currently present clear, consistent, and enforceable standards for how to regulate sidewalk vendors or resolve conflicts between stakeholders. While state law protects the operations of sidewalk vendors, jurisdictions can regulate their operating time and locations as well as require relevant permits. Long Beach currently has a disjointed permitting system across departments and, for instances in which it exists, confusing procedures for obtaining, approving, and enforcing relevant permits.

- **City staff resources and capacity could pose challenges.**

Due to a lack of clear direction from the Code, City staff often find departmental coordination on enforcement difficult despite good working relationships. City staff struggle to identify a department or party responsible for sidewalk vending regulations, and there are concerns that the existing staff does not have capacity to take on additional enforcement activities on a sustained basis .

- **The City would benefit from an enforceable, trackable Sidewalk Vending Program.**

There are many opportunities available in a comprehensive Sidewalk Vending Program, including identifying geographies or zones designated for sidewalk vending operation and creating a clear,

trackable permitting structure. Regulations would need to be objective and enforceable, with clear internal processes for interdepartmental collaboration and straightforward enough for sidewalk vending operators to understand and follow. Centralized and coordinated oversight may help ensure that regulations and processes are efficient as well as compliant with state law.

## Summary of Responses per Question

The LWC team used a standard survey instrument while engaging with representatives from each City Department. A summary of responses to each question is presented below.

### **Q1. With which department are you affiliated?**

LWC interacted with representatives from the following City departments and offices:

- Development Services Department
- Economic Development Department
- Parks, Recreation and Marine
- Fire Department
- Police Department
- Development Services, Code Enforcement
- Development Services, Planning Bureau
- Office of the City Attorney
- Public Works Department, Transportation Mobility Bureau
- Department of Health and Human Services, Bureau of Environmental Health
- Public Works Department, Business Operations Bureau
- Public Works Department, Environmental Services Bureau
- Department of Financial Management, Business Services Bureau
- City Manager Department, Office of Equity
- City Manager Department, Office of Special Events & Filming

### **Q2. How does your department currently regulate or interact with sidewalk vendors?**

Respondents working in departments that regularly interface with sidewalk vendors provided a range of responses. Departments further removed from sidewalk vending operations had little to say or recounted what they had heard from their colleagues. Due to the uncertainty around state legislation, City staff was often unclear on their responsibilities as they relate to sidewalk vendors.

- Certain City offices are focused on “frontline” enforcement. This includes:
  - Fielding complaint calls focused on health code violations, parking violations, questionable goods/services, misuse of public parking lots and access to public right-of-way; and
  - Enforcement actions are seen as limited due to state law and lack of citywide policies

**Q3. In your experience, on which streets, corridors, parking areas, or neighborhoods do sidewalk vendors tend to conduct business?**

Interviewees listed numerous places that sidewalk vendors conduct business. While location throughout the city vary, parks, beaches, and areas with active nightlife were mentioned by most groups. Respondents mentioned that sidewalk vendors tend to avoid the bicycle path that runs along the beach. The following locations were mentioned:

- Downtown (along Ocean Blvd., Long Beach Blvd. Atlantic Ave., Pine Ave.)
- The Pike Outlets/Shoreline Village (along Shoreline Dr., Pine Ave.)
- 4<sup>th</sup> Street Corridor
- Artesia Blvd.
- Beaches: Junipero Beach, Alamitos Bay, Alamitos Beach, Belmont Shore, Rainbow Harbor, Granada Beach, Mothers Beach, Bayshore, Horny Corner
- Parks: Colorado Lagoon, Bluff Park, Bixby Park, parking lots of parks, area around Recreation Park (7<sup>th</sup> St., Anaheim St., Pacific Coast Hwy (CA-1).

**Q4. In your opinion, how do sidewalk vendors impact specific communities and neighborhoods? What do you think the public perception of these vendors is? Please feel free to highlight positive, neutral, and/or negative impacts.?**

Respondents discussed both positive and negative impacts of sidewalk vendors, including economic considerations, health and safety, and traffic. Departments that directly interface with sidewalk vendors tended to be candid about regulatory/enforcement difficulties.

- Positive
  - Provide an option for customers who want quick and convenient options for goods and services, especially in areas that might lack shops and restaurants in walking distance
  - In beach areas vendors may provide much needed food and beach supplies such as sunscreen, sunglasses and towels.
  - Activate sidewalks with foot traffic and economic activity.
  - Help entrepreneurs start a food service business without the overhead and investment of brick-and-mortar restaurants, which provides an accessible business model to immigrants and members of underrepresented communities.
  - Can supplement street events and festivals with on-site food and merchandise
- Negative
  - Create tension with established businesses (including beach/park concessionaires and ice cream truck operators) due to perceived competition for the same pool of customers.
  - Seen as “free riders” who benefit from the investments and taxes paid by businesses or concessionaires (in the case of some parks and beaches)
  - May constitute a public health hazard by selling food without proper inspections
  - Create disturbances with noise and litter.

- Contribute to parking problems by operating in locations with limited parking (e.g., residential parks) and taking up multiple spaces for the vehicle and its employees and patrons.
- Businesses have had problems with non-food street vendors blocking driveways to some businesses or with some customers saying that they “didn’t got to the facility because they didn’t feel safe parking at the facility.”
- Noise and events that occur from vendors spur complaints among residents, particularly for people who work nights
- Some property owners report that they can’t lease their space because “it looks like there is an encampment” in front of their property
- Some sidewalk vendors will locate in front of businesses that sell similar products, seemingly to attract customers who would otherwise patronize the brick-and-mortar establishment.
- Some services, such as massages and haircuts, are potentially disruptive.
- Entertainment services such as pole dancing are occurring in public spaces near families
- Concerns that food vendors can serve as a conduit for organized crime with allegations of human trafficking
- In the Downtown Area around nightlife, drunk people loiter near sidewalk vendors while waiting for food and while eating. The presence of crowds of inebriated people in the public right-of-way could create danger and increase risk of arguments or violence.
- Unpermitted vendors are vending while vendors who would like to vend legally are unable to.
- Vendors occupying too much open space at parks and beaches, leaving little open space for the public to enjoy
- Clandestine alcohol sales and vending are occurring in parking lots of parks and beaches.
- Not sure if it is reasonable that people will be able to sell merchandise on the street because of public opinion, especially with more expensive merchandise, technology, or devices that could access private information such as mobile phones

**Q5. In your opinion, what is working well with your department’s sidewalk vending regulation or interactions in Long Beach?**

- Most interviewees did not express positive components of their department’s current regulations or work-related interactions with sidewalk vendors. Although many interviewees had positive individual perceptions or experiences with sidewalk vendors, departmental interactions were primarily critical.
- Many departments expressed a desire to work more cooperatively with sidewalk vendors and create a regulatory environment that promotes sidewalk vending.
- Some departments felt their outreach and communication with sidewalk vendors was effective or improving, however most saw substantial room for improvement

**Q6. In your opinion, what is *not* working well with your department's sidewalk vending regulation or interactions in Long Beach?**

- Without clarity and consistency in regulations governing sidewalk vending operation, many departments do not have the ability to act on complaints, nor do they have effective tools to resolve conflicts between stakeholders (i.e., sidewalk vendors, business owners, activists, and residents).
- Administering permits can be disjointed, with the municipal code differing from departmental procedure. Some departments, such as the Finance Department, only have the authority to provide temporary permits for special events and short-term retail sales. Public works does not have an encroachment permit for vending carts, but the Long Beach Municipal Code does not permit sidewalk vending in the public right of way *without* an encroachment permit from Public Works. There is currently no permitting, policy, or regulation for sidewalk vendors to operate in the public right-of-way in a permitted manner.
  - In lieu of beginning the process for obtaining an encroachment permit, Public Works currently directs interested sidewalk vendors of prepared food to the Bureau of Environmental Health to seek a local health permit. Given current health permit requirements, the response to sidewalk vending applicants from the Bureau of Environmental Health is typically to deny an operating permit.
- The Police Department doesn't have authority to make vendors leave an area unless they are creating potential safety hazards. Although they do not necessarily want to take enforcement action, as of now there isn't clarity either in the municipal code or by departmental policy on how the police should interact with vendors.

**Q7. In your opinion, what are the biggest challenges sidewalk vendors face in running their business safely and legally? What changes would sidewalk vendors need to make to overcome these challenges?**

- Limited access to commissaries and other essential services (utilities, restrooms, running water, etc.) necessary to running a vending business safely and efficiently, particularly for vendors selling food
- No "one-stop shop" for permitting, licensing, and understanding the variety of regulations sidewalk vendors are subject to in Long Beach
- Education and language barriers for accessing relevant information, regulations, and restrictions

**Q8. In your opinion, what are the biggest challenges the City may face in establishing a Sidewalk Vending Program? Biggest challenges for your department?**

- Education: regulations need to be comprehensible, clearly defined, and easy to convey to the public, sidewalk vendors, and City staff.
- Enforcement: regulations need to be objective, enforceable, and compliant with state law meaning:
  - Distinct in applicability and purview (e.g., regulating sidewalk vendors on specific streets, regulating public right-of-way or private property, etc.);
  - Clear definition of authority and responsibility of departments/offices; and
  - Realistic in terms of funding, staff, and capacity to fulfill departmental duties.

- Adaptable to new state legislation on sidewalk vendors, including current SB 946 (Safe Sidewalk Vending Act) which prohibits local authorities from:
      - Requiring sidewalk vendors to operate in a specific area, unless the local authority is restricting vending to protect the community's health, safety, or welfare.
      - Requiring vendors to ask permission from businesses or anyone besides the government.
      - Prohibiting sidewalk vendors from operating in public parks, unless the park has a concession agreement, or the park is restricting vending in to protect the community's health, safety, or welfare.
      - Restricting the number of sidewalk vendors, unless the city or county must restrict the number of vendors to protect the community's health, safety, or welfare.
- Public relations and perception: Various advocates for sidewalk vendors have tried to bait city staff into violating state law or into an unnecessary confrontation. Examples of this have occurred at Junipero Beach, where a person who claims to be an ally of the street vendor draws attention to code-enforcers and claims that enforcers are acting outside their authority and with malice towards the sidewalk vendor.
- Communication: City departments/offices need collaboration tools beyond personal relationships and a unified way to log/track conversations, complaints, etc. (e.g., an internal customer relationship management [CRM] platform)
- Public facilities: Increased foot traffic and consumption of foods and beverages at parks may increase public restroom usage, a fee that park concessionaires currently contribute to through revenue sharing agreements.
- Insurance: Requiring insurance for sidewalk vendors may be a difficult bureaucratic process because there is such a back log of filing. However, if the process was streamlined, some people may self-police.

**Q9. What are your ideas for how to best design a Sidewalk Vending Program that works for all stakeholders and community members? How could your department meet the needs or facilitate the operations of sidewalk vendors?**

- Time and Geography-based approaches
  - Have a plan for sidewalk vending parking and traffic management, especially during special events and weekends, depending on density in different parts of the City.
  - The City should ensure that sidewalk vendors do not interfere with foot traffic or obstruct the path of travel in public facilities.
  - Limit the permitted hours of operation with varying requirements based on location, day-of-week, events, crime data, or other relevant circumstances to limit loitering and propensity for crime and violence.
  - For operating at parks and beaches, a separate permit or application should be required with a revenue sharing agreement, similar to current concessionaires. If the park/beach is seeking vendors as an amenity, an RFP system could be useful.
- Streamline the City's licensing/permitting process



- Limit the number of permit approvals needed and allow improved regulations to function based on limited permits (e.g., the process for obtaining a health permit is all-inclusive).
- Delineation of the difference between mobile and stationary vendors with relevant policies and permits applied to each.
- Establish a solid permitting structure and a “one-stop shop” for acquiring licenses/permits necessary to vend on the sidewalk in Long Beach, either in a single department/office or with clear mechanisms for collaboration among departments.
- Create identifiable and portable registration markers for sidewalk vendors to display showing compliance with relevant permits or regulation. Could be a sticker for their conveyance or something they can display on their person (themselves).
- Ensure the affordability of permitting processes and other compliance measures so that vendors are encouraged to comply with the law and not burdened by high start-up costs.
- Insurance policy requirements for vendors, to protect themselves from lawsuits. Similar to the \$2 million policy that beach concessionaires are currently required to have
- Streamline the City’s enforcement ability
  - Focus on health, safety, and welfare concerns.
  - Involve the Office of Equity early to ensure both operators and residents are treated fairly in the face of community/business opposition.
  - Violations of potential regulations need to be codified and clearly enforceable, with potential escalations for future infringement.
  - Have dedicated staff resources for inspecting and enforcing sidewalk vending regulations.
  - Parks may need additional or specialized enforcement officers, especially parks with concessionaires. Should parks have their own enforcement, they could act as navigators that inform violators how to legally sell goods and services.
  - Enforcement should include education for violators on how to properly vend and prioritize swift action to discourage other vendors from circumventing relevant policies due to lax enforcement.
- Incorporate health and safety requirements
  - Standards and clarity on permitted conveyance and uses, including methods of heating and chilling food items.
  - Cleaning and sanitation requirements, both during operation and at end of day to ensure that waste is properly disposed.
  - Safety officers or other means of limiting potential risk of attacks on sidewalk vendors. Many vendors are women and operate cash businesses, therefore some individuals may view them as an easy-target for theft.
- Public education campaign directed as local residents and patrons of sidewalk vendors
  - Patrons of sidewalk vendors may assume that they are endorsed by city and have relevant compliance standards because they are operating there.

- A “see something, say something” sign with relevant contact information for reporting sidewalk vendor violations
- Establish a Sidewalk Vending Coordinator position to oversee and implement the above recommendations
  - Coordinator should help departmental communication, streamlining regulation/enforcement and ensuring sidewalk vendors receive proactive assistance with business development.
  - Coordinator should create a toolkit to help sidewalk vendors conduct business successfully.
  - Coordinator should manage a multi-lingual City website or webpage for clearly communicating regulations and resources to help sidewalk vendors operate safely and legally.
  - City’s Office of Cannabis Oversight provides an example of a “one-stop shop” and point person to navigate the more extensive regulations.

**Q10. Is there anything else you would like to add?**

- Sidewalk vendors appear at all times of the day, so considering how enforcement can operate 24 hours per day is prudent.

**Q11. Is there anyone else we should talk to?**

- Outside of other departments that were met with during the interview process, some interviewees recommended conducting interviews with sidewalk vendors themselves.

**Q12. Can we follow up with you if we have additional questions?**

- Participants were unanimous in their willingness to continue collaborating with the team throughout the project.

# MEMO

To: City of Long Beach

From: Lisa Wise Consulting, Inc.

Date: December 2<sup>nd</sup>, 2022

Subject: Long Beach Municipal Code Audit Summary Memo

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## Introduction

As part of the City of Long Beach (City) Sidewalk Vending Program, Lisa Wise Consulting, Inc. (LWC) is conducting an audit of the Long Beach Municipal Code (LBMC). The purpose of the audit is to identify key challenges in the LBMC as they relate to sidewalk vending, including issues with zoning and land use controls, parking regulations, public right of way issues, licensing, public health and sanitation, noise, and other issues as indicated by research. The LBMC audit memo includes chapters and sections of the LBMC that address sidewalk vending in adequate or inadequate ways, as well as chapters and sections that typically would address sidewalk vending but remain silent. This audit focuses particularly on sidewalk vendors, and does address ice cream trucks and food trucks where relevant and appropriate based on the definition of mobile and/or stationary vendors. While such ice cream truck or food truck regulation may provide context for the City's current precedent and procedures, the provisions in SB 946 do not apply to vendors vending from motorized vehicles.

In considering modifications to its current code, Long Beach much be aware of state regulations established in SB 946. SB 946, or the Safe Sidewalk Vending Act, was signed into law by former governor Jerry Brown in 2018. This law focused on decriminalizing sidewalk vending throughout the state. While the law permits sidewalk vending statewide, it does allow jurisdictions to implement sidewalk vending regulations directly related to health, safety, or welfare concerns as well as allowing licensing requirements and restricting hours of operation. In public parks, beaches, and plazas jurisdictions are permitted additional authority to ensure that recreation opportunities are not unreasonably affected by commercial vending and that the scenic and natural characteristics of the park are maintained by preventing an undue concentration of commercial activity.

In addition to SB 946, the City should be aware of the potential for SB 972 to take effect. In response to food and beverage sidewalk vendors struggling to comply with permitting requirements and the California Retail Food Code, Senator Lena A. Gonzalez (D-Long Beach) introduced Senate Bill 972 in February 2022 to aid street food vendors by removing barriers to accessing food vending permits. The bill seeks to “reduce unpermitted vending, protect public health, and create a more equitable economy for women, low-income individuals and people of color who form a major part of the industry and contribute to the State’s economy as micro-businesses.”

# Key Findings

The LBMC currently doesn't have a comprehensive process for accommodating the needs of sidewalk vendors. Specific regulations that pertain to such vendors can be found in Chapter 5.66 (Peddlers) and Section 21.45.170 (Vending Carts). However, other regulations that may apply to—or could be interpreted to include—sidewalk vendors exist throughout the code. There are several instances in which the code language is unclear about what sidewalk vendors may be included in a code, specifically stationary sidewalk vendors and those selling merchandise or services. This audit summarizes the relevant content of the LBMC for sidewalk vendors. The subsequent section, Definitions, provides definitions from the LBMC that may be applicable to sidewalk vendors or useful in understanding tangential, or other similar uses.

## LBMC Audit

### Zoning and Land Use

Titles 21 and 22 make up the Zoning Code of the LBMC and contain a total of 43 chapters. Each chapter is divided into sections and subsections, and in some instances is further organized into divisions. Chapter 21.30 (District Established) establishes 39 unique use-based base zoning districts. The following seven chapters (21.31-21.36) specify permitted uses, development standards, and site plan review policies for each base zoning district. The Zoning Code includes over 130 land use that are organized in a variety of categories, including residential, commercial, automobile (vehicle), entertainment, public and semi-public, institutional, personal services, retail services, and others. The Zoning Code currently requires an administrative use permit (AP) for “vending carts (food only)” to vend in all zones. Non-food goods and services that may potentially be sold by mobile or stationary vendors are not explicitly mentioned. References to food-only vending carts in Titles 21 and 22 are limited to:

- A definition in Chapter 21.15 (Definitions) (see below), specifically Section 21.15.3225 (Vending cart);
- Listing as subject to an administrative use permit in all Neighborhood, Community, Regional, and Other commercial districts in Chapter 21.32 (Commercial Districts), specifically Table 32-1 (Uses In All Other Commercial Zoning Districts);
- Listing as subject to an administrative use permit in Light Industrial, Medium Industrial, and General Industrial districts, as well as not allowed in Port-Related Industrial districts in Chapter 21.33 (Industrial Districts), specifically Table 33-2 (Uses In Industrial Districts);
- Special Development Standards in Chapter 21.45 (Special Development Standards), specifically Section 21.45.170 (Vending carts). Among other regulations, this section establishes a requirement for an encroachment permit issued by the Public Works Department to vend in the public right of way. See Appendix A for the full contents of the Section;
- Permit requirements in Chapter 22.15 (Uses), specifically Section 22.15.030 (Permit Requirements—Permitted Uses) which lists that an administrative use permit is required in all mixed-use zones (RMU3, RMU4, RMU3-A, RMU4-A, MU-1, MU-2, MU-3, MU-1-A, MU-2-A, MU-3-A, C3, C3-A);
- Specific Use Standards for a Pop-Up Shop/Itinerant Vendor in Chapter 22.22 (Specific Use Standards), specifically Section 22.22.080 which reads that a pop-up shop/itinerant vendor “may be conducted in conjunction with a vending cart subject to permit requirements.” It is important to

note that pop-up shop or itinerant vendor is not defined at any point in the municipal code thus it is unclear what activities trigger these standards;

- Specific Use Standards for Vending Carts in Chapter 22.22 (Specific Use Standards), Section 22.22.090 establishes the following:
  - A. Operating hours for all uses shall be limited between the hours of seven (7:00) a.m. and ten (10:00) p.m., unless modified through an approved Conditional Use Permit.
  - B. Parking shall not be required for temporary or reoccurring vending carts.
  - C. Vending cart uses are subject to Section 21.45.170.

## Parking

Chapter 21.41 (Off-Street Parking and Loading Requirements) of Title 21 (Zoning) includes three divisions (General Provisions, Parking Regulations, and Loading Regulations). Division II establishes parking requirements for a variety of uses, including retail, restaurants and services. Division III of Chapter 21.41 details the City's loading regulations. Neither Division II nor Division III lists vending carts or other terms that may be considered sidewalk vending as a use with dedicated parking.

## Public Right of Way

It is important to recognize that SB 946 (Safe Sidewalk Vending Act) only applies to vendors using a non-motorized conveyance. Much of the LBMC focused on Public Right of way only applies to parking for vehicles and as such may need to be modified to account for sidewalk vending activities.

Title 10, the Vehicles and Traffic Code of the LBMC, has 42 chapters that generally address vehicular traffic control, traffic violations, parking restrictions and regulations, and provisions on the use of modes of transportation other than automobiles (i.e., bicycles and skateboards).

Chapter 10.22 (Parking – Regulations) of Title 10 (Vehicles and Traffic) establishes basic vehicular provisions related to stopping, standing, and parking. Section 10.22.090 (Mobile Vendor Parking Prohibited Area) mentions that “No driver or operator of any mobile vending vehicle shall stop, stand or park, for the purpose of offering any food or goods for sale, in any public street or place within the parking impacted area.” However, it is unclear if this section applies to sidewalk vendors that are not operating a motorized vehicle.

Title 14 (Streets and Sidewalks) regulations obstructions and construction occurring on a public street or right-of-way. While much of Title 14 apply to construction and facilities, Chapters 14.04 (Obstruction of Streets and Sidewalks), contain provisions that may apply to sidewalk vendors. Section 14.04.010 bans individuals from congregating upon or using any street, alley, pier or park in such a manner as to obstruct the free use of all or any part of said street, alley, pier or park. Sections 14.04.030 (Selling on Streets Prohibited) and 14.04.040 (Goods on Sidewalks Prohibited) bar individuals from selling or displaying merchandise from any public street in the City.

Chapters 14.14 (Occupation of Public Walkways) and 14.15 (Parklets) establishes guidelines for using sidewalks and parking spaces to extend business operations. However, both sections are unlikely to apply to sidewalk vendors as permits may only be issued to owners of property directly adjoining that portion of the public walkway and/or other right-of-way upon which the obstruction is to be located, or to lessees of such property with the consent of the property owner. Section 14.14.040 (Public Walkway Occupancy Standards) establishes that the minimum width of the public walkway shall be not less than ten feet (10'),

and such obstructions must permit at least five feet (5') of unobstructed area of public walkway, unless otherwise approved by the City Engineer. While this provision does not currently apply to sidewalk vendors, and only applies to adjacent property owners, the distance precedent may be relevant for future sidewalk vending regulations.

## Licensing/Permitting

Title 5, Regulation of Businesses, Trades and Professions, identifies those businesses, trades and professions conducted in the City that require local regulation in order to promote and protect the public health, safety, and welfare of Long Beach and its citizens. Chapter 5.66 (Peddlers) establishes permitting requirements and standards for operating conditions for peddler's licenses. The requirements and standards detailed in this chapter are applicable to all peddling operations within the City, including where and when peddlers may operate.

This Chapter establishes the most robust set of requirements for peddlers in the LBMC, specifically Section 5.66.060 (Downtown area vending permits) which clarifies the provisions necessary for receiving a vending permit in the downtown area and establishes detailed operation standards that apply to the downtown only. The full text of Section 5.66.060 can be found in Appendix B.

Most other areas of the city lack a requirement of a vending permit and are only subject to minimal standards elsewhere in Chapter 5.66. Without a clear department or City staff member designated to ensure operating conditions are adhered to, the utility of the requirements diminishes. The California Retail Food Code establishes that a local enforcement agency must require a Health Permit for all food facilities operating in a given jurisdiction, which includes sidewalk vendors that sell food. The City of Long Beach Department of Health and Human Services, Bureau of Environmental Health is the local enforcement agency for the Health and Safety Code in Long Beach.

## Business License Tax

Chapter 3.80 (Business License Tax) establishes that it is unlawful for any person to transact and carry on any business, trade, profession, calling or occupation in the City without first having procured a license from said City to do so and paying the tax hereinafter prescribed and without complying with any and all applicable provisions of this Code, and every person conducting any such business in the City shall be required to obtain a business license except in cases of such requirement conflicting with applicable statutes of the United States or of the State of California.

The following business license taxes may be applicable to sidewalk vendors as found in Section 3.80.253 (Taxes on selected individual businesses):

- Food products - mobile - three hundred eight dollars and one cent (\$308.01) for each mobile food unit annually (based upon CPI base year 2000); and
- Peddling - nine hundred five dollars and eighty cents (\$905.80) annually or ninety dollars and fifty-eight cents (\$90.58) each day (based upon CPI base year 2000)

Sidewalk vendors supplying services (see definition below) may be subject to the business license tax found in Section 3.80.243 (Tax on services). Business license tax for service vendors consists of a flat tax of two hundred forty-four dollars and fifty-eight cents (\$244.58), plus twelve dollars and seventy cents

(\$12.70) for each employee of such business based on its average number of employees (based upon CPI base year 2000).

## Public Health and Sanitation

Title 8, the Health and Safety Code of the LBMC, has 48 chapters that generally address health and safety requirements for individuals and establishments (i.e., food facilities). The health and safety requirements pertaining to food sale regulations; food facilities; and polystyrene food packaging; and noise impact a sidewalk vendor's ability to operate in the City. The California Retail Food Code provides some limitations on what can be addressed in local municipal codes.

Chapter 8.16 (Food Sale Regulations) details regulations on food quality and food coverings to maintain proper food safety. These regulations may apply to sidewalk vendors that sell food, specifically Section 8.16.050 (Fruit and vegetables—Covering required) as it requires a covering for the sale of many fruits and vegetables.

Chapter 8.45 (Food Facility) outlines health and safety guidelines for “food facilities” including commissaries, food establishments, mobile food preparation units, mobile food vehicles, restricted food service transient occupancy establishment, and stationary mobile food preparation units. As it is defined in Section 8.45.010 (Definitions), sidewalk vendors fall under “mobile food preparation units” or any mobile food facility or portable food service unit upon which food is prepared for service, sale, or distribution at retail.

Additional provisions that impact sidewalk vendors are established in Chapter 8.63 (Polystyrene Food Packaging). Chapter 8.63 establishes regulations for the use of polystyrene food packaging by food providers, but there is some discrepancy related to whether sidewalk vendors are designated as “food providers” or “small food providers.” See Definitions (below) for more information.

Although Chapter 8.40 (Mobile Food Vending Vehicles) does not apply to sidewalk vendors (see definition below), it may be worth noting that Chapter 8.40 establishes health and safety provisions pertaining to the construction of mobile food vending vehicles as well as requirements for food packaging, preparation and distribution of beverages, dating of food, operation of heating appliances, refrigeration of food stuffs, storage of ice, waste disposal, and permitting for mobile food vending. Failure to abide by the provisions and requirements set forth in this chapter will prohibit mobile food vendors from obtaining the proper licensure and permitting required to operate a mobile food vending vehicle in Long Beach.

Title 8 does not include any regulation related to the provision of bathroom access for mobile food facilities. Chapter 10 (Mobile Food Facilities) of the California Retail Food Code states that “a food facility shall be operated within 200 feet travel distance of an approved and readily available toilet and handwashing facility, or as otherwise approved by the enforcement agency, to ensure that restroom facilities are available to facility employees whenever the mobile food facility is stopped to conduct business for more than a one-hour period.” As it stands now, the City is relying on State regulations to require bathroom access to ensure uniform standards are adhered to. It could be beneficial to state in the municipal code that all mobile food facilities must follow State Health and Safety Code requirements in order to clarify the applicability of the provisions.

## Noise and Other Nuisances

Chapter 8.80 (Noise) outlines rules and regulations for controlling unnecessary, excessive noise and vibration in Long Beach. Section 8.80.160 details the exterior noise limits pertaining to offensive noises and

steady audible tones such as whines, screeches, or hums; repetitive noises such as hammering or riveting; and music or speech conveying informational content. The standards set forth in Section 8.80.160, Table A (Exterior Noise Limits) establish permissible noise levels by dBA in receiving land use districts by hour. The provisions as stated in this section may impact a sidewalk vendor's ability to operate during certain times of day depending on the nature and level of noise they emit and the district in which they operate; however, the applicability of these limitations related to sidewalk vendors is not expressly clear. Chapter 8 is generally compliant with State law and is enforced through the City's Proctor Office.

In addition to Chapter 8, LBMC Chapters 5 and 9 also impact sidewalk vendors. Chapter 5 includes noise and nuisance requirements and additional language that apply generally. Specifically, Section 5.66.020 (Operating Conditions for Sidewalk Vendors) read "no person engaged in the business of peddling shall make any noise as prohibited by Long Beach Municipal Code Section 5.46.110." However, Section 5.46.110 no longer exists in the LBMC. Enforcement of these provisions is completed through Business License. Chapter 9 includes broad requirements that can be enforced through the Police Department.

## Parks, Beaches, and Public Property

Title 16 (Public Facilities and Historical Landmarks) regulates public land in the City of Long Beach. Most relevant for sidewalk vendors is Chapter 16.16 (Parks and Beaches), specifically Section 16.16.060 (Sale or Solicitation Permit) which bans vending of goods, equipment, merchandise, food, beverage, service, or instruction on, at or from any public beach, marina, park, street or within any public place, facility, building or structure situated upon the tide and submerged lands granted to the City by the State. For land not granted by the State, Section 16.16.060 bans vending goods, equipment, merchandise, food, beverage, service or instruction in, at or from any public park or place under the jurisdiction of the Recreation Commission or on either side of streets contiguous therewith without first obtaining a permit to do so from the Director of the Department of Parks and Recreation. Furthermore, Chapter 16.55 (Advertising on Public Property and Facilities) bans advertising on public property or public facilities in Section 16.55.020 (Advertising/Recognition Agreements) which may impact sidewalk vendors looking to promote themselves. Section 16.04.040 bans vending on Belmont Veterans' Memorial Pier without a permit and Section 16.08.504 bans vending on Rainbow Harbor Esplanade without a permit.

While not included in the Code, current Parks, Recreation, and Marine (PRM) regulations stipulate that all business operating on Long Beach parks, beaches, marinas or other facilities must pay a fee for the use of public property. Fees charged by PRM are either a percent of gross receipts with an annual required minimum or a negotiated flat fee. Larger businesses are usually charged a percentage of their annual gross receipts while smaller businesses are usually charged a flat fee. This policy is reflected PRM's contracting and concessions agreements.

Chapter 16.40 (Municipal Market) outlines rules, permitting, and locations for the Long Beach Municipal Market which no longer exists in the city. While Chapter 16.40 is not relevant at the moment and does not apply to sidewalk vendors, it may contain useful regulations that can be repurposed for sidewalk vendors.

## Definitions

The LBMC establishes definitions that relate to or address sidewalk vendors in several sections. The table on the following pages provides the most relevant definitions and a description of relevancy.



LBMC Section	Term	Definition	Relevancy
21.15.3225	<b>Vending cart</b>	Any wagon, cart, or similar wheeled container, which is not a "vehicle" as defined in the Vehicle Code of the State of California, from which food, beverage, or other consumable product is offered for sale to the public.	Applicable to sidewalk vendors selling food
5.66.010	<b>Peddle/ Peddling</b>	Traveling or going from place to place, from house to house or business to business, displaying or selling any goods or food items by the taking of an order, and concurrently making of a delivery and shall also mean and include the transportation of any goods, wares or merchandise upon any street-approved vehicle or by any means whatsoever, which goods have not been sold to or ordered by a buyer prior to such transportation and which goods are intended to be offered for sale and delivery to members of the public, and it also includes the selling of a food product from a street-approved vehicle. However, peddle or peddling shall not mean or include the delivery of goods by a person engaged in the business of selling such goods at a fixed place of business in the City or elsewhere and which goods have been ordered to be so delivered, prior to such delivery; provided, however, that peddle or peddling includes the delivery of goods at the time of or within a period of two (2) hours from the time of obtaining such order for delivery, unless such order is placed by the buyer at a place of business of the seller.	Applicable to roaming sidewalk vendors
8.63.020	<b>Food provider</b>	Any person or place, other than a "Small Food Provider," that provides or sells prepared food within the City to the general public to be consumed on the premises or for take-away consumption. "Food Provider" includes but is not limited to: (1) a grocery store, supermarket, restaurant, drive-thru, cafe, coffee shop, snack shop, public food market, farmers market, convenience store, or similar fixed place where prepared food is available for sale on the premises or for take-away consumption, and (2) any mobile store, food vendor, caterer, food truck, vending machine or similar mobile outlet. "Food Provider" also includes any Franchise restaurant, drive-thru, café, coffee-shop or the like. "Food Provider" also includes any organization, group or individual that regularly provides prepared food to its members or the general public as a part of its activities or services.	Examples include providers that could encompass sidewalk vendors is stated in the definition.
8.63.020	<b>Small food provider</b>	A person or place that provides or sells prepared food within the City to the general public to be consumed on the premises or for take-away consumption, seating one hundred (100) or fewer persons.	Sidewalk vendors do not typically include seating for 100 or more persons, so this definition is relevant.

LBMC Section	Term	Definition	Relevancy
21.15.1765	<b>Mobile food truck</b>	A food truck selling prepared foods and is permitted only at construction sites at the time when construction workers are on the site.	A second definition for "mobile food trucks" which includes regulatory language regarding permitted locations. This definition is inconsistent with the preceding definition in Title 5.
21.15.3005	<b>Temporary activating uses</b>	Intended to provide a community benefit, encourage street activation, and reduce visual blight associated with vacant lots, as defined in Chapter 18.29, on a temporary basis and can include sporadic special events, such as cultural and community events, or temporary retail or services uses, such as bike kitchens. Temporary activating uses are proposed by community-based public or private organizations that improve and enhance the social or economic welfare and quality of life of the residents of Long Beach, and provide a service to City residents, including, but not limited to, faith-based organizations, local non-profit organizations or associations, Business Improvement Districts (BIDs), and organizations that have entered into a contract or agreement with the City to provide specific services or outreach, as determined by the Zoning Administrator.	Sidewalk vendors can be utilized at temporary special events to provide a community benefit and encourage street activation. Sidewalk vendors have the potential to be included in this definition and/or their relationship to this definition should be anticipated.
5.37.110	<b>Mobile food preparation vehicle</b>	Any vehicle, including an unhitched trailer, upon which ready-to-eat food is prepared, cooked, wrapped, packaged, or portioned for service, sale, or distribution. The term "mobile food preparation vehicle" shall not include "retail food vehicles."	This definition is the most closely related to food trucks in the LBMC. This definition may also be intended to apply to catering trucks.
5.66.010	<b>Retail food vehicle</b>	A vehicle that sells or offers for sale food products including, but not limited to, ice cream, bakery goods, fish, meat, fruits, vegetables and milk. Retail food vehicle does not include vehicle from which food is prepared and sold.	This definition pertains to ice cream trucks and other similar vendors who do not prepare food on-site.

LBMC Section	Term	Definition	Relevancy
5.51.010	<b>Ice cream truck</b>	A motor vehicle engaged in the curbside vending or sale of food.	This definition directly pertains to ice cream trucks.
5.51.010	<b>Food</b>	Frozen refrigerated desserts, confections or novelties commonly known as ice cream, prepackaged candies, prepackaged snack foods or soft drinks, primarily intended for sale to children under twelve (12) years of age.	This definition directly pertains to how "food" is defined for ice cream trucks.
3.80.146	<b>Services</b>	Any business conducted or carried on by any person engaged in the business of providing services, repairs or improvements to or on real and personal property; renting or leasing personal property to businesses or persons; providing services to persons such as, but not limited to, laundries, cleaning and dyeing, shoe repair, barber and beauty shops, and photographic studios; or involving the operation of a hotel or motel. "Services" includes, but is not limited to, the business of: <ol style="list-style-type: none"> <li>1. Auto repair, services (transportation) and garages;</li> <li>2. Health service;</li> <li>3. Miscellaneous repair services;</li> <li>4. Personal and business services</li> </ol>	Sidewalk vendors are increasingly vending services, especially after the onset of the Covid-19 Pandemic
3.80.180	<b>Peddling</b>	Traveling from place to place, house to house, building to building, selling or offering for sale any merchandise, including food or beverage.	While less detailed than the definition found in 5.66.010, this definition may apply to roaming sidewalk vendors
3.80.180	<b>Food products - mobile</b>	Going from place to place selling or offering for sale from a mobile food vendor vehicle, ice cream vendor vehicle, perishable foodstuff vendor vehicle, or grocery vendor vehicle.	Applies to vehicles and seems to exclude sidewalk vendors

LBMC Section	Term	Definition	Relevancy
8.44.010	<b>Dealer</b>	Any person who sells or offers for sale, dispenses or delivers food at wholesale or retail, whether from a fixed place of business or otherwise, and includes the owner, agent, employee and servant.	While sidewalk vendors are not explicitly mentioned, this definition may apply to vendors that sell food
8.44.010	<b>Food</b>	All articles used for food, drink, liquor, confectionery, condiment or chewing gum by human beings whether such articles are simple, mixed or compound.	Found in Chapter 8.44 (Restaurants) which includes several provisions that may apply to sidewalk vendors
8.44.010	<b>Food Handler</b>	Any person who engages or serves in any work, occupation or employment which requires or occasions the handling of any food or drink for human consumption or the handling of any dishes or other articles used in the preparation or service of such food or drink.	While sidewalk vendors are not explicitly mentioned, this definition may apply to vendors that sell food
8.44.010	<b>Mobile Food Vending Vehicle</b>	Any self-powered vehicle wherein or wherefrom only wrapped food, foodstuffs, products, liquids, or material intended for food or drink for human consumption are sold, served, distributed, or offered for sale, and mobile food preparation vehicles, as defined in Long Beach Municipal Code Section 3.57.010. A vehicle from which bakery products, ice cream, meat and eggs shall be dispensed shall not be included within the term "mobile food vending vehicle."	While this definition does not apply to sidewalk vendors, some of the regulations may be relevant for sidewalk vending operations
8.44.010	<b>Unsanitary Wrapping</b>	Includes any newspaper, used sack, used paper and any other covering or material that has been used.	This definition may apply to vendors that sell food
14.04.030	<b>Public Street</b>	Every highway, road, roadway, street, median, divider island, safety zone, alley, lane, course, place, trail, drive, bridge, viaduct, or trestle laid out or erected as such by the public, or dedicated or abandoned to the public, or intended to be used by or for the general public, except such portions thereof as are used or prepared for use by pedestrians as sidewalks	Applies to the locations in which sidewalk vendors may operate

LBMC Section	Term	Definition	Relevancy
14.04.015	<b>Right-of-Way</b>	Any easement or land owned by the City and used or designated for use as a street, parkway, alley, utility corridor, walkway, promenade, or bike path, and the surfaces thereof, and the airspace above such surfaces and the subsurface area below such surfaces and includes any right-of-way to be dedicated in the future.	Applies to the locations in which sidewalk vendors may operate
21.15.3205	<b>Vehicle</b>	A device by which any person or property may be propelled, moved, or drawn upon a street or highway, except a device moved by human power or used exclusively upon stationary rails or tracks.	May clarify when mobile vending guidelines apply to sidewalk vendors with human-powered devices or those with motor vehicles

# Appendix A

## **LBMC: Section 21.45.170 - Vending carts.**

- A. Vending carts shall be allowed as open uses according to the following special development standards:
- B. An administrative use permit shall be required by the City prior to issuance of a business license;
- C. Vending carts are limited to developed nonresidential sites;
- D. No more than two (2) signs, printed or affixed to each cart, which do not exceed two (2) square feet each, shall be permitted;
- E. No sales shall be made to motorists or shall any sales interfere with vehicular traffic;
- F. No vending cart operator shall place or allow to be placed any permanent or temporary fixtures at the location of the vending activity, including, but not limited to, chairs, tables, advertising material or signs not affixed to the carts or storage facilities;
- G. The vending cart shall be prohibited from operating in any landscaped area;
- H. The vending cart shall not be located in any manner that blocks or impedes on-site vehicular or pedestrian circulation;
- I. The vending cart shall not be located in or impede access to any required parking stall or space;
- J. The vending cart may operate during the hours of the retail or office complex, unless the conditions of approval contain more restrictive hours of operation in which case the more restrictive hours shall apply;
- K. All vending carts shall be equipped with trash receptacles of an adequate size and quantity to accommodate all trash and refuse generated by such outdoor vending operation;
- L. The vending cart operator shall possess a valid Health Department permit if food is prepared or sold; and
- M. Vending carts are not permitted to conduct business on any public right-of-way, unless an encroachment permit is issued by the Public Works Department.

(Ord. C-7247 § 32, 1994)

## Appendix B

### 5.66.060 Downtown area vending permits.

- A. Notwithstanding the provisions of Section 5.66.020 or any other provision of this Code, the City Manager or his/her designee may issue nonexclusive revocable permits for vending food, beverages, merchandise or services on the public sidewalks, parkways, or other public property within the downtown areas bounded and described as follows:
1. That area beginning at the point of the intersection of the prolongation of the westerly line of Pine Avenue with the Convention Center boundary; thence northerly along the easterly line of Pacific Avenue to the southerly curblineline of 6th Street; thence easterly along the southerly curblineline of 6th Street to the westerly curblineline of Long Beach Boulevard; thence southerly along the westerly curblineline of Long Beach Boulevard to the southerly line of Ocean Boulevard; thence westerly along the southerly line of Ocean Boulevard to the point of beginning.
  2. The Civic Center area within the following boundaries: the north curblineline of Ocean Boulevard, the south curblineline of Broadway, the west curblineline of Pacific Avenue, and the east curblineline of Magnolia Avenue.

No person shall conduct or engage in any vending activities on public sidewalks, parkways or other public property within said downtown areas without first having obtained a vending permit from the City Manager or his/her designee pursuant to the provisions of this Section.

- B. The application for a permit under this Section shall be filed with the City Manager or his/her designee upon a form which is furnished by or acceptable to the City Manager or his/her designee. The application shall be filed at least thirty (30) days prior to its proposed effective date. Each application shall be signed under penalty of perjury by the applicant, if a natural person; or by an officer or partner of the applicant, if application is a corporation, partnership, association or unincorporated company and shall contain full, complete and detailed information including, but not limited to, the following:
1. The name, address and telephone number of the applicant, if a natural person; or if a corporation, its name, date and place of incorporation, address of its principal place of business and the names of all its officers together with their respective addresses; or if a partnership, association or unincorporated company, then the names of the partners comprising the partnership, association or company, together with their respective ages and addresses. The application shall also state the trade name or style, if any, under which the applicant proposes to operate;
  2. A description of the nature, extent, character and quality of the proposed vending activity, including the manner in which such proposed vending operation will be conducted and how the public property will be utilized;
  3. The particular sidewalk or other public property and the specific area or areas thereof which will be utilized in connection with the proposed activity;
  4. The date or dates or days of the week and the specific times that the described vending activity utilizing public property is proposed to be conducted;
  5. Such other information as the City Manager or his/her designee shall require.
- C. The City Manager or his/her designee may refer the application to the appropriate City departments for review, investigation, evaluation and recommendation regarding approval or disapproval of the

application. No permit shall be issued for vending food or beverages without the prior review and written approval of the City Health Department.

- D. The City Manager or his/her designee may issue a permit under this Section if it is determined that the following criteria have been met:
1. That the public convenience and necessity require said vending activity in the permitted area;
  2. The proposed vending activity will not unduly impede, obstruct or interfere with the public's use of the sidewalk or other public or private property;
  3. The proposed vending activity will not unduly impede, obstruct or interfere with the operation of emergency vehicles, equipment or personnel in or through the particular permit area;
  4. The proposed vending activity will not adversely affect the City's ability to perform municipal functions or furnish City services in the vicinity of the permit area;
  5. The proposed vending activity will not present a substantial or unwarranted safety or traffic hazard;
  6. The proposed vending activity will not have a significant adverse environmental impact;
  7. The proposed vending activity is compatible, consistent and suitable with the character, nature, general theme and appearance of the area; and comports with the public health, safety, morals and welfare.
- E. In addition to the requirements of this Code or other applicable laws or rules or regulations promulgated with the City Manager, each permit shall contain such terms and conditions regarding the time, place and manner of utilizing the City sidewalks or other public property which are determined by the City Manager or his/her designee to be necessary and appropriate under the circumstances. No vending permit shall be issued under this Section for longer than one (1) year and shall be subject to revocation or cancellation at any time that it is determined that the permittee has violated any applicable law, rule or regulation or that it is in the City's best interests to revoke or cancel said permit. Each permit issued hereunder shall be subject to the provisions of this Code and all other applicable laws, rules and regulations which are in existence at the time the permit is issued or which are enacted, promulgated or amended at any time during the term of the permit.
- F. The City Manager or his/her designee may deny, suspend or revoke a permit whenever it appears to the City Manager or his/her designee that a vendor is in violation of the terms and conditions of the permit or any of the provisions of this Code or any other applicable law, rule or regulation, or that there was misrepresentation or fraud involved in the application for the permit, or evidence of unfair or bad faith dealing with the public, or it is determined to be in the best interest of the City. The City Manager or his/her designee shall give written notice to the applicant or permittee of the denial, suspension or revocation. No person shall continue to conduct or engage in any vending activity after the City Manager or his/her designee has issued a notice of suspension or revocation.
- G. Any applicant whose permit is denied or any permittee whose permit is suspended or revoked shall have the right to appeal said decision to the City Council by filing a written notice of appeal with the City Clerk within ten (10) days after the date the notice of denial, suspension or revocation is served upon or mailed to the permittee. Such notice of appeal shall set forth the specific ground or grounds upon which it is based. The City Council shall hold a hearing on the appeal within thirty (30) days after the City Clerk's receipt of the written notice of appeal, or at any time thereafter as the matter may be continued by the City Council. The permittee shall be given at least ten (10) days' written notice of such hearing. At the hearing the permittee or permittee's authorized representative shall have the right to present evidence and/or argument in support of permittee's appeal, and the determination of the City Council on the appeal shall be final. Any permittee whose permit is revoked shall not be eligible to apply for a permit under this Section for a period of one (1) year from the date of such revocation.



- H. Each permitted vending activity shall be subject to inspection at any time by the Director of Financial Management, license inspectors, Police Officers, Health Department officials or other City representatives for the purpose of determining whether the vending activity is being conducted in compliance with the requirements of the permit and any applicable laws, rules or regulations. No person shall hinder, impede, interfere with or obstruct any such inspection.
- I. Vending activities may be conducted only on the dates and at the times and locations and in accordance with the terms, conditions and requirements specified in the permit, and pursuant to all applicable laws, rules and regulations. All vendors shall keep and maintain their equipment in a neat, clean and safe condition and shall conduct all vending operations in a neat, orderly, safe and sanitary manner. Any vending activities shall not obstruct, interfere with or impede the free movement or use by the general public of any street, sidewalk, parking area, alley, way or other public or private property. All vending activities shall be conducted at a distance of more than five feet (5') from any public or private building or the property line of any business premises and at a distance of at least ten feet (10') from any entrance to any public or private building or business premises. No vending activity shall be conducted in a manner which disturbs, accosts, confronts, harasses, badgers or annoys any person.
- J. Each permittee shall carry the vending permit issued pursuant to this Section on his/her person while conducting vending activities, and shall produce such permit for inspection upon the request of any Police Officer or any other authorized representative of the City. Each permittee shall, at all times while engaging in vending activities, display a valid vendor identification card, decal or sticker issued by the City Manager or his/her designee.
- K. The following indemnification and insurance shall apply for each permit issued under this Section:
  - 1. Each permit shall expressly provide that the permittee shall defend, indemnify and hold the City, its officials, employees and agents harmless from and against all claims, damage, demands, causes of action, loss, liability, proceedings, costs and expenses (including reasonable attorney fees) of any kind (collectively in this Subsection, "claim") arising from or attributable to or caused by the alleged acts or omissions of permittee, its officers, agents or employees in connection with the permittee's activities under the permit; and the permit shall expressly state that permittee shall, at permittee's sole cost and expense, pay any settlement and satisfy any judgment rendered against the City, its officers, employees and agents resulting from permittee's activities under the permit. Permittee shall notify the City of any claim within ten (10) days.
  - 2. Concurrent with the issuance of a permit under this Section and as a condition precedent to the effectiveness of the permit, permittee shall procure and maintain in full force and effect during the term of the permit insurance as prescribed in regulations issued by the City Manager pursuant to Section 2.84.040.
- L. Every applicant and permittee shall pay the fees established for such applications and permits by resolution of the City Council.
- M. Permittees holding valid vending permits issued under this Section shall be subject to the business license provisions of this Code and shall pay the business license taxes established for such vending activities.
- N. Any person who violates any of the provisions of this Section shall be guilty of a misdemeanor.  
(Ord. C-7934 § 10, 2004; Ord. C-7423 § 25, 1996; Ord. C-6365 § 1, 1987; Ord. C-6260 § 1 (part), 1986)

# MEMO

To: City of Long Beach

From: Lisa Wise Consulting, Inc.

Date: December 2<sup>nd</sup>, 2022

Subject: Sidewalk Vending Case Study Research Memo

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## 1. Introduction

The State of California has passed legislation addressing sidewalk vending in 2018 that has led to the development of local sidewalk vending ordinances. SB 946, or the Safe Sidewalk Vending Act, was signed into law by former governor Jerry Brown in 2018. This law is intended to decriminalize sidewalk vending throughout the state. While the law permits sidewalk vending statewide, it does allow jurisdictions to implement sidewalk vending regulations directly related to health, safety, or welfare concerns. In public parks, beaches, and plazas jurisdictions are permitted additional authority to ensure that recreation opportunities are not unreasonably affected by commercial vending and that the scenic and natural characteristics of the park are maintained by preventing an undue concentration of commercial activity.

In response, cities around the state have introduced policies that meet the needs of their residents and community-wide goals with regard to sidewalk vending. However, as communities have turned to their municipal codes to provide guidance on permitting procedures, sanitation, nuisances, and more, they have found that their previous sidewalk vending regulations, if existent, were often out of compliance with state law or did not encompass the current breadth of sidewalk vending. Some communities have revised their municipal codes to address sidewalk vending operations on public and private property. Additionally, some communities implement detailed regulations that address the range of sidewalk vendors, including both stationary (fixed location) and mobile (roaming) vendors that sell food, merchandise, and services. Not all of the ordinances detailed below have been tested by legal challenges. It is possible that some contain provisions that may create a restraint of trade, which likely would not be upheld given judicial precedent from *People v. Ala Carte Catering Co.* (1979); others are justified based on subjective findings that could be challenged in court. This memo will indicate areas in the case study community programs that may need to be assessed in relation to this case law.

With the passage of SB 946 in 2018, sidewalk vendors who prepare food and beverages continued to experience difficulty in obtaining permits and complying with the California Retail Food Code with limited resources. In response, Senator Lena A. Gonzalez (D-Long Beach) introduced Senate Bill 972 in February 2022 to aid street food vendors by removing barriers to accessing food vending permits. The bill seeks to “reduce unpermitted vending, protect public health, and create a more equitable economy for women, low-income individuals and people of color who form a major part of the industry and contribute to the State’s economy as micro-businesses.”

As part of the City of Long Beach (City) Sidewalk Vending Program, Lisa Wise Consulting, Inc. (LWC) has conducted targeted research into sidewalk vending programs in comparable case study jurisdictions as Task 3 of the project’s Scope of Work.

## 2.Executive Summary

Table 2.1 provides a summary comparison across the four case study jurisdictions: San Diego, CA; Anaheim, CA; Oakland, CA; and San José, CA. These jurisdictions are relevant to Long Beach because of their size, structure and scope of sidewalk vending challenges and approaches. A discussion of each case study’s sidewalk vending regulations can be found in the following Section.

Table 2.1 Sidewalk Vending Ordinance Case Study Summary					
		San Diego, CA Pop. 1,386,932	Anaheim, CA Pop. 353,085	Oakland, CA Pop. 422,575	San José, CA Pop. 1,013,240
<b>Zoning, permitted locations, land use controls, and distancing</b>	<i>Roaming</i>	Permitted in Residential Areas	Permitted in Residential Areas	Permitted in Residential Areas	Permitted in Residential Areas
	<i>Stationary</i>	Not allowed in Residential Areas	Not allowed in Residential Areas	Not allowed in Residential Areas	Not allowed in Residential or Commercial Office zones
<b>Time and Date Restrictions</b>		<p>Vending on residential blocks may occur between 7 am &amp; sunset.</p> <p>Vending on non-residential blocks may occur between 6 am &amp; 10 pm or the hours of nearby businesses</p> <p>Sidewalk Vending Permits are valid for one year</p>	<p>Sidewalk Vending Permits are valid for 1 year</p> <p>Vending on residential blocks may occur between 7 a.m. and sunset.</p> <p>Vending on non-residential blocks may occur between 6 a.m. and 10 p.m. or the hours of operation imposed on other businesses on the same block, whichever is least restrictive.</p> <p>during the summer moratorium (Saturday before Memorial Day and preceding Saturday and Sunday through Labor Day), the City forbids sidewalk vending from certain areas.</p>	<p>Mobile Food Vending Permits are valid for one year</p> <p>90-day Seasonal permits are available</p> <p>permitted operation hours are 7 am to 10 pm</p> <p>night vending may be allowed if adjacent businesses are open late.</p>	<p>Peddler permit and licenses expire two years after the date of its issuance.</p> <p>Peddling is permitted between 8 a.m. &amp; 10 p.m., daily, except as follows:</p> <p>In residential areas, Peddling is permitted between 9 a.m. &amp; 5 p.m., Pacific Standard Time, and between 9 a.m. and 7 p.m., Pacific Daylight Savings Time.</p> <p>In nonresidential areas hours of operation shall not be more restrictive than the hours of operation of nearby businesses.</p> <p>In parks, Peddling is permitted during hours the Park is open to the public.</p>
<b>Specific regulations for parks and other public spaces</b>		Not allowed in parks with concessions agreement; Detailed regulations for parks and beach areas	Not allowed in parks with concessions agreement; detailed regulations for Resort Area	Requires Parks and Recreation Department vending reservation	Not allowed in parks with concessions agreement

**Table 2.1 Sidewalk Vending Ordinance Case Study Summary**

		<b>San Diego, CA</b> <i>Pop. 1,386,932</i>	<b>Anaheim, CA</b> <i>Pop. 353,085</i>	<b>Oakland, CA</b> <i>Pop. 422,575</i>	<b>San José, CA</b> <i>Pop. 1,013,240</i>
<b>Health and Sanitation Requirements</b>		Hand sanitizer Maintain clean and trash/debris free environment Trash receptacle Spill kits (for food vendors)	Maintain sanitary conditions Contain all refuse Trash Collection Plan	Restroom access if after 1 hour. Maintain clean and safe location, store and dispose of garbage, and produce odors	Refuse disposal and sufficient trash and recycling receptacles Litter removal Access to adequate sanitary facilities, including restrooms and/or portable sinks and toilets.
<b>Required Permits/Licenses</b>	<i>Merchandise</i>	Sidewalk Vending Permit City of San Diego Business Tax Certificate California Seller's Permit	Sidewalk Vendor's Permit California Seller's Permit City of Anaheim Business License	Mobile Vending Permit Oakland Business License Proof of Insurance	Peddler Business Permit Peddler Employee License (if applicable) Insurance San José Business License Tax Certificate Approved Location Permit ( <i>Stationary Vendors</i> ) Administrative Permit ( <i>Stationary Vendors</i> )
	<i>Food</i>	<i>The above requirements, plus:</i> San Diego County Public Health Permit San Diego County Food Handler Card	<i>The above requirements, plus:</i> Orange County Health Care Permit	<i>The above requirements, plus:</i> Alameda County Health Permit Fire Inspection	<i>The above requirements, plus:</i> Santa Clara County Environmental Health Permit

Each jurisdiction approaches sidewalk vending regulation differently based on unique circumstances and objectives, and some are continuing to explore methods to improve their regulatory approach to permitting, licensing, and enforcement. Clear and simple regulations are often most efficient to administer and enforce, but sidewalk vending regulation can become complicated when balancing the concerns of sidewalk vendors, brick-and-mortar business owners, public health, community groups, and residents. The following case studies provide insight on potential regulatory strategies the City may consider.

## 3. Case Studies

### 3.1 San Diego, CA

The City of San Diego first adopted use regulations for *sidewalk vending*<sup>1</sup> in 2022 (henceforth referred to as “sidewalk vending” or “sidewalk vendors” for consistency). The ordinance (SDMC §36.01) is in response to California State Bill 946, described above. San Diego is a large and diverse coastal city that is seeking to provide economic opportunities to vendors and support a tourism economy, while also maintaining public health and meeting the needs of its residents.

San Diego provides specific regulations on the locations and times that vendors are allowed to vend, and for some locations has different regulations for stationing sidewalk vendors and roaming sidewalk vendors. Distance requirements and public health requirements also impact the locations that sidewalk vendors are able to operate. These and other regulations are summarized in the subsections below. A City of San Diego Staff Report from February 2022 can be found in the appendix that details requirements and their justifications.

#### 3.1.1 Zoning, permitted locations, land use controls, and distancing

Sidewalk vendors in San Diego must have a vending permit in order to legally sell food and merchandise. However, a vending permit does not provide an exclusive right to operate on any sidewalk or portion thereof. Roaming sidewalk vendors face the fewest location restrictions and are permitted to operate in residential zones. To maintain accessibility standards, sidewalk vendors shall not place or allow any obstruction to be placed on the sidewalk that would reduce the width of the sidewalk to less than forty-eight inches excluding the curb, except for the brief duration of time for a roaming sidewalk vendor to conduct a sale. Notwithstanding the foregoing, sidewalk vendors are required to move to provide access to the sidewalk to avoid impeding the flow of pedestrian or other traffic.

#### **Stationary sidewalk vendors are not permitted to:**

- Operate in a residential area
- Vend on a sidewalk less than 6 feet in width
- Vend within 50 feet of another stationary sidewalk vendor in any City-designated promenade, except that City-designated promenades that are defined as high-traffic sidewalks shall be subject instead to the prohibition on vending under section 36.0106(a)(11)(D).
- Vend within 5 feet of any above- ground structure.
- Vend within 15 feet of any fire hydrant or fire lane.

#### **No stationary sidewalk vendor shall vend and no roaming sidewalk vendor shall stop to make sales in the following locations:**

- The East Village District
- The Gaslamp Quarter District

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<sup>1</sup> For consistency, the term “sidewalk vendors” will be used throughout this memo. The unique name each jurisdiction uses for this use will be mentioned in the section introduction, but then only used in reference to specific permits, definitions, etc.

- Any City property subject to a lease agreement so long as proper notice is provided of the prohibited location(s).
- In the public right-of-way, or any area that blocks the safe flow of pedestrians or vehicles;
- Any public property that does not meet the definition of a sidewalk, including but not limited to any alley, beach, street, street or roadway median, or street end;
- Any parking lots;
- On any slope greater than five percent or where signage indicates that wheels must be cramped to the curb;
- Any location that obstructs traffic signals or regulatory signs;
- The Ballpark District during an event or game or within three hours before or one hour after an event or game;
- Sports Arena Boulevard between Hancock Street and East Drive during an event or game or within three hours before or one hour after an event or game at the arena;
- Within 18 inches from the edge of a curb;
- Within 5 feet in front of or 65 feet behind the sidewalk along a bus stop, tram or non-rail trolley stop as measured linearly along the curb from the sign marking the bus stop, tram, or non-rail trolley stop;
- Within 10 feet of a driveway, marked crosswalk, fire escape, or emergency exit;
- Within 15 feet of any other sidewalk vendor; intersection; building entrance; high-traffic sidewalk; loading zone, parking space, or access ramp designed for individuals with disabilities; outdoor dining or patio area; public restroom; curb ramp; location with a valid encroachment permit displayed; or high-traffic bike and shared use path.
- Within 25 feet of any *Beach access point* or pier
- Within 50 feet of any railroad crossing or *Major transit stop*
- Within 100 feet of the vehicle entrance of any fire station, police department, hospital, lifeguard station, or any other structure dedicated to health and safety emergency matters or any City street or sidewalk closure.
- Within 150 feet of Harbor Drive between Front Street and Park Boulevard during a convention or event held at the San Diego Convention Center or within three hours before or one hour after a convention or event at the Convention Center.
- Within 500 feet of any permitted event; any school while children are going to or from the school, during a recess period or within 30 minutes before or after the school's opening or closing hours; or the open-air baseball facility, located in East Village currently known as Petco Park, and the indoor arena located in Midway District currently known as Pechanga Arena within three hours before or one hour after an event or game.

### 3.1.2 Definitions

The following relevant definitions are established in the San Diego Zoning Code.

- *Conveyance* means any non-motorized wheeled device used to carry persons or property and includes pushcarts, pedal-driven carts, and wagons.
- *Goods* means items, personal property, merchandise, or any other similar item that is generally sold, including food and beverages.
- *Portable cooking equipment* means any gas-fueled appliance used to heat, cook, or prepare food or beverages on a *conveyance* by a *sidewalk vendor*.

- *Roaming sidewalk vendor* means a *sidewalk vendor* who moves from place to place and stops only to complete a transaction.
- *Services* are activities involving the performance of work for others or the provision of intangible items that cannot be returned once they are provided. Examples include hair braiding, face painting, massage, yoga, fortune telling, tattooing, and dog training.
- *Sidewalk* means a public paved or hardscape path or walkway that is specifically designed for pedestrian travel. It excludes any area primarily designed for use by vehicles or the conveyance of storm water, any area planted with landscaping, or any area primarily consisting of dirt or sand.
- *Sidewalk vendor* means a person who sells goods from vending equipment or from one's person upon a sidewalk. It includes both roaming sidewalk vendors and stationary sidewalk vendors.
- *Stationary sidewalk vendor* means a *sidewalk vendor* who *vends* from a fixed location.
- *Vend* or *vending* means with respect to any *goods*, to sell, offer to sell, expose or display for sale, solicit offers to purchase, barter, or require someone to negotiate, establish, or pay a fee before providing *goods*, even if characterized as a donation, on a public street, alley, highway, parking lot, *sidewalk*, or *public right-of-way*.
- *Vending equipment* means any *conveyance*, table, pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or any other free-standing equipment used for vending on the *sidewalk*.
- *Vending permit* means a written City of San Diego approval required prior to *vending*.

### 3.1.3 Time and Date Restrictions

Sidewalk Vending Permits are issued by the Office of the City Treasurer and are valid for one year from the date of issuance and must be renewed annually. San Diego permits different hours of operations for sidewalk vendors in residential and non-residential blocks. During the summer moratorium (Saturday before Memorial Day and preceding Saturday and Sunday through Labor Day), the City forbids sidewalk vending from certain areas.

- Vending activities on residential blocks may occur only between the hours of 7:00 a.m. and sunset.
- Vending activities on non-residential blocks may occur only between the hours of 6:00 a.m. and 10:00 p.m. or the hours of operation imposed on other businesses on the same block, whichever is least restrictive.
- Sidewalk vendors shall not vend on sidewalks on the following streets *during the summer moratorium*: Newport Avenue between Abbott Street and Sunset Cliffs Boulevard in Ocean Beach; Ventura Place between Mission Boulevard and Ocean Front Walk in Mission Beach; Garnet Avenue between Ocean Front Walk and Cass Street in Pacific Beach; and Coast Boulevard between Cave Street and the 200 block of Coast Boulevard South in La Jolla.
- Vending is prohibited *during the summer moratorium* in Balboa Park, Mission Bay Park, and the Shoreline Parks, which are those parks contiguous to the shoreline or beach in the communities of Ocean Beach, Mission Beach, Pacific Beach, and La Jolla.

### 3.1.4 Vending in Public Parks, Plazas, Beach, and Tourist Areas

The following provisions apply in public parks, plazas, and beach areas. Where the following provisions are more restrictive than those set forth in section §36.0106, *Vending Locations* (summarized in 3.1.1 of this document), sidewalk vendors shall comply with the more restrictive provisions. Oceanfront land, such as beaches, is subject to California Coastal Commission oversight and new regulations implemented by the

city must receive approval from the Coastal Commission before they may take effect. Furthermore, regulations must conform with the County of San Diego Local Coastal Program.

- Sidewalk vendors shall stop vending before the designated closing time of any public park, plaza, and beach area.
- Vending is permitted between 8:00 a.m. and sunset in public parks, plazas, and beach areas where there is no designated closing time.
- Sidewalk vendors shall not vend within 50 feet of another sidewalk vendor.
- Sidewalk vendors shall not vend within 25 feet of any park decorative fountain, statue, monument, memorial, or art installation.
- Subject to applicable law, the City Manager is authorized to enact rules and regulations to prohibit vending in any space that would obstruct, damage or otherwise adversely affect the public's use and enjoyment of natural resources and recreation opportunities or contribute to an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of a public park. If the City Manager enacts any such rules and regulations pursuant to section 36.0107(e), it shall be unlawful to vend in violation of any such rules and regulations.
- Stationary sidewalk vendors are not permitted within any area of a public park or plaza if the public park or plaza operator has signed an agreement for concessions that exclusively permits the sale of goods by a specified concessionaire, provided that notice by signage or other means is provided to the stationary sidewalk vendor.
- Vending activities are prohibited in the following locations in Balboa Park:
  - **within 25 feet of:** El Prado, Village Place, Pan American Road East, Pan American Road West, Pan American Plaza, Old Globe Way, Chapel Road, Spanish Village, Plaza de Panama, Plaza de California, Plaza de Balboa, War Memorial Building, the Carousel, Spreckels Organ Pavilion, Presidents Way, or any covered walkway.
  - **within 25 feet of the following gardens:** 1935 Old Cactus Garden, Alcazar Garden, Casa del Rey Moro Garden, Desert Garden, Florida Canyon Native Plant Preserve, Inez Grant Parker Memorial Rose Garden, Marston House Garden, Palm Canyon, Trees for Health Garden, Veterans Memorial Garden, and Zoro Garden.
  - **within 50 feet** of the Botanical Building or Lily Pond.
  - within Balboa Park between December 25 and January 1.
- Consistent with applicable law, the City Manager has the authority to reasonably limit the number of sidewalk vendors in certain parks by requiring sidewalk vendors to obtain an additional park sales permit to vend in the following parks: Balboa Park, Mission Bay Park, Ocean Beach Park, Mission Beach Park, Kellogg Park, Ocean Boulevard Park, Ellen Browning Scripps Park, South Mission Beach Park, and Torrey Pines City Park. If the City Manager requires an additional park sales permit pursuant to section 36.0107(h), it shall be unlawful to vend in such park without such permit.
- Vending is prohibited in the following locations: Sunset Cliffs Natural Park and Mission Beach Park
- Sidewalk vendors shall not use amplified or non-amplified sound-making devices in conjunction with vending, such as speakers, microphones, public address systems, bells, and chimes.

### **3.1.5 Health and Sanitation Requirements**

San Diego requires several measures to ensure the safety and cleanliness of the environment and of goods purchased from sidewalk vendors. To ensure that food can be consumed safely, sidewalk vendors engaged in the vending of food or beverages shall have hand sanitizer located in a conspicuous location readily available for use by customers. Furthermore, sidewalk vendors shall not display any goods for sale on the ground or on any above-ground structure.

Regarding waste management, sidewalk vendors are responsible for ensuring that the 10-foot area immediately surrounding the vending space is kept clean and free of trash and debris associated with their



vending operation. San Diego requires all sidewalk vendors to provide a trash receptacle for customers and to ensure proper disposal of customer trash. The trash receptacle must be large enough to accommodate customer trash so that public trash receptacles located on any block for use by the general public do not have to be used by customers. Sidewalk vendors shall not dispose of customer or sidewalk vendor trash in trash receptacles that the City provides for public use. Additionally, vendors of any food, beverage, or liquid product must possess spill kits that are comprised of paper towels, cloth towels, cat litter, or sand at all times while vending; remove all spill materials from the public right-of-way and sidewalks once the spilled material is absorbed off the ground; and capture and prevent spills leaving the area and moving into the surrounding streets from entering the storm water conveyance system, including curbs, gutters, and storm drains.

### 3.1.6 Permitting Requirements

#### Sidewalk Vending Permit

Sidewalk vendors selling goods must obtain a Sidewalk Vending Permit before conducting vending business activities in the City of San Diego. The permits are issued by the Office of the City Treasurer and are valid for one year from the date of issuance and must be renewed annually. Even with a Sidewalk Vending Permit, vendors in San Diego are not permitted to vend services and may not engage in any type of rental activity. To obtain a sidewalk vending permit, applicants must supply the following:

- The name, address and telephone number of the sidewalk vendor;
- Proof of valid, government-issued photo identification
- The name and business address of the company, partnership, or corporation if the sidewalk vendor is an agent of a company, partnership, or corporation
- A current valid business tax certificate issued to the sidewalk vendor, or if the sidewalk vendor is an employee, a current valid business tax certificate for the business employing the sidewalk vendor along with proof of employment, such as a current pay stub. With the submission of a complete vending permit application, a vending permit may be issued with the submission of a complete business tax certificate application, which may be submitted concurrently with, or prior to, the vending permit application
- Proof of a California department of tax and fee administration seller's permit applicable to the sidewalk vendor to the extent required by law that notes the City of San Diego as a location or sub-location, which is valid for the duration of the vending permit
- For those sidewalk vendors selling food, proof of both
  - A valid San Diego County public health permit applicable to the vending equipment to be used for food preparation and storage to the extent required by law
  - Either a manager's food safety certificate or a San Diego County food handlers card applicable to the sidewalk vendor to the extent required by law
- A certification by the sidewalk vendor that to the sidewalk vendor's knowledge and belief, the information contained on the form is true
- Such other information as the city manager deems reasonably necessary to administer this division.

#### San Diego Application Process Website

To facilitate the acquisition of a Sidewalk Vending Permit, San Diego introduced several resources for interested vendors. One of which is a step-by-step Application Process easily accessible on the City website or at <https://www.sandiego.gov/sidewalk-vending/application>.

#### City of San Diego Business Tax Certificate

All businesses operating in the City of San Diego, including sidewalk vendors, must obtain a Business Tax Certificate. Business Taxes are due annually and will be renewed along with the Sidewalk Vending Permit.

### **California Seller's Permit**

If applicable, sidewalk vendors must possess a valid California Department of Tax and Fee Administration seller's permit that designates "City of San Diego" as a location or sublocation. A seller's permit allows sales tax collection from customers and reports those amounts to the state. There is no cost to obtain a seller's permit.

### **Food Product Vendor Requirements**

In addition to the requirements listed above, vendors selling food products must also have:

1. San Diego County Public Health Permit All sidewalk vendors who sell food items are required to obtain and display a San Diego County Public Health Permit at all times.
2. San Diego County Food Handler Card. All food handlers are required to acquire a San Diego County Food Handler Card

## **3.2 Anaheim, CA**

The City of Anaheim is home to Disneyland Resort and numerous other tourist attractions and has a population of 353,085 according to the 2020 Census. Its location in Southern California, its size, plus the element of a tourism economy makes it a good example for Long Beach to consider when implementing a sidewalk vending ordinance.

### **3.2.1 Zoning, permitted locations, land use controls, and distancing**

Sidewalk vendors in Anaheim must have a vendor's permit in order to legally sell goods and services. Sidewalk Vendors shall comply with the federal American with Disabilities Act of 1999 and other disability access standards, including but not limited to allowing for a minimum width of at least thirty-six (36) inches of accessibility on any sidewalk. Additionally, stationary sidewalk vending is not permitted in any location zoned exclusively residential.

#### **It is unlawful for any person to engage in sidewalk vending in the following locations:**

- The grounds of any stadium, convention center, government office building, police station, fire station library or other public facility owned or operated by the City of Anaheim except with the prior written consent of the City of Anaheim.
- The following public streets and sidewalks within the City of Anaheim two (2) hours before, during and two (2) hours after events at Angel Stadium of Anaheim, the Honda Center and The City National Grove of Anaheim:
  - Orangewood Avenue, from west side of State Route 57 to 300 feet west of State College Boulevard.
  - Katella Avenue, from the west side of State College Boulevard to the Santa Ana River Trail.
  - Douglass Road, from the entrance to the Angel Stadium of Anaheim to Cerritos Avenue.
  - Dupont Drive.
  - Rampart Street from Orangewood Avenue to Dumaine Street.
  - Gene Autry Way from South Chris Lane to the entrance of the Angel Stadium of Anaheim.

- Within the immediate vicinity of a permitted certified farmers' market or a permitted swap meet during the limited hours of that certified farmers' market or swap meet.
- Within the immediate vicinity of an area designated for a temporary special permit, provided that any notice, business interruption mitigation, or other rights provided to affected businesses or property owners under the local authority's temporary special permit are also provided to any sidewalk vendors specifically permitted to operate in the area, if applicable. For purposes of this paragraph, a temporary special permit is a permit issued by the local authority for the temporary use of, or encroachment on, the sidewalk or other public area, including, but not limited to, an encroachment permit, special event permit, or temporary event permit, for purposes including, but not limited to, filming, parades, or outdoor concerts. A prohibition of sidewalk vendors pursuant to this paragraph shall only be effective for the limited duration of the temporary special permit.

### 3.2.2 Definitions

The following relevant definitions are established in the Anaheim Zoning Code.

- *Roaming Sidewalk Vendor* means a Sidewalk Vendor who moves from place to place and stops only to complete a transaction.
- *Sidewalk Vendor* means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path. The term "Sidewalk Vendor" includes both roaming and stationary vendors.
- *Sidewalk Vendor Permit* means a permit issued by the City of Anaheim authorizing a person to engage in the business of being a Sidewalk Vendor.
- *Stationary Sidewalk Vendor* means a sidewalk vendor who vends from a fixed location.

### 3.2.3 Time and Date Restrictions

Information on the time restrictions of vending and the length of time that a sidewalk vendor permit is valid is not listed in the Anaheim Municipal Code. However, time restrictions are established for events at several major venues in Anaheim. Sidewalk Vending is prohibited within two (2) hours before, during and two (2) hours after events at the Angel Stadium of Anaheim, the Honda Center and The City National Grove of Anaheim on the following designated public streets and sidewalks:

- Orangewood Ave. from west side of 57 Freeway to 300 feet west of State College Blvd.
- State College Blvd. from 300 feet south of Orangewood Ave. to the north side of Katella Ave.
- Katella Ave. from west side of State College Blvd. to the Santa Ana River Trail.
- Douglass Rd. from the entrance to the Angel Stadium of Anaheim to Cerritos Ave.
- Dupont Dr.
- Rampart St. from Orangewood Ave. to Dumaine St.
- Gene Autry Way from S. Chris Ln. to entrance of the Angel Stadium of Anaheim.

### 3.2.4 Vending in Public Parks, Plazas, Beach and Tourist Areas

For City-owned parks, the City of Anaheim prohibits Stationary Sidewalk Vendors from vending in a Public Park that is subject to a concessions agreement that exclusively permits the sale of food or merchandise in that Public Park. Otherwise, applicable regulation to this section falls in Anaheim's Resort Area.

Anaheim prohibits vending in designated areas of the Resort Area, as described in Chapter 4.10 (Commercial Solicitation in the Resort Area). A violation of subsection .010 of this section by any person engaged in the business of being a Sidewalk Vendor shall be enforced in accordance with the procedures

set forth in Chapter 1.20 (Civil Citations) of the code and is subject to a fine of \$100 for the first offense in a one-year period, \$200 for the second offense in a one-year period, and \$500 for the third time in one-year. Chapter 4.10 (Commercial Solicitation in the Resort Area) reads:

Notwithstanding any ordinance to the contrary, it is unlawful for any person to permit to remain, or hereafter erect or place any permanent or temporary apparatus, structure, device, object or thing including, but not limited to, furniture, equipment, tent, stand, stall, booth, showcase, vending machine, post, pole, board, frame, table, bench, booth, chair, rack, pushcart, barrel, box, ware, good, merchandise, brick, stone, lumber or any other similar apparatus, structure, device, object or thing of any kind or description, other than a newsrack subject to the provisions of Chapter 4.82 (Newsracks on Public Rights-of-Way); sell or offer for sale, rent or offer for rent, or giveaway or offer to giveaway, any goods, wares, merchandise, product samples, foodstuffs, refreshments or other kinds of property or services, or hold, conduct or engage in any street performance or act including, but not limited to, playing musical instruments, singing, dancing, acting, pantomiming, puppeteering, juggling, reciting, or creating visual art, on the following designated public streets and sidewalks within the City of Anaheim:

- Ball Road, from the west side of Walnut Street to Palm Street east of Harbor Boulevard.
- Disney Way, from Harbor Boulevard to the east side of Clementine Street.
- Katella Avenue, from Walnut Street to the east side of Clementine Street, except for the south side of Katella Avenue between Walnut Street and West Street.
- Convention Center Drive/Convention Center Walkway, from Katella Avenue to the south side of Convention Way.
- Convention Way, from West Street to the east side of Harbor Boulevard.
- West Street/Disneyland Drive, from Magic Way to the south side of Katella Avenue.
- Harbor Boulevard, from Ball Road, to the south side of Convention Way.
- Manchester Avenue, from Harbor Boulevard to 600 feet easterly of Harbor Boulevard.

### **3.2.5 Health and Sanitation Requirements**

Anaheim does not outline detailed regulations for health and sanitation requirements, but it does require that sidewalk vendors maintain sanitary conditions and contain all refuse until properly disposed of by the sidewalk vendor. The sidewalk vending permit requires that applicants include a Trash Collection Plan to describe how the vendor will maintain sanitary conditions and contain all refuse until properly disposed of by the sidewalk vendor.

### **3.2.6 Permitting Requirements**

Sidewalk vendors are required to have both a valid Sidewalk Vendor permit and a valid Business License issued by the City of Anaheim. While the Sidewalk Vendor permit is relatively straightforward, the Business License presents questions that may not be relevant for the vendor.

#### **Sidewalk Vendor's Permit**

Sidewalk vendors selling goods must obtain a Sidewalk Vendor's Permit before conducting vending. The application for sidewalk vendor permit includes the following sections:

- Name and Address of Business/Vendor
- Passport size photograph of applicant
- Owner information (including identification information)
- Residence and/or Employment History (for the past 5 years)
- Emergency Contact
- Detailed Business Description

- Including what type of permit (stationary or roaming)
- Detailed description of the types of goods or wares offered for sale, days & hours of operation and the location(s) one plans on conducting business
- Criminal record information
- The following documents:
  - Valid California Department of Tax and Fee Administration Seller's Permit.
  - California Valid Identification (driver's license or identification card)
  - Orange County Health Permit (required for the vending of food items)
  - Site Plan of location(s) for Stationary Sidewalk Vendors including size of cart, trailer or station with size of canopy if applicable and distance from curb to station. (Plan must be legible in an 8 ½" x 11" format)
  - Trash Collection Plan describe how you will maintain sanitary conditions and contain all refuse until properly disposed of by Sidewalk Vendor.
  - Application and Business License Fees

### City of Anaheim Business License

The Anaheim Business License application includes many fields, not all of which are relevant for sidewalk vendors. Questions regarding the necessary content for a sidewalk vendor can be directed to the Anaheim Business License Division. In addition to a completed application form, other required documents include a California Department of Tax and Fee Administration Seller's Permit (Resale Permit), a copy of lease or sublease for non-residential business locations within Anaheim, and a Fictitious Business Name Statement filed with the Orange County Clerk. For those businesses not having a fixed address, the license must be physically carried on the person while conducting business and presented upon request.

## 3.3 Oakland, CA

To vend food or merchandise from the public right of way, private property, or city-owned property in the City of Oakland, vendors must obtain a Special Activity Mobile Vending Permit. The City of Oakland's regulation of *mobile merchandise vendors* and *mobile food vendors* differs from other jurisdictions in that no clear "sidewalk vending" ordinance exists. Instead, regulations are derived from Chapter 5.48 *Peddlers and Solicitors*, Chapter 5.51 *Food Vending Program*, Chapter 8.62 *Regulations Establishing Permit Requirements and Procedures to Expand Restaurant, Retail, Café, Parklet, and Mobile Vending Uses of Outdoor Private Spaces and Public Rights-of-way ("Oakland Flex Streets Program") to Encourage Healthy Outdoor Use and Enjoyment of Business* of the municipal code and the *Mobile Merchandise Vending* and *Mobile Food Vending* programs which are a part of Oakland's Flex Streets Initiative, depending on whether the vendor is stationary (or roaming) and if the vendor is selling food items versus other material goods. Also, unlike other cities, some of

### Oakland Flex Streets Initiative

In March 2022 the Oakland City Council adopted a permanent Flex Streets Program, which includes a free permitting program for both mobile food and mobile retail vendors through July 2023.

- Since launching in June 2020, the streamlined Flex Street permit processes have helped Oakland businesses expand their operations outdoors.
- The Ordinance expands the streamlined mobile food vending permit process to non-food mobile retailers to better align with 2018's SB946 with safeguards to ensure ADA access and buffers between brick-and-mortar retailers. Restraint of trade issues? How is this stated in the adopted program?
- Vending in City parks remains subject to Parks and Recreation Advisory Commission (PRAC) approval

the regulations and programs in Oakland extend beyond the operations of sidewalk vendors, such as door-to-door salespeople and food trucks, both of which are not relevant to the needs of sidewalk vendors.

### 3.3.1 Zoning, permitted locations, land use controls, and distancing

Roaming vendors in Oakland are permitted to sell non-consumable goods (mobile merchandise vendors) and food and beverage products (mobile food vendors) on any city sidewalk as long as they comply with sidewalk clearances, buffer distances and special permissions. Stationary Vendors can vend on parking lanes, sidewalks, private property or city owned property in commercial or industrial zones as long as they comply with sidewalk clearances, buffer distances, parking requirements, and special permissions.\* Stationary Vendors may vend in commercial and industrial zones with buffer, safety and health requirements. Vending for more than 60 minutes in a fixed location requires a restroom signature. All Vendors must comply with all parking laws e.g., paying meter parking, not parking in front of bus stops, or red, yellow, green zones. Both Roaming and Stationary Vendors are considered Mobile Vendors in Oakland.

Vending on private property is not permitted in residential zones and must take place in a commercial or industrial zone. Vending facilities must maintain at least 6-foot clear path of travel along the sidewalk. Additional clearance requirements, such as distances from bus stops, fire hydrants, curb ramps, building entrances and others are also required. Vending within 300 feet of any school is only allowed if a waiver is granted by the school's Supervising Entity to sell healthy food and non-food merchandise. Some provisions that impact sidewalk vending were updated in response to the health risks of the COVID-19 Pandemic, notably those from the Flex Streets Initiative/Program, detailed in Chapter 8.62 of the Oakland Municipal Code. Importantly, some requirements, including buffering requirements may not otherwise be legally enforceable as they create a restraint of trade, however the City seemingly justifies distancing requirements as public health and welfare procedures. They write that "the Flex Streets Program also eliminates previous caps on mobile vending permits to provide the public with affordable and safe outdoor dining options and to also provide an alternative source of safe outdoor vending for those Oakland citizens who may have lost their jobs in the restaurant industry."

#### ***Mobile Merchandise Vending outside of a special event or group site is not allowed within:***

- 300 Feet of any other permitted mobile vendor
- 100 Feet from other permitted roaming vendors
- 300 Feet from a merchandise brick and mortar store
- 300 Feet of Schools
- 300 Feet of a Farmer's Market, Flea Market, or other Special Events (like "First Friday" or "Off the Grid")

#### ***Mobile Food Vending outside of a special event or group site is not allowed within:***

- 300 Feet of any other permitted mobile food vendor
- 100 Feet from another permitted sidewalk Vendor
- 300 Feet of a Restaurant or Café
- 300 Feet of Schools (unless the food vending facility sells healthy foods)
- 300 Feet of a Farmer's Market, Flea Market, or other Special Events (like "First Friday" or "Off the Grid")

### 3.3.2 Definitions

The following relevant definitions are established in Oakland Flex Streets Initiative Documents.

- *Late night vending* means food vending allowed past the regular permitted hour limit of 10 p.m., to a time as determined by the city, not to exceed 3 a.m.
- *Sidewalk Vendor* means a person who sells food or beverages on a public sidewalk or other pedestrian path from a pushcart, stationary cart other non-motorized equipment allowed by the Alameda County Environmental Health Department.
- *Roaming Sidewalk Vendor* means a sidewalk vendor who moves from place to place and stops only to complete a transaction.
- *Stationary Sidewalk Vendor* means a sidewalk vendor who vends from a fixed location.

### 3.3.3 Time and Date Restrictions

Like many other jurisdictions, Mobile Food Vending Permits are valid for 1 year, and must be renewed annually. Seasonal permits that last for 90 days are also available. The regular permitted hours of operation are 7 am to 10 pm daily; however, night vending may be allowed if adjacent businesses are open late.

### 3.3.4 Vending in Public Parks, Plazas, Beach and Tourist Areas

Sidewalk Vending may be allowed in Oakland parks with permission from the Central Reservation Office of Oakland Parks and Recreation, and the following factors will be used to evaluate the time, place and manner of vending:

- Objective health, safety or welfare concerns
- Public use and enjoyment of natural resources and recreational opportunities
- Prevention of undue concentration of commercial activity that unreasonably interferes with scenic and natural character of the park.

### 3.3.5 Health and Sanitation Requirements

Health and sanitation requirements are not thoroughly detailed in the Oakland Code. Vending policies require that stationary vendors comply with buffer, safety, and health requirements; and should they vend for more than 60 minutes, they must obtain a restroom signature for a restroom facility within 200 feet of the vending location. Individual food vending facilities and group sites shall maintain site circulation and access consistent with the Americans with Disabilities Act (ADA). Additionally, All Sidewalk Vending Permit holders will manage their food vending facility according to the following *good neighbor policies*:

- Vendor will maintain a quiet, safe and clean selling location.
- Vendor will provide adequate storage and disposal of garbage and trash.
- Noise and odors will not become a nuisance or burden on neighbors. This includes noise from food truck generators,<sup>1</sup> motors and fans, and from customer's automobiles and radios, particularly at night.
- Vendors or their employees will walk a one hundred (100) foot radius from the food vending

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<sup>1</sup>Unclear if "food truck generators" only applies to motorized vehicles or generators used by sidewalk vendors

site after close of business, and dispose of beverage and serving materials or other trash left by their customers.

### 3.3.6 Permitting Requirements

**Before applying for Mobile Food Vending Permit one must get:**

- Alameda County Health permit
- Proof of insurance
- Fire clearance
- Business License
  - One can obtain a license *after* receiving a Mobile Food Vending Permit.

**Before applying for a Mobile Merchandise Vending Permit one must get:**

- Proof of insurance
  - General Liability Insurance is required; Worker's Compensation Insurance may also be required.
- Business License
  - One can obtain a license *after* receiving a Mobile Merchandise Vending Permit.

## 3.4 San José, CA

Sidewalk vending is only recently legal in San José. Outdoor vending is regulated both by the City of San José and Santa Clara County Health Department. In San José, regulations are outlined in Chapter 6.54 *Peddler Permit Ordinance* and Chapter 20.8, part 10 *Outdoor Vending Facilities*. Chapter 6.54 establishes regulations for the following categories:

- Pedestrian peddlers
- Motor vehicle-based peddlers
- Mobile unit peddlers
- Approved location peddlers
- Annual or special events peddlers
- Flower peddlers

Chapter 20.8 part 10 establishes regulations for stationary vending facilities established on private properties, typically in parking lots or on private pedestrian walkways. The regulations apply to vending facilities which remains or operates on any single parcel or lot for more than a total of two hours in any twenty-four-hour period. Chapter 20.8 part 10 also outlines size guidelines, creating the following restrictions on the dimensions of the vending facility:

- The maximum height of any portion of a vending facility, including any folding or collapsible appendage, shall not exceed ten (10) feet.
- The maximum width of a vending facility or cart, including any folding or collapsible appendage, shall not exceed ten (10) feet.
- The maximum length of a vending facility or cart, including any folding or collapsible appendage, shall not exceed twenty-four (24) feet.

### 3.4.1 Zoning, permitted locations, land use controls, and distancing



Peddlers in San José are subject to the following regulations.

**No Peddlers shall peddle in the following locations:**

- Within 500 feet of a permitted certified farmers' market, a swap meet, or an area designated for a temporary special event permit issued pursuant to Chapter 13.14 of this Code. This prohibition shall be limited to the operating hours of the farmers' market or swap meet, or the limited duration of the temporary special event permit;
- Within 500 feet of a public or private school site during school hours, and not within one hour before or one hour after school drop off and pick up operations;
- Within 500 feet of: 1) the San José Arena, currently known as SAP Center at San José, on event days; 2) the stadium currently known as Avaya Stadium on event days; 3) San José Municipal Stadium, currently known as Excite Ballpark Home of the San José Giants, on event days; 4) San José McEnery Convention Center on event days; and 5) any other venue as determined by the City Manager and published in the regulations promulgated pursuant to Section 6.54.265;
- In any City-owned parking lot; or
- On private property without the consent of the property owner.

No Peddler shall conduct activities in a manner that blocks or obstructs the free movement of pedestrians or vehicles. Peddlers must at all times provide a clearance of not less than three (3) feet on all sidewalks or pedestrian areas so as to enable persons to freely pass while walking, running, or using mobility assistance devices. Furthermore, Mobile Units shall not be chained, fastened, or affixed at any time to any building or structure, including, but not limited to lampposts, parking meters, traffic signals, fire hydrants, benches, bus shelters, trash cans, street signs, trees, bollards, or other objects within the public right-of-way. No Mobile Unit shall become a permanent fixture on any site or be considered an improvement to real property. Peddlers shall not utilize any structure in the right-of-way as an extension of the mobile unit.

**Stationary Vending Facilities:**

For stationary vendors, San José establishes more detailed guidelines. The following standards shall be applied by the director, or by the planning commission on appeal, in granting an administrative permit for a vending facility. The director or planning commission may impose stricter standards as an exercise of discretion, upon a finding that stricter standards are reasonably necessary in order to implement the general intent of this part and the purposes of this title.

- No vending facility shall be placed on or operate within the boundaries of a hypothetical triangular area described by the point of intersection of the curb-line extensions of perpendicular or nearly perpendicular streets, and a line joining two points thirty (30) feet from that point of intersection, measured along those curb-lines.
- No vending facility shall be placed or operate at a location less than fifteen (15) feet from any street right-of-way.
- No vending facility shall be placed or operate less than one hundred (100) feet from a freeway on or off ramp.
- No vending facility shall be placed or operate less than twenty (20) feet from a driveway curb cut.
- No vending facility shall be placed or operate within five hundred (500) feet of another vending facility operating on private property.
- No vending facility shall be placed or operate within one-hundred fifty (150) feet of a residence.
- No vending facility shall be placed or operate on a parcel or lot unless the surface is paved with asphalt, macadam, or concrete.

- No vending facility shall be placed within or operate from a structure or stand which is attached to or bears directly upon or is supported by the surface of the site. Vending facilities shall operate exclusively from vehicles or carts or other conveyances which are fully mobile and have operational wheels in place at all times. Vending facilities shall not connect to temporary or permanent on-site water, gas, electricity, telephone or cable sources.
- Vending facilities shall be located not less than fifteen (15) feet from a parcel or lot line or a public right-of-way.
- Vending facilities shall not be located in or obstruct parking spaces required by this title for the operation of any other concurrent use.
- Vending facilities shall provide a minimum of three (3) parking spaces, located on the host site and within two hundred (200) feet of the vending facility's approved location.

### 3.4.2 Definitions

The following relevant definitions are established in Chapter 6.54 of the San José Zoning Code.

- *Approved location* means a site designated by the chief of police as an approved site from which a peddler, operating from a mobile unit, may sell his or her products.
- *Certified Farmers' Market* means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the California Food and Agricultural Code and any regulations adopted pursuant to the chapter.
- *Director* means the city manager, or such other person designated by the city manager to administer this Chapter.
- *Downtown street vendors program area* means that area bounded by the following streets and portions of streets: to the north, San Fernando Street from Highway 87 to Almaden Avenue, then Julian Street from Terraine Street to 4th Street, then St. John Street, from 4th Street to 7th Street; to the south, Interstate 280, from Highway 87 to 4th Street, then San Fernando Avenue from 4th Street to 7th Street; to the west, Highway 87 from San Fernando Avenue to Interstate 280, then Almaden Avenue, from Julian to San Fernando Avenue; and, to the east, 4th Street, from Julian to St. John Street, then 7th Street, from St. John Street to San Fernando Avenue, then 4th Street, from San Fernando to Interstate 280, except City Hall Plaza which is subject to the provisions of Chapter 13.23 of this Code and shall not be considered as part of the downtown street vendors program area.
- *Licensee* means the holder of a peddler employee license.
- *Mobile unit* means any vehicle, truck, trailer, cart, wagon, bicycle, dray, conveyance or structure on wheels, not firmly fixed to a permanent foundation, which is not required to have a license to operate issued by the California Department of Motor Vehicles.
- *Motor vehicle* means any automobile, truck, trailer or other conveyance requiring a license issued by the California Department of Motor Vehicles.
- *Park* shall have the definition given in Section 13.44.014 of Title 13 of this Code.
- *Peddler* means any person who participates in peddling.
- *Peddling* means:
  - a. Traveling by foot, motor vehicle, mobile unit or any other type of vehicle, from place to place, and selling or vending any goods, wares, merchandise, food, products, or any other thing or representation of value on any street, sidewalk, right-of-way, park or other public place; or

- b. Selling or vending any goods, wares, merchandise, food, products or any other thing or representation of value from a fixed location approved by the city on any street, sidewalk, right-of-way, park or other public place.
- *Peddler business* means any of the following:
  - a. A business engaged in peddling; or
  - b. A business engaged in supplying, providing, selling goods, wares, merchandise, food, products, or any other thing or representation of value on consignment to be peddled by another person; or
  - c. A business engaged in supplying, providing, or renting mobile units or motor vehicles for use by another person in peddling.
- *Peddler employee* means any of those persons defined in Section 6.01.040 of this Code.
- *Permittee* means the holder of a peddler business permit.
- *San José State University campus area* means that area bounded by Fourth Street, San Fernando Avenue, Tenth Street and San Salvador Avenue.
- *Swap meet* means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the California Business and Professions Code, and any regulations adopted pursuant to the article.

### 3.4.3 Time and Date Restrictions

Peddler permit and licenses expire two years after the date of its issuance. Peddling shall only be permitted between the hours of 8:00 a.m. and 10:00 p.m., daily, except as follows:

- In residential areas, Peddling shall only be permitted between the hours of 9:00 a.m. and 5:00 p.m., Pacific Standard Time, and between the hours of 9:00 a.m. and 7:00 p.m., Pacific Daylight Savings Time.
- In nonresidential areas, the limit on hours of operation shall not be more restrictive than the hours of operation of other businesses or uses on the same street.
- In Park areas, Peddling shall be permitted only during hours the Park is open to the public.

Exceptions apply to the sale of foodstuffs to employees of industrial establishments at or adjacent to such establishments, or to workers or employees at any construction job site, if the foodstuffs sold to such persons are sold for immediate consumption at such places.

- No peddler shall use, play or cause to be used or played any amplifier, loudspeaker, or any other instrument or device used for the production of sound between the hours of 7:00 p.m. or one-half hour after sunset, whichever comes first, and 10:00 a.m. of the following day.

#### Exemption for annual or special events

Peddlers shall be exempt from the provisions of this chapter when participating in an event under the following circumstances:

- While such peddlers are participating in an event subject to a special event permit issued pursuant to Chapter 13.14 of the City of San José Code, including, but not limited to, a parade, street closure, paseo/plaza use permit, or Park special use permit.
- While such peddlers are participating in an event declared to be a downtown special event pursuant to Chapter 6.55 of the code.

The sponsoring organization is authorized to choose participating peddlers, issue space permits to such peddlers, and charge a reasonable fee for such business participation.

The exemption shall be for the duration of the event only.

#### Stationary Vendors

The hours of operation of a vending facility shall be limited to the hours of operation of the fixed-base businesses on the fixed-base host site, however no vending facility shall operate during the hours from 10:00 p.m. through 6:00 a.m. During hours in which the fixed-base host site businesses are closed, the vending facility shall be removed from the parcel or lot on which it operates, or shall be stored indoors

#### **3.4.4 Vending in Public Parks, Plazas, Beach and Tourist Areas**

Approved Location Permits shall not be issued for locations that are within any Park where the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire

#### **3.4.5 Health and Sanitation Requirements**

##### **Mobile/Roaming Vendors**

Peddlers shall comply with all applicable state and local laws, including without limitation state food preparation, handling, and labeling requirements; fire codes and regulations; and the Americans with Disabilities Act of 1990 and other disability access standards (both state and federal). Peddlers shall provide a trash receptacle for customers and ensure proper disposal of customer trash. Prior to leaving any vending location, the sidewalk vendor shall pick up, remove, and dispose of all trash generated by the Peddling operations or the Peddler's customers within a fifteen (15) foot radius of the Peddling location. Peddlers of food or food products shall possess and display in plain view a valid permit from the Santa Clara County Department of Environmental Health.

##### **Stationary Vendors**

Persons operating vending facilities shall have unrestrained right of access to toilet and handwashing facilities located on site within reasonable distance of the vending facility's approved location. Each vendor shall have secured with the property owner of the site on which the vendor plans to operate, and prior to the commencement of any operation of the vendor, provision for all of the following services in a manner that comports with state and local laws and regulations, as the same may be amended from time to time:

- Refuse disposal and sufficient trash and recycling receptacles within the area of the vending;
- Litter removal within three hundred feet of the boundaries of the vending facility; and
- Access to adequate sanitary facilities, including restrooms and/or portable sinks and toilets.

#### **3.4.6 Permitting Requirements**

In San José the process to becoming a fully compliant vendor depends on several factors, including the type of vendor (mobile or stationary) and what goods one is vending. Mobile or roaming sidewalk vendors that are in motion (Food Trucks, Pushcarts, etc.) must obtain a permit from the San José Police Department, which includes a background check. For stationary sidewalk vendors that operate in a fixed location (Food Trucks, Pushcarts, etc.), San José Police Department also must issue a permit and approve the location of operation via an approved location permit from the chief of police. Additionally, San José requires that all sidewalk vendors display identification at all times. For peddlers, each person who is engaged in peddling shall, at all times while so engaged, wear in plain sight, on his or her person an identification (ID) card, provided by the chief of police and containing such information, including a suitable photograph, as the chief of police may require. For stationary vendors, each vending facility shall display in a manner legible and visible to its clientele the name and phone number of the vendor operating the vending facility; the administrative permit number and date of issuance issued to the vending facility; and the number of the city business license issued to the vending facility.

##### **Mobile/Roaming Vendors: Peddler Business Permit**

A peddler business that operates within the city must operate in and maintain strict compliance with a valid peddler's business permit issued by the chief of police, the regulations issued by the city manager, and in accordance with any other requirements of the State of California or County of Santa Clara. The following items are required for all Peddler Permit Applicants:

- A completed Business or Individual Peddler Application
- Government issued Identification
- After a review of the above listed information, you will be required to have your fingerprints scanned at the Sheriff's Office. The San José Police Permits Unit will provide available locations after submission of application.
- A copy of your Business License Tax Certificate issued by the Finance Department

### **Peddler Employee License**

- A. It shall be unlawful for a person, other than the permittee, to peddle without having first obtained a peddler employee license issued by the chief of police.
- B. It shall be unlawful for any permittee or any operator, manager, owner or employee of a peddler business to allow or tolerate any person who does not have a peddler employee license from working for or under the direction of, or on behalf of, or as an agent of the peddler business.
- C. For purposes of peddling, a natural person holding a valid peddler business permit is deemed to also have a peddler employee license.

### **Insurance for Peddlers**

renewal thereof, shall obtain and maintain in full force and effect a commercial general liability insurance policy or other such policy as the office of the risk manager shall require:

1. With minimum policy limits to be set by the risk manager;
2. Issued by an admitted insurer or insurers as defined by the California Insurance Code; and
3. Providing that no cancellation, change in coverage, or expiration by the insurance company or the insured shall occur during the term of the peddler business permit, without thirty days written notice to the risk manager prior to the effective date of such cancellation or reduction in coverage;
4. The City of San José shall be an additional named insured under the policy.
5. Adequate proof of insurance shall be provided to the risk manager prior to the permittee and his or her agents and employees engaging in peddling.

### **Stationary Vendor: Approved Location Permit**

Stationary Vendors that seek to remain at a fixed location, the San José Police Department also must issue a permit and approve the location of operation via an approved location permit from the chief of police

### **Stationary Vendor: Administrative Permit**

With the exception of those selling fresh, whole, uncut fruits and vegetables, if one intends to vend on private property for more than 2 hours, they will need an Administrative Permit issued by the San José Planning Department. The director shall deny the application where the information submitted by the applicant and/or presented at the public hearing fails to satisfactorily substantiate the following findings:

1. The vending facility, as designed and at the location requested, will not create a potentially adverse impact on pedestrian or vehicular safety or interfere with or in any way impede on-site traffic circulation; and

2. The proposed vending facility, and at the location requested, will be compatible with the design of buildings or structures on site or in the vicinity. Compatibility is based on factors such as harmony with the architecture, color, style and design of structures on the host site and the surrounding neighborhood; and
3. The location of a proposed vending facility is not in such close proximity to another such facility or facilities as to create or contribute to a blighted condition of the area which can result from compaction of such facilities; and
4. The proposed vending facility will not impair the landscaping required for any concurrent use by this title or any permit issued pursuant thereto; and
5. The proposed vending facility will not obstruct any parking space required by this title or any permit issued pursuant thereto for any concurrent use.

### **Santa Clara County Department of Environmental Health**

Mobile food facilities (MFFs) are trucks, trailers, vans, carts, or any portable units used to prepare, sell, or transport food. All MFFs conducting business in Santa Clara County must have a valid permit from the Santa Clara County Department of Environmental Health (DEH). DEH conducts inspections of all MFFs that operate within the County to ensure the food is safe for the public. You do not need a County Environmental Health permit as long as the fruit is whole and uncut. Ice Cream Vendors are subject to different regulations. Peddlers of food or food products shall possess and display in plain view a valid permit from the Santa Clara County Department of Environmental Health.

## **4. Conclusion**

The case study jurisdictions analyzed above illustrate the variety of approaches local governments can pursue when updating sidewalk vending regulation in response to unique local circumstances. However, taken together several common standards emerge:

- Permit processes vary, but the existence of a permit appeals to communities as a means of regulating sidewalk vending
- Sidewalk vending is often not permitted, or faces more restrictions, in residential zones
- Most communities have limitations on the hours a vendor may vend
- Other cities have used risks of congestion—or other related externalities—as means for restricting sidewalk vending for public health, safety, and welfare reasons.
  - This is especially true in park areas in which cities have additional power to ensure that recreation opportunities are not unreasonably affected by commercial vending and that the scenic and natural characteristics of the park are maintained by preventing an undue concentration of commercial activity.

It is important that the City of Long Beach not assume that other sidewalk vending regulations throughout the state are inherently compliant with state law, even if they were implemented after the passing of SB 946. Some provisions, such as those that create a restraint of trade or provide subjective justifications may be illegal. The City should be aware that:

- All regulations need to meet a standard of public health, safety and welfare per SB 946.
- California case law likely protects sidewalk vendors from restraint of trade regulations
  - As seen in *People v. Ala Carte Catering Co.* (1979), which found that prohibiting a catering truck from operating within 100 feet of a stationary or fixed restaurant is illegal.

## 5. Attachments

The documents summarized in Table 5.1, below, are taken from the Case Study Research Memo jurisdictions of San Diego, CA; Anaheim, CA; Oakland, CA; and San José, CA (in that order). They include applications, guides, and more from the jurisdictions' municipal governments and, in some cases, their county. For more information, see the Appendix.

Table 5.1 – Case Study Jurisdictions Applications, Guides, etc.						
Jurisdiction	Document	Department/ Agency	Document Type	Year Updated	File Name	Notes
<b>San Diego, CA</b>						
<i>City of San Diego</i>	Sidewalk Vending Permit Application	Office of the City Treasurer	Application	2022	sidewalk-vending-permit-application.pdf	
	Sidewalk Vending Regulations	Office of the City Treasurer	Informational	2022	guide-to-sidewalk-vending.pdf	
	Sidewalk Vendor Checklist	Office of the City Treasurer	Informational	2022	sidewalk-vendor-checklist-english.pdf	
	Sidewalk Vending Regulations in Parks and Beaches	Parks & Recreation Department	Informational	2022	prbr20220721a-item202.pdf	
	Repeal of Pushcarts in the Public Right-of-Way and Business Regulations for Sidewalk Vending	Councilmember Jennifer Campbell (District 2)	Staff Report	2022	staff-report-svo-220222.pdf	Has supportive findings for provisions of Sidewalk Vending Ordinance
<b>Anaheim, CA</b>						
<i>City of Anaheim</i>	Application for Sidewalk Vendor Permit	Planning and Building	Application	2019	Application-for-Sidewalk-Vendor-Permit.pdf	
<b>Oakland, CA</b>						
<i>City of Oakland</i>	Mobile Vending Application	Special Activity Permits	Application	2022	MV_Individual_Vendor_Permit_Application_English.pdf	
	Mobile Food Vending Information	Special Activity Permits	Informational	2022	Mobile_Food_Vending_Handout_Packet_English.pdf	
	Mobile Merchandise Vending Information	Special Activity Permits	Informational	2022	Mobile_Merchandise_Vending_Handout_Packet_English.pdf	

**Table 5.1 – Case Study Jurisdictions Applications, Guides, etc.**

Jurisdiction	Document	Department/ Agency	Document Type	Year Updated	File Name	Notes
	Mobile Food Sidewalk Vendors Insurance Requirements	Special Activity Permits	Informational	2019	Mobile-Vending-Sample-of-Insurance_2022-05-10-233505_jrch.pdf	
	Sidewalk Food Vending Permitted Area for Stationary Vendors Map	Planning & Building Department	Informational	2019	ADMINISTRATIVE-GUIDELINES_SidewalkVendors_Transition-to-CAO-w-Map_2019.10.10.pdf	Only applies to stationary food vendors
<b>San José, CA</b>						
<i>City of San José</i>	Outdoor Vending Facility Permit Application	Planning, Building and Code Enforcement	Application	2022	Administrative Permit Out	
	Peddler Permit Application	San José Police Department	Application	Unknown	Peddler Application Peddl	
	Regulations for Approved Locations Peddlers Operation in the City of San José	City Manager	Informational	2013	Peddler regulations 2013_2	
<i>County of Santa Clara</i>	Mobile Food Facility (MFF) Application Information Sheet	Environmental Health; Consumer Protection Division	Application	2018	MFF_Application_Packet	



## 6. Appendices

- San Diego, California
  - City of San Diego
    - Appendix A: Sidewalk Vending Permit Application
    - Appendix B: Sidewalk Vending Regulations
    - Appendix C: Sidewalk Vendor Checklist
    - Appendix D: Sidewalk Vending Regulations in Parks and Beaches
    - Appendix E: February 9th, 2022 Staff Report.
      - Subject: Repeal of Pushcarts in the Public Right-of-Way and Business Regulations for Sidewalk Vending
- Anaheim, California
  - City of Anaheim
    - Appendix F: Application for Sidewalk Vendor Permit
- Oakland, California
  - City of Oakland
    - Appendix G: Mobile Vending Application
    - Appendix H: Mobile Food Vending Information
    - Appendix I: Mobile Merchandise Vending Information
    - Appendix J: Mobile Food Sidewalk Vendors Insurance Requirements
    - Appendix K: Sidewalk Food Vending Permitted Area for Stationary Vendors Map
- San José
  - City of San José
    - Appendix L: Outdoor Vending Facility Permit Application
    - Appendix M: Peddler Permit Application
    - Appendix N: Regulations for Approved Location Peddlers
  - County of Santa Clarita
    - Appendix O: Mobile Food Facility (MFF) Application Information Sheet

# Appendix A

## City of San Diego Sidewalk Vending Permit Application

For Office Use Only
Business Tax Certificate#:
Date of Permit Issuance:
Amount Paid:
Processed By:

### Sidewalk Vending Permit Application

Business Tax Program  
 1200 Third Ave, Suite 100  
 San Diego, CA 92101  
 619-615-1500

Sidewalk vendors must obtain a vending permit prior to conducting any vending business activities. The permit is valid for one year from the date of issuance, and cannot be sold, assigned or transferred.

#### PART 1: APPLICANT INFORMATION

<b>Applicant Name:</b>	<b>Applicant Address:</b>	<b>Applicant Phone No.:</b>
<b>CA Seller's Permit No:</b>	<b>Type of government-issued photo identification provided:</b> <input type="checkbox"/> Driver's License <input type="checkbox"/> State Identification Card <input type="checkbox"/> Passport <input type="checkbox"/> Other: _____	
<b>If Applicant is an agent/employee of a company, partnership, or corporation, name of business and principal address:</b> <input type="checkbox"/> Not applicable; Applicant is not an agent/employee of a company, partnership or corporation Name of business and principal address:		
<b>Sidewalk Vendor Type:</b> Roaming Vendor <input type="checkbox"/>  Stationary Vendor <input type="checkbox"/>  Roaming and Stationary Vendor <input type="checkbox"/>	<b>Description of items that will be sold:</b>  <b>Are you selling food? (This includes pre-packed items, bottled water, and candy):</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Health Permit Number (Required if selling food):</b>	

#### PART 2: RELEASE AND INDEMNIFICATION

As a condition of permit issuance, the permittee agrees to waive and release the City and its officers, agents, employees and volunteers from and against any and all claims, costs, liabilities, expenses or judgments, including attorney's fees and court costs arising out of any vending activities or any illness or injury resulting therefrom and shall agree to indemnify and hold harmless the City, its officers, agents, employees, contractors, and volunteers from and against any and all such claims, whether caused by negligence or otherwise, except for illness and injury resulting directly from gross negligence or willful misconduct on the part of the City, its officers, agents, employees, contractors and volunteer. The permittee further must acknowledge that the use of any sidewalk is at the sidewalk vendor's own risk; the City does not take any steps to ensure any sidewalk is safe or conducive to the vending activities.

#### PART 3: DECLARATION

I, \_\_\_\_\_  
 (Print Full Name)

BY SUBMITTING THIS APPLICATION, YOU ACCEPT THE CONDITIONS AND DECLARE UNDER PENALTY OF PERJURY THE FOREGOING IS TRUE AND CORRECT.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

## **Appendix B**

### **City of San Diego Sidewalk Vending Regulations**

# SIDEWALK VENDING REGULATIONS

At-a-Glance Summary for Sidewalk Vendors



The City of  
**SAN DIEGO**

For more information, go to [sandiego.gov/sidewalk-vending](https://sandiego.gov/sidewalk-vending)

To Review the full ordinance, Visit the San Diego Municipal Code  
Chapter 3 Article 6 Division 1



*The information provided in this booklet summarizes the rules and regulations to assist those wishing to conduct sidewalk vending business activities in the City of San Diego. Please note that the following pages do not contain all requirements under the ordinance. This booklet is intended to serve as a guide only. Sidewalk vendors should review San Diego Municipal Code, Chapter 3, Article 6, Division 1, to familiarize themselves with all the requirements. The San Diego Municipal Code is available on the City's website at <https://www.sandiego.gov/city-clerk/officialdocs/municipal-code> or through the Office of the City Clerk located at 202 C Street, San Diego, CA, 92101.*

## PERMITTING REQUIREMENTS

### **Sidewalk Vending Permit<sup>1</sup>**

Sidewalk vendors selling goods must obtain a Sidewalk Vending Permit before conducting vending business activities in the City of San Diego. The permits are issued by the Office of the City Treasurer and are valid for one year from the date of issuance and must be renewed annually.

### **City of San Diego Business Tax Certificate**

All businesses operating in the City of San Diego, including sidewalk vendors, must obtain a Business Tax Certificate. Business Taxes are due annually and will be renewed along with the Sidewalk Vending Permit.

### **California Seller's Permit**

If applicable, sidewalk vendors must possess a valid California Department of Tax and Fee Administration seller's permit that designates "City of San Diego" as a location or sublocation. A seller's permit allows sales tax collection from customers and reports those amounts to the state. There is no cost to obtain a seller's permit.

## **FOOD PRODUCT VENDORS**

In addition to the requirements listed above, vendors selling food products **must also have:**

#### **1. San Diego County Public Health Permit**

All sidewalk vendors who sell food items are required to obtain and display a San Diego County Public Health Permit at all times.

#### **2. San Diego County Food Handler Card**

All food handlers are required to acquire a San Diego County Food Handler Card.

## **PERMIT DENIAL AND REVOCATION**

An application for a new Sidewalk Vending Permit or renewal of a permit can be denied or revoked for any of the following reasons:

- The applicant has had a prior Sidewalk Vending Permit revoked within the past 36 months.

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<sup>1</sup> Vending permits will only be issued to individuals. A separate permit is required for each individual who intends to vend even if the individual is employed or engaged by another individual or business or will use vending equipment which another individual or business owns.

- Providing false or misleading statements, information or facts on the Sidewalk Vending Permit application.
- Failure to notify the City of San Diego within five business days after the issuance of the Sidewalk Vending Permit of any material changes to the facts provided on the Sidewalk Vending Permit application.
- Repeated failure to comply with the regulations of San Diego Municipal Code, Chapter 3, Article 6, Division 1.
- Violations of other local, state, or federal laws while operating as a sidewalk vendor.
- Completion of all disposition associated with previous ordinance violations, including payment of administrative fines and community service as applicable.

## **APPEALS**

Applicants can appeal the denial or revocation of a Sidewalk Vending Permit by filing a written notice within 10 calendar days after receipt of the notice of denial or revocation. The City of San Diego will render the final decision within 90 calendar days.

## **OPERATING RULES**

In general, sidewalk vendors must adhere to the following guidelines:

- Display Sidewalk Vending Permit and photo identification issued by the City of San Diego while conducting vending business activities.
- Vending activities shall take place on a sidewalk and during approved times as follows:
  - 7 a.m. to sunset on residential blocks.
  - 6 a.m. to 10 p.m., or the hours imposed on other businesses on the same street block, whichever is less restrictive on non-residential blocks.
  - 8 a.m. to sunset at public parks, plazas and beach areas with no designated closing time.
- A Sidewalk Vending Permit does not provide an exclusive right to operate on any sidewalk or portion thereof.
- Sidewalk vendors must ensure that the 10-foot area immediately surrounding the vending space is kept clean and free of trash and debris associated with their vending operation.
- A trash receptacle must be provided for customers and must be large enough to accommodate customer trash.
- Sidewalk vendors engaged in vending food or beverages must provide hand sanitizer in a conspicuous location for customers' use.
- All goods must be displayed 36 inches above the ground.
- Vending equipment and goods must be attended to at all times by the business owner or employee. Vendors must remove all equipment and goods at the end of each day.
- Connecting to an external source of power, water or other utilities while on public property is prohibited.
- Obstructions that would reduce the width of the sidewalk to less than forty-eight (48) inches are prohibited.

# PROHIBITED VENDING LOCATIONS

No roaming or stationary sidewalk vending of any kind shall take place in the following locations:

- The public right of way or any area that blocks pedestrians or vehicles.
- Any public property that does not meet the definition of a sidewalk, including but not limited to any alley, beach, street, street or roadway median, or street end.
- Parking lots.
- On any slope greater than 5% or where signage indicates that wheels must be cramped to the curb.
- At any location that obstructs traffic signals or regulatory signs.
- In the Ballpark District during an event or game or within three hours before or one hour after an event or game.
- On Sports Arena Boulevard between Hancock Street and East Drive during an event or game or within three hours before or one hour after an event or game at [Pechanga Arena](#).
- Within 18 inches from the edge of the curb.  
Within 5 feet in front of or 65 feet behind a bus stop, tram or non-rail trolley stop as measured linearly along the curb from the sign marking the bus stop, tram, or non-rail trolley stop.
- Within 10 feet of any driveway, marked crosswalk, fire escape or emergency exit.
- Within 15 feet of any other sidewalk vendor, intersection, driveway or building entrance, high-traffic sidewalk, loading zone, parking space, or access ramp designed for a person with disabilities, outdoor dining or patio area, public restroom, curb ramp, location with a valid encroachment permit displayed, high-traffic bike and shared-use path.
- Within 25 feet of any beach access point or pier.
- Within 50 feet of any railroad crossing or major transit stop.
- Within 100 feet of the vehicle entrance of any fire station, police department, hospital, lifeguard station or other structure dedicated to health and safety emergency matters, any major transit stop, City street or sidewalk closures.
- Within 150 feet of Harbor Drive, between Front Street and Park Boulevard, during a convention held at the San Diego Convention Center or within three hours before or one hour after a convention at the Convention Center.
- Within 500 feet of any permitted event, any school while children are going to or from the school during recess or within 30 minutes before or after the school's opening and closing hours, the open-air baseball facility located in East Village, currently known as Petco Park, the indoor arena located in Midway District currently known as Pechanga Arena within three hours before or one hour after an event or game.
- Within 50 feet of another stationary vendor in any City-designated promenade such as the 14<sup>th</sup> Street Promenade.
- Within 15 feet of any fire hydrant or fire lane.
- Vending is prohibited during the Summer moratorium (Saturday before Memorial Day and preceding Saturday and Sunday through Labor Day) in Balboa Park, Mission Bay Park, and Shoreline Parks (Newport Avenue between Abbott Street and Sunset Cliffs Boulevard in Ocean Beach, Ventura Place between Mission Boulevard and Ocean Front Walk in Mission Beach, Garnet Avenue between Ocean Front Walk and Cass Street in Pacific Beach, Coast Boulevard, between Cave Street and the 200 block of Coast Boulevard South, in La Jolla.)
- East Village District.



- On City property subject to a lease agreement so long as proper notice is provided of the prohibited location.
- Gaslamp Quarter District, which extends from the south side of Broadway to Harbor Drive and from the east side of Fourth Avenue to the west side of Sixth Avenue. Also included is the west side of Fourth Avenue (to the mid-block property line) between Market Street and Island Avenue.

## SIDEWALK VENDORS IN PUBLIC PARKS AND BEACHES

In addition to the operating rules listed above, vendors operating in public parks and beaches **must comply with the following:**

- Sidewalk vendors shall stop vending before the designated closing time of any public park, plaza, plaza, and beach area and by sunset where there is no designated closing time. All vending equipment and goods must be removed each day.
- Vending activities are prohibited in the following locations in Balboa Park: Within 25 feet of El Prado, Village Place, Pan American Road East, Pan American Road West, Pan American Plaza, Old Globe Way, Chapel Road, Spanish Village, Plaza de Panama, Plaza de California, Plaza de Balboa, War Memorial Building, the Carousel, Spreckels Organ Pavilion, Presidents Way, or any other covered walkway.
- Vending activities are prohibited within 25 feet of the following gardens: 1935 Old Cactus Garden, Alcazar Garden, Casa del Rey Moro Garden, Florida Canyon Native Plant Preserve, Inez Grant Parker Memorial, Rose Garden, Martson House Garden, Palm Canyon, Trees for Health Garden, Veterans Memorial Garden, Zoro Garden; Within 50 feet of the Botanical Building or Lily Pond.
- Vending activities are prohibited within Balboa Park between December 25 and January 1.
- Sidewalk vendors shall not vend within 50 feet of another sidewalk vendor.
- Sidewalk vendor shall not vend within 25 feet of any decorative park fountain, statue, monument, memorial, or art installation.
- During the Summer moratorium (Saturday before Memorial Day and preceding Saturday and Sunday through Labor Day), vending is prohibited at Balboa Park, Mission Bay Park and Shoreline Parks, which are those parks contiguous to the shoreline or beach in the communities of Ocean Beach, Mission Beach, Pacific Beach and La Jolla.
- Safety and welfare of persons engaged in active sports activities and spectators of active sports activities are prohibited.
- Stationary sidewalk vendors shall not be allowed within any public park area if the park operator has entered into an agreement for concessions that exclusively permits the sale of food or goods by a specific concessionaire, provided that notice by signage or other means is provided to the stationary sidewalk vendor.
- Sidewalk vendors shall not use amplified or non-amplified sound-making devices in conjunction with vending, such as speakers, microphones, public address systems, bells and chimes.



# VENDING EQUIPMENT AND GOODS

- Vendors are forbidden from using sound-making devices in conjunction with vending, including but not limited to loudspeakers, public address systems, bells, chimes or other noise-making devices.
- The erection of freestanding structures (signs, umbrellas, ice chests, etc.) adjacent to vending activities is prohibited.
- Vending equipment shall not be attached to or lean against any utility pole, street sign, bus stop, trash can, traffic pole or public structure.
- Roaming sidewalk vendors are prohibited from using portable cooking equipment, flammable-gas-fueled appliances or any open flame.
- All sidewalk vendors are prohibited from deep fat frying, using portable generators, using outdoor wood-burning ovens or charcoal barbecues and using gasoline or kerosene.
- Stationary sidewalk vendors may use portable cooking equipment according to the requirements outlined in the ordinance (36.0108).
- The sale of the following items by sidewalk vendors is prohibited by local, state and federal law: Alcoholic beverages, tobacco or electronic vaping products, smoking and drug-related paraphernalia, cannabis products, weapons, including knives, guns or explosive devices, airsoft guns and imitation firearms, pharmaceuticals or other products.

## VIOLATIONS

**Any violation of the Sidewalk Vendor ordinance by any person holding both a valid vending permit shall be punished by an administrative citation and penalties:**

1. A written administrative warning and referral to a community-based organization for small business technical assistance for a first violation.
2. \$200 penalty for a second violation within one year of the first violation.
3. \$500 penalty for a third and each subsequent violation within one year of the first violation.

**Any person found vending without a valid vending permit (if required) shall immediately cease vending, and the activity is punishable by the following in lieu of the administrative fines set forth above and penalties:**

1. A written administrative warning and referral to a community-based organization for small business technical assistance for a first violation.
2. \$500 for a second violation within one year of the violation.
3. \$1,000 for a third and each subsequent violation within one year of the first violation.

In addition to the above-referenced fines, the City may impound vending equipment and any goods, provided that the fourth or greater violation involves one or more of the following:

- Leaving vending equipment or goods unattended
- Vending prohibited goods in violation of San Diego Municipal Code section 36.0109
- Vending without a valid Sidewalk Vending Permit in violation of San Diego Municipal Code section 36.0110(b)

## Reporting a violation

- Contact City of San Diego Code Enforcement for areas outside of parks by calling 619-533-6487. For areas within parks, email [AskParks@sandiego.gov](mailto:AskParks@sandiego.gov).
- For any complaints regarding food safety concerns or health permits for food vendors, contact the County Department of Environmental Health and Quality, Food and Housing Division via email at [fhdcomplaints@sdcounty.ca.gov](mailto:fhdcomplaints@sdcounty.ca.gov) or by phone at 858-505-6903.

# Appendix C

## City of San Diego Sidewalk Vendor Checklist

## Sidewalk Vending Permit Checklist

A sidewalk vendor must obtain a Sidewalk Vending Permit and City of San Diego Business Tax Certificate prior to operating within the City. The Sidewalk Vending Permit shall always be displayed conspicuously at the location of the sidewalk vendor. Every vendor must display the City-issued sidewalk vending permit, Business Tax Certificate, and retail food permit on the street-side portion of their push-cart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance when operating on the public sidewalk. Failure to obtain a valid permit and Business Tax Certificate may result in a citation and/or removal from City-owned premises.

- Review San Diego Municipal Code, Chapter 03 Article 06 Division 01.
- File for a Fictitious Business Name with the County Clerk if you are using a business name other than your given name, the name(s) of your partner(s), or the registered name of your LLC or Corporation.
- If applicable, apply for and obtain a valid California Department of Tax and Fee Administration seller's permit that designates "City of San Diego" as a location or sublocation.
- If handling and selling food, obtain a Health Permit and Food Handler Card with the County of San Diego Department of Environmental Health and Quality.
- Apply for a City of San Diego Business Tax Certificate and Sidewalk Vending Permit with the Office of the City Treasurer, Business Tax Program. Copies of County issued Health Permit and Food Handler Card must be provided when applying for Business Tax Certificate and Sidewalk Vending Permit. Processing of the Business Tax and Sidewalk Vending Permit application is via appointment only and can be scheduled by email at [TRSPDPermits@sanidiego.gov](mailto:TRSPDPermits@sanidiego.gov) or call 619-615-1500.

### Contacts

County of San Diego County Clerk Multiple Locations	<a href="mailto:arccsdfbnhelp.fgg@sdcounty.ca.gov">arccsdfbnhelp.fgg@sdcounty.ca.gov</a> 619-237-0502 <a href="http://arcc.sdcounty.ca.gov/Pages/fbn-info.aspx">arcc.sdcounty.ca.gov/Pages/fbn-info.aspx</a>
County of San Diego Department of Environmental Health and Quality 5500 Overland Ave. #170 San Diego, CA 92123	858-505-6700 800-253-9933 <a href="http://sandiegocounty.gov/content/sdc/deh.html">sandiegocounty.gov/content/sdc/deh.html</a>
City of San Diego City Treasurer: Business Tax Program 1200 Third Avenue, Suite 100 San Diego CA 92101	<a href="mailto:Btax@sanidiego.gov">Btax@sanidiego.gov</a> 619-615-1500 <a href="http://sanidiego.gov/treasurer/taxesfees/btax">sanidiego.gov/treasurer/taxesfees/btax</a>
City of San Diego Economic Development Department 1200 Third Avenue, Suite 1400 San Diego, CA 92101	<a href="mailto:SDBusiness@sanidiego.gov">SDBusiness@sanidiego.gov</a> 619-236-6700 <a href="http://www.sanidiego.gov/economic-development">www.sanidiego.gov/economic-development</a>

## **Appendix D**

### **City of San Diego Sidewalk Vending Regulations in Parks and Beaches**

# Park & Recreation Board, and Regional Park Improvement Fund Oversight Committee

July 21, 2022

## Sidewalk Vending Regulations in Parks and Beaches

Michael Ruiz, Chief Park Ranger  
Parks & Recreation Department



# Senate Bill: SB 946

September 17, 2018 - SB 946 decriminalized sidewalk vending and established requirements for local regulation of sidewalk vendors

- **SB 946 primary objectives:**

- Reduce violations of sidewalk vending from criminal or misdemeanor citations to **administrative penalties** (SDMC 12.0901 Administrative Citations)
- Promote entrepreneurship and economic success for sidewalk vendors
- Allows cities to establish permit programs requiring basic information
- Restrictions must be directly related to public health, safety, or welfare concerns
- Prohibits regulations that are based on perceived community or economic competition
- Help promote small business owners





# Overview of the Ordinance

- Presents a comprehensive framework for the regulation of sidewalk vendors within the City of San Diego, which includes the **issuance of a permit**
- Sets parameters relating to **distance requirements** from various public assets and facilities
- Prohibits vending in various **high-traffic pedestrian areas**, and **regulates parkland, including beaches and plazas**
- Differentiates between **stationary** sidewalk vendors and **roaming** sidewalk vendors
- Nothing in the proposed ordinance or SB 946 prevents the City from taking action to enforce generally applicable **local, state, and federal laws**.



# Permit Requirements

All sidewalk street vendors must obtain a vending permit

- **Information to be submitted on a permit application:**
  - Name and contact information
  - Proof of government-issued photo identification
  - Name and business address of company, if applicable
  - Current valid business tax certificate – **no social security number necessary**
  - Proof of California Department of Tax and Fee Administration seller's permit
  - Acknowledgment of compliance of release and indemnification requirement
  - No insurance required
- **Permits are valid for one calendar year and must be renewed annually**
- **Food vendors must additionally submit on their permit application proof of:**
  - A valid San Diego County Environmental Health Permit
  - A valid San Diego County Food Handlers Card



# Goods, Services and Advertising

- **Goods are defined as items, personal property, merchandise, or any other similar item that is generally sold, including food and beverages**
- **Services** are activities involving the performance of work for others or the provision of intangible items that cannot be returned once they are provided
- Sidewalk vendors are prohibited from **leaving goods unattended at any time**
- Sidewalk vendors shall **not leave vending equipment on sidewalks or public right-of-way**
- Sidewalk vendors may only **advertise goods for immediate on-site sale** and are **prohibited from displaying goods on the ground**
- Prohibition of **rentals** and **selling** of services



# Equipment and Operations Requirements

- Equipment may not **exceed 8 feet in height**
- Vendors may have a chair for themselves but **not create customer seating areas**
- Equipment may **not be attached** to or make contact with any utility pole, street sign, trash can, traffic pole, or any other public structure
- Vendors may not **connect to an external source** of power, water, or any other utilities located on public property. **No Unsafe Equipment**
- Vendors may **not utilize sound-making** devices
- Vendors of food or beverages must have **hand sanitizer** located in a conspicuous location readily available for use by customers
- Stationary Vendors can only take up a space of **4 feet X 8 feet** & cannot reduce the width of the sidewalk to **less than 48 inches excluding the curb.**



# Items Prohibited to Sell

SB 946 provides parameters for the regulation of stationary and roaming vendors

- **Sidewalk vendors are prohibited from selling the following goods:**
  - Alcoholic beverages, tobacco and tobacco products, vaping products, smoking and drug related paraphernalia, **not including apparel**, cannabis and cannabis products, weapons, including knives, guns, or explosive devices, BB devices or imitation firearms, pharmaceuticals, live animals, materials harmful to minors as defined in section 58.07 of the Code, or other products prohibited by local, state, and federal laws.
  - The sale of weapons and imitation weapons poses a public safety issue because such items can cause injury to others or be confused for real weapons. Other items listed such as alcohol, tobacco, pharmaceuticals, and vaping products are already regulated or restricted in the way that they can be sold due to public health and safety concerns. There is a prohibition on the sale of live animals for both the safety of the public and animals.



# Operations in Parks and Beaches

## Restrictions to protect the scenic and natural character of our parks

- SB 946 allows the city to regulate sidewalk vending within parks as long as **it's "necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities"** or **"necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park."**
- **Vending shall be permitted between 8:00 am and sunset in public parks and beach areas**
- Vending is prohibited during the **Summer Moratorium** in **Balboa Park**, Mission Bay Park, **Presidio Park**, Belmont Park and the Shoreline Parks, which are those parks contiguous to the shoreline or beach in the communities of Ocean Beach, Mission Beach, Pacific Beach, and La Jolla

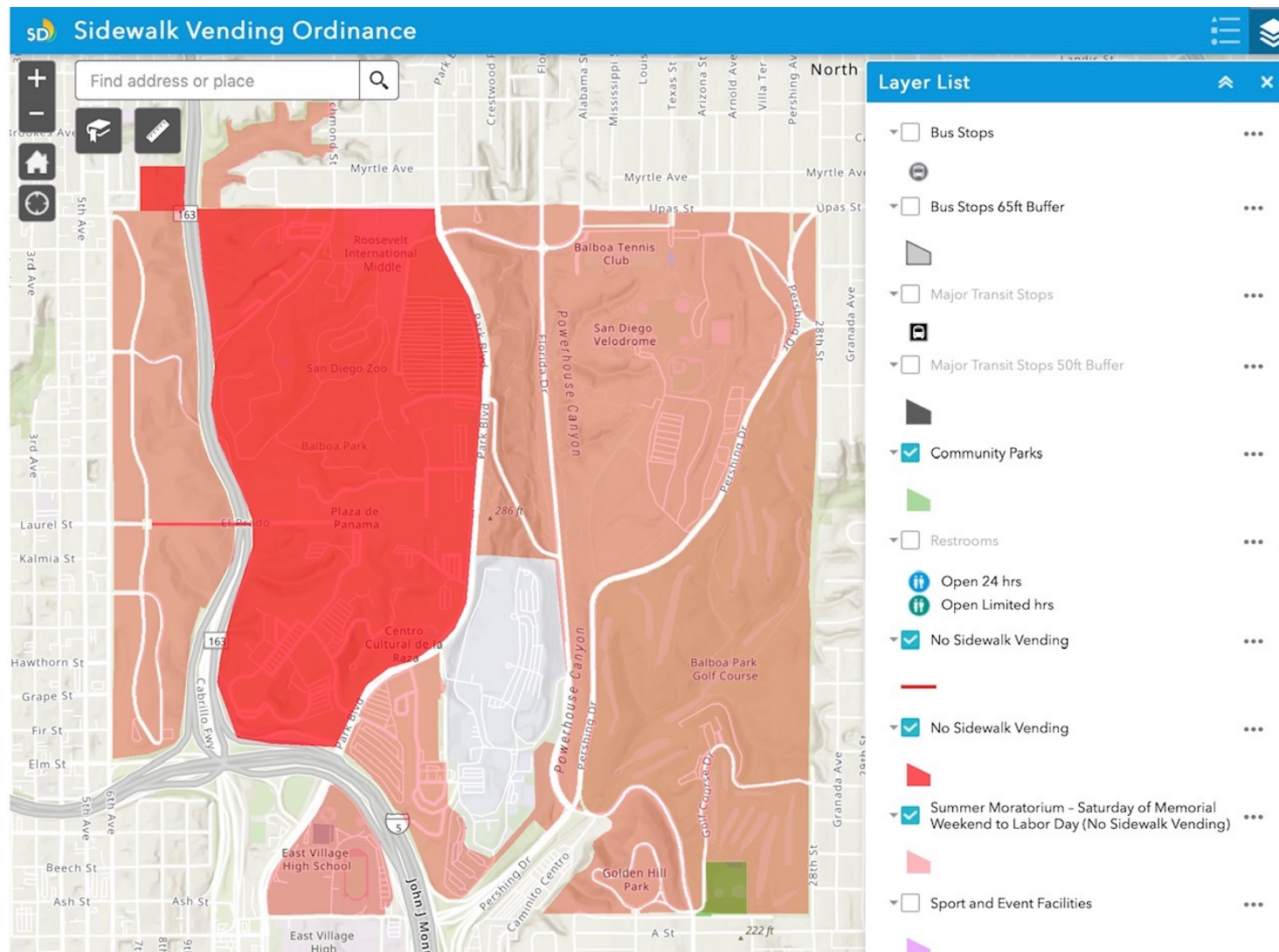


# Operations in Parks and Beaches

## Restrictions to protect the scenic and natural character of our parks

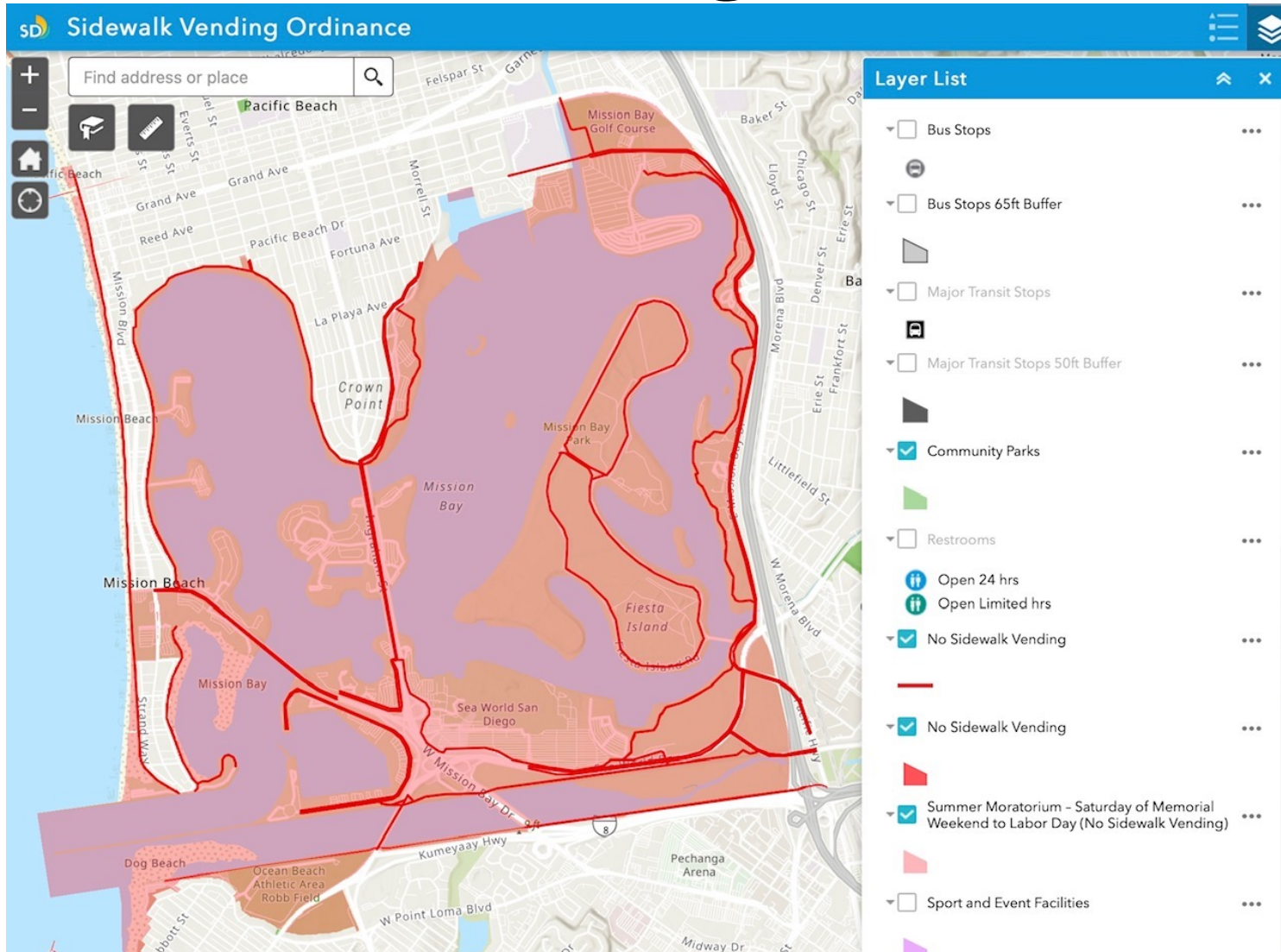
- **Coastal sidewalks:** Portions of Coast Boulevard, Newport Avenue, Garnet Avenue, and Ventura Place
- **Vendors shall not vend:**
  - Within **25 feet** of any park decorative fountain, statue, monument, memorial, or art installation
  - **Within 50 feet of another sidewalk vendor**
- **High Traffic Bike and Shared Use Paths**  
Bayside Walk, Bayshore Bikeway, Coast Boulevard Boardwalk between Jenner St. and Cuvier St, including pop outs; Ocean Front Walk, Crown Point Bike Path, La Jolla Shores Boardwalk; Scripps Park Boardwalk; Liberty Station NTC Path; Mission Bay Bike Path; MLK Promenade; Ocean Beach Bike Path; Ocean Boulevard Bike Path; and San Diego River Bike Path.
- **Special Events, Swap Meets, Farmer's Markets, and other Permitted Events** within 500 ft

# Sidewalk Vending in Balboa Park





# Sidewalk Vending at the Coast





# Enforcement

Administrative Citations		
(Violations within one year)	With Permit	Without a Permit
First Violation	Outreach, Education & Referral	Outreach, Education & Referral
Second Violation	\$200	\$500
Third Violation	\$500	\$1,000
Fourth Violation	\$500 and/or impoundment	\$1,000 and/or impoundment

- **May 19, 2022 - Outreach, Education and Referrals** began with the County of San Diego Health Services, City Treasurers, Economic Development, Code Enforcement, & Park Rangers conducting workshops in collaboration with non-profit community partners.
- **June 22, 2022** – Sidewalk Vending Ordinance went into effect.
- **July 1, 2022** - Enforcement of the Sidewalk Vending Ordinance began, with the exception of some sections of the ordinance that are subject to the California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program.



[www.sandiego.gov/sidewalk-vending](http://www.sandiego.gov/sidewalk-vending)

# QUESTIONS

## **Appendix E**

**City of San Diego February 9<sup>th</sup>, 2022 Staff Report.  
Subject: Repeal of Pushcarts in the Public Right-of-Way and Business  
Regulations for Sidewalk Vending**



The City of San Diego

Staff Report

DATE ISSUED: February 9<sup>th</sup>, 2022  
TO: Honorable Committee Members  
FROM: Office of Councilmember Jennifer Campbell  
SUBJECT: Repeal of Pushcarts in the Public Right-of-Way and Business Regulations for Sidewalk Vending

Primary Contact: Venus Molina Phone: (619) 236-6622

Council District(s): All

**Overview:**

Amendment to the City's Municipal Code and Local Coastal Program to remove the pushcart regulations within the public right-of-way to comply with Senate Bill 946. Adopt an ordinance to regulate the time, place, and manner during which an individual may participate in sidewalk vending including the use of vending equipment such as non-motorized conveyances.

**Proposed Actions:**

Amend the City's Municipal Code and Local Coastal Program to remove pushcart regulations within the public right-of-way.

Approve an ordinance to amend Chapter 3 of the San Diego Municipal Code to add a new Article 6 Division 1 titled Sidewalk Vending Ordinance, and approve amendments to Chapter 5 Article 4 Division 1 Section 54.0105, to make consistent with the proposed Sidewalk Vending Ordinance.

**Discussion of Item**

The Land Development Code (LDC) provides the City's regulations for the development and use of property, information on zoning, subdivisions, grading and other related land use activities. The existing pushcart regulations have been in place since the Land Development Code was adopted in 2000. There have been minor amendments in 2013 and 2015. Currently, the existing pushcart regulations are considered a Commercial Service Use-Separately Regulated Uses within Chapter 14, Article 1, Division 6 of the Land Development Code (LDC). Pushcarts within the public right-of-way in certain zones require a Neighborhood Use Permit (NUP) and are a Process 2 staff decision. Pushcarts on private property in certain zones are

regulated as a limited use, meaning if the pushcarts comply with certain limitations, they are allowed by right without a NUP.

In 2018, the State of California passed Senate Bill 946 (SB 946) which took effect on January 1, 2019. SB 946 established parameters for the local regulation of sidewalk vendors, which only allows local authorities to regulate sidewalk vending in accordance with the provisions of the bill. The bill's primary intent was to decriminalize sidewalk vending by limiting municipalities to penalizing violations with administrative citations rather than criminal citations, in turn promoting entrepreneurship and economic success for sidewalk vendors. Sidewalk vending encourages entrepreneurship and accessibility into the local economy as well as economic opportunities for people to support themselves and their families.

Sidewalk vending is the act of selling food, beverages, or other merchandise on the City of San Diego's sidewalks or hardscape pedestrian pathways from one person or through the use of vending equipment such as a pushcart. It does not include the sale of services or rentals, which is not covered by SB 946.

SB 946 allows municipalities to regulate sidewalk vending where the objective is directly related to public health, safety and welfare. SB 946 specifically states that perceived community animus or economic competition does not constitute an objective health, safety, or welfare concern. SB 946 also allows municipalities to establish regulations within parks that are necessary to prevent an undue concentration of commercial activity which would unreasonably interfere with the scenic and natural characteristics of the park. It also allows regulations that would ensure the public's use and enjoyment of natural resources and recreational opportunities with parks.

In addition, SB 946 allows municipalities to regulate sidewalk vendors within the following parameters:

- Ensure compliance with the Americans with Disabilities Act and other disability access standards;
- Establish criteria for permit issuance including requiring basic information of sidewalk vendors;
- Require clean and sanitary conditions;
- Enact regulations on sidewalk vending equipment;
- Sets hours of operation and operating procedures in residential and non-residential areas. However, the limitation on hours of operation cannot be unduly restrictive and shall not be more restrictive than any limitation on hours of operation imposed on other businesses or uses on the same street;
- The option to prohibit stationary vending within residential zones without relying upon a specific nexus to public health, safety, or welfare concerns.

In order to be consistent with SB 946, the City needs to repeal sections of the existing San Diego Municipal Code (SDMC) that relate to sidewalk vending, including Section §141.0619, which regulates among other things pushcarts in the public right-of-way. The existing regulations for pushcarts on private property will remain as SB 946 only addresses pushcarts on public sidewalks. In order to regulate sidewalk vending consistent with the provisions of SB 946, the City also needs to adopt new regulations. These regulations will replace regulations that do not substantially comply with SB 946 and will be placed in Chapter 3 of the San Diego Municipal Code; Business Regulations, Business Taxes, Permits and Licenses.

## **Previous Approval Process for Sidewalk Vending**

Prior to SB 946, the City regulated aspects of sidewalk vending through SDMC §141.0619 – Pushcarts. Where allowed in the SDMC, this section required sidewalk vendors to undergo a discretionary review process by obtaining a Neighborhood Use Permit (NUP) which prohibited vending within all residential zones.

As a discretionary action, obtaining an NUP required an \$5,600.21 deposit to the Development Services Department to begin the review process. To date, the City has no discretionary permits on file or any outstanding violations from any sidewalk vendor under SDMC §141.0619 – Pushcarts.

Sidewalk sales were also previously regulated under SDMC section 54.0105 and also required a Solicitor's Permit under SDMC section 33.1401. Sales and solicitation in parks were also regulated by SDMC section 63.0102, which required a permission by the City Manager to do so. SDMC section 54.0105 is being amended as part of the proposed sidewalk vending regulations to allow sidewalk vending with a valid permit issued in this new proposed ordinance. The issuance of a sidewalk vending permit under the proposed sidewalk regulations would constitute permission of the City Manager to comply with SDMC section 63.0102. The provisions on Solicitor's Permits will be amended in the near future by the San Diego Police Department. None of these provisions have been enforced since the effective date of SB 946 in January 2019.

## **Overview of Proposed New Regulations**

In accordance with SB 946, this ordinance presents a comprehensive framework for the regulation of sidewalk vendors within the City of San Diego, which includes the issuance of a permit. The ordinance sets parameters relating to distance requirements from various public assets and facilities, prohibits vending in various high-traffic pedestrian areas, and regulates parkland, including beaches and plazas, which are under the management of the Parks & Recreation Department. The ordinance also differentiates between stationary sidewalk vendors, who vend from fixed locations, and roaming sidewalk vendors who move from place to place and stop to complete a transaction. The ordinance also outlines the application and permit process, and fines in accordance with SB 946. To avoid interference with traffic, motor vehicles, and to protect public safety, the ordinance also prohibits vending from a parked vehicle or to any individuals traveling within motor vehicles along a public roadway. Nothing in the proposed ordinance or SB 946 prevents the City from taking action to enforce generally applicable local, state, and federal laws.

## **Permit**

Unless otherwise exempt under the ordinance, sidewalk vending will only be allowed to take place with the issuance of a City-authorized sidewalk vending permit which must be obtained prior to vending on any sidewalk. The effective date of the ordinance will be set at a future city council hearing to allow time for City staff to implement the permit and to determine the cost of the permit, which is anticipated to be set at a cost-recoverable rate at a price point intended to not be cost-prohibitive to sidewalk vending. The vending permit will allow sidewalk vendors to operate anywhere in the City of San Diego and to use vending equipment as part of their vending activities subject to the regulations set forth in the ordinance and compliance with all San Diego County Environmental Health requirements related to food service and preparation and other applicable law. The vending permit will

allow sidewalk vendors to occupy a space equal to or less than 24 square feet to balance the need for pedestrians to use the sidewalk.

The vending permit will be valid for one calendar year from the date of issuance and must be renewed annually. A sidewalk vending permit may only be issued to an individual over 18 years of age and shall not be sold, assigned, or transferred. To allow the City to best understand the extent of sidewalk vending and to ensure accountability, each individual who intends to vend on a sidewalk must complete an application even if the individual is employed or engaged by another individual or a business, or will use vending equipment owned by another individual or a business. As part of the application, the sidewalk vendor must certify that the information contained in the application is true. Sidewalk vendors will be required to provide basic contact and identifying information such as their name, address, and telephone number, as well as some form of government-issued photo identification. They will also be required to obtain a business tax certificate, a California seller's permit to the extent required by law and a San Diego County Health Permit and either a Manager's Food Safety Certificate or a Food Handlers Card should they wish to sell food. If the sidewalk vendor is an agent of a company, partnership, or corporation, the sidewalk vendor must also list the name and business address of the company, partnership, or corporation.

Upon receipt of a valid sidewalk vending permit, sidewalk vendors would be given additional materials and reference information to ensure they are properly educated on the rules and regulations associated with their operation. Education and outreach to sidewalk vendors is paramount. We will be working with community-based organizations to assist in providing information in various languages to work with the diverse group of vendors.

Sidewalk vendors must visibly display their sidewalk vending permit at all times when vending including any photo identification issued by the City. A vending permit does not provide an exclusive right to operate on any sidewalk or portion thereof.

In order for a vending permit to be renewed, a sidewalk vendor must pay all outstanding administrative fines and complete any alternative disposition associated in any way with a previous violation of the ordinance prior to any such renewal. Any sidewalk vendor whose application is denied or whose vending permit is revoked may appeal such decision in accordance with Chapter 1, Article 2, Division 4 of this Code.

### **Roaming and Stationary Sidewalk Vendors**

Roaming and stationary sidewalk vendors are subject to different rules under the proposed ordinance. Roaming sidewalk vendors stop only to make a sale while stationary sidewalk vendors vend from a fixed location. Under SB 946, the City is allowed to prohibit stationary sidewalk vendors from vending within residential areas, but cannot prohibit roaming sidewalk vendors from vending within residential areas. The proposed ordinance allows roaming sidewalk vendors to vend in residential areas and prohibits stationary sidewalk vendors from doing so. Roaming sidewalk vendors may vend on residential blocks between the hours of 7 a.m. and sunset. Any sidewalk vendor may vend on a non-residential block from the hours of 6 a.m. and 10 p.m., or the hours of operation imposed on other businesses on the same street block, whichever is least restrictive and subject to the other requirements of the ordinance.

In order to better ensure compliance with the American with Disabilities Act, no stationary sidewalk vendor shall be located on a sidewalk less than six feet in width. Furthermore, both roaming and stationary sidewalk vendors must ensure that no obstruction is placed on the



sidewalk that would reduce the width of the sidewalk to less than 48 inches, except for the temporarily brief duration of time for a roaming sidewalk vendor to conduct a sale. Even in such instances, all sidewalk vendors must immediately move to provide access to the sidewalk so as not to impede the flow of pedestrian or other traffic.

### Distance Requirements

The proposed ordinance sets various distance requirements ranging from 5 feet to 500 feet from various public assets and facilities where a concentration of sidewalk vending would create public safety and public accessibility issues. In general, the specific distance requirement was set based on feedback from, but not limited to, the Fire Marshal, Public Safety Chiefs, Traffic Engineering and Operations Division of Transportation and Stormwater Department, Metropolitan Transit System, Parks and Recreation Department, and the Office of ADA Compliance and Accessibility as well as guidance from the distance requirements used in other jurisdictions.

For example, there is a 500-foot distance requirement to avoid undue interference and congestion with any permitted event as well as during the busy hours of schools and City sports facilities, which are owned, operated, managed, or leased by the City, such as Petco Park and Pechanga Arena. These locations are described in more detail below.

There are also distance requirements from various above ground structures affixed to a sidewalk such as fire hydrants, tree wells, parking meters, bike racks and utility structures.

The ordinance also restricts sidewalk vending near pedestrian facilities such as building entrances, crosswalks, public restrooms and other high areas of pedestrian activity where safety is paramount such as intersections and railroad crossings. The ordinance also prohibits vending in areas that block pedestrian or vehicle access, obstruct traffic signals and regulatory signs, and in areas, including the public right-of-way that do not meet the definition of a sidewalk or pedestrian pathway such as parking lots, roadway medians, beaches, streets, and alleys.

The follow table outlines various distance requirements and their justification.

<b>Distance Regulations for Sidewalk Vending</b>		
<b>Location</b>	<b>Distance</b>	<b>Justification</b>
Within Edge of Curb	18"	To ensure adequate distance from car doors and from vehicular traffic
Above Ground Structure	5 feet	To prevent an overconcentration of obstacles on sidewalks and to allow access by the general public and for maintenance of such structures
Slope Greater than 5% or where signage indicates that wheels must be cramped to the curb	-	To prevent unintended rolling or slipping of a conveyance down a hill
Bus Stop, Tram, or Non-Rail Trolley Stop	Within 5 feet in front of or 65 feet behind a bus stop	Recommended by MTS to ensure clear and unimpeded access for loading and unloading onto buses

Driveway and Marked Crosswalk	10 feet	To ensure proper sight distance for pedestrians and vehicles crossing these areas
Fire Escape or Emergency Exit	10 feet	To ensure unimpeded access for building evacuations during an emergency
Another Sidewalk Vendor	15 feet	To ensure adequate spacing of vendors and their respective customers
Intersection	15 feet	To ensure proper sight distance and line of sight for pedestrians and vehicles crossing these areas
Building Entrance	15 feet	To keep clear and ensure unimpeded access to building entrances and in case of emergency
High Traffic Sidewalk	15 feet	To buffer sidewalk vendors from certain sidewalks where there is a high concentration of pedestrians and a correspondingly high risk of conflicts and injury
Loading Zone, Parking Space or Access Ramp designed for persons with disabilities	15 feet	To prevent conflicts with commercial and passenger loading zones and to ensure easy access for those with disabilities to ADA infrastructure
Outdoor Dining or Patio Area	15 feet	To prevent a concentration of sidewalk vending customers from impacting the ability of the general public to ensure a safe and sanitary outdoor dining experience and to prevent conflict between outdoor diners and sidewalk vendors and their customers
Curb Ramp	15 feet	To ensure adequate access and clear visibility of curb ramps for pedestrians and in particular persons with disabilities
Fire Lane	15 feet	To avoid hindering emergency related responses from public safety personnel and equipment
Fire Hydrant	15 feet	To avoid hindering emergency related responses from public safety personnel and equipment
Location with Valid Encroachment Permit	15 feet	To prevent pedestrian conflicts and congestion conflicts with encroachments such as sidewalk cafes and the City's Public Right of Way program
High Traffic Bike and Shared Use Path	15 feet	To ensure the areas surrounding these mobility corridors have adequate spacing for bicyclists and others traveling at a higher rate of speed to

		dismount to prevent injury to the public and sidewalk vendors
Piers and Beach Access Point	25 feet	To prevent unnecessary congestion at high traffic pedestrian access points to the beach and to ensure adequate clearance for lifeguards and other public safety personnel to access these areas
Railroad Crossing	50 feet	To ensure proper sight distance for pedestrians and vehicles at these locations
Major Transit Stop	50 feet	To prevent unnecessary congestion and avoid impeding pedestrian access to mass transit facilities such as trolleys
Vehicle entrance of any Hospital, Police, Fire, Lifeguard Station, or other Structure dedicated to Health and Safety Emergency Matters	100 feet	To ensure that first responders have unimpeded access within the vicinity of these public safety facilities
City Sidewalk or Street Closure	100 feet	Given that closure is typically for construction or public safety related reasons, this requirement is to avoid people congregating near these closures which could endanger these individuals or prevent access for city crews, construction forces and public safety personnel

**High-Traffic Sidewalks**

High-traffic sidewalks are select sidewalks including hardscape pedestrian pathways around the City that experience high levels of pedestrian activity typically based on their proximity to major tourist attractions such as Little Italy, the Gaslamp District and Old Town. While the ordinance prohibits sidewalk vending within 15 feet of any high traffic sidewalk near these areas, it does allow sidewalk vending on other sidewalks including some cross-street sidewalks to allow some degree of sidewalk vending while balancing the need to not create public safety hazards. The specific sidewalk locations in the Gaslamp, Little Italy, and Old Town are described in more detail below.

**Portions of Downtown Gaslamp Quarter**

The Gaslamp Quarter is the historic heart of Downtown San Diego. As a location listed on the National Register of Historic Places since 1980, the Gaslamp Quarter experiences significant levels of pedestrian traffic due to its high number of nightclubs, restaurants and cultural history. These elements make it a high pedestrian demand corridor as outlined in the 2014 Downtown Mobility Plan Existing Conditions Report. In addition, according to a 2017 study by the San Diego Tourism Authority, the Gaslamp draws over 1.5 million visitors every year. Combined with various objects in the public right of way including but not limited to; street trees, loading zones, sidewalk cafes, kiosk and street signs, the proposed street vending

regulations prohibit vending on 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> Avenue between Broadway Avenue and Harbor Drive year-round. Large lines of customers for restaurants, clubs and other nightlife activity also have significant impacts on the sidewalk. Sidewalk vending would be allowed on the Gaslamp Districts' cross streets but subject to distance requirements such as above ground facilities, building entrances, driveways, intersections, and loading zones.

### **Portions of Little Italy**

The ordinance prohibits sidewalk vending on India Street between Ash Street and West Kalmia Street in the neighborhood of Little Italy. The population density within Little Italy is very high and the area has been designated a Preserve America Community because of its historic resources and cultural significance which makes it a major tourist destination within Downtown San Diego. These elements, combined with high levels of pedestrian activity (as outlined in the 2014 Downtown Mobility Plan Existing Conditions Report), restaurants, bars and customer lines queuing onto the sidewalk with various right of way obstacles such as sidewalk cafes and bicycle racks, and trash receptacles, make it incompatible with sidewalk vending activities.

### **Portions of Old Town**

San Diego Avenue between Twiggs Street and Conde Street serves as a primary corridor and entrance point to Old Town Historic State Park. The park is home to many historically significant buildings from the 19<sup>th</sup> century including San Diego's first school house. In 1969, the park was registered as California Historical Landmark #830 and two years later added to the National Register of Historic Places in 1971. Its history and commercial corridor attracts an estimated 2 million visitors a year. As a result, the commercial corridor on San Diego Avenue is extremely impacted with pedestrians going to and from the park. These elements combined with various right of way obstacles are not compatible with sidewalk vending activities which are proposed to be prohibited year-round.

### **Additional Areas of High Pedestrian Activity**

The proposed ordinance also regulates sidewalk vending within the vicinity of several of the City's major sports facilities and meeting areas including the Convention Center, PETCO Park and Pechanga Arena for the following reasons.

#### **Convention Center**

In 2019<sup>1</sup>, the San Diego Convention Center host over 160 conventions including the world-renowned Comic-Con which see over 150,000 attendees. Over the course of 2019, the Convention Center hosted over 850 events creating extraordinary levels of pedestrian activity on Harbor Drive, the Martin Luther King Junior Promenade and at various intersections including Front Street, First Avenue, Fifth Avenue and Park Blvd. These high levels of attendance combined with multiple transit and railroad crossings present a public safety issue for pedestrians and an incompatible use with sidewalk vending activity during conventions.

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<sup>1</sup> Throughout this report, data from 2019 prior to the pandemic is used which will more accurately reflect the circumstances as the City recovers from the pandemic.

## **PETCO Park**

With a seating capacity of over 40,000 people, Petco Park attracts high levels of pedestrian traffic and activity prior to and after Padres games and special events. In 2004, the City Council created the Ballpark District (SMDC §59.0301) as a means to regulate and prohibit certain activities within the District for the purpose of protecting the public health, welfare, and safety of those businesses, residents, and visitors. As a matter of continuing to protect public safety around PETCO Park, the proposed regulations prohibit sidewalk vending within the Ballpark District and within 500 feet of Petco Park beginning three hours before the scheduled start time of any Padres games and events or City event permitted at PETCO Park. The prohibition ends one hour after the conclusion of an event. The Ballpark District is defined in SDMC section 59.0102 and includes Sixth Avenue through 14<sup>th</sup> Street between Market Street, Harbor Drive, and Commercial Street in Downtown San Diego.

## **Pechanga Arena**

Home to the San Diego Gulls and other special events, Pechanga Arena is a large capacity venue generating high levels of pedestrian traffic before and after events. Over the course of the 2019 season, the San Diego Gulls games averaged 9,000 attendees over 34 home games. Pechanga Arena's fronting street is Sports Arena Boulevard, which includes sidewalks less than 10 feet wide and a 35 MPH speed limit. As a matter of public safety, the proposed regulations prohibit vending on sidewalks fronting Sports Arena Boulevard between Hancock Street and East Drive beginning three hours before the scheduled start time of any games and events at Pechanga Arena. The prohibition ends one hour after the conclusion of a game or an event. This prohibition is intended to reduce congestion along this very busy vehicle corridor which will help to prevent pedestrian from having to step out onto the street to pass sidewalk vendors and their customers.

## **High-Traffic Bike and Shared Use Paths**

The ordinance identifies 11 pathways which are those in the highest traffic areas in terms of users; pedestrians, people on bikes, residents and visitors, and therefore with the potential for the most conflict in an area of limited space that could be further impacted if sidewalk vending were to be allowed. The higher rate of speed of bicyclists is of particular concern due to the need for more space to safely travel, stop, and dismount.

These include: Bayside Walk, Bayshore Bikeway, Ocean Front Walk, Crown Point Bike Path, La Jolla Shores Boardwalk; Liberty Station NTC Path; Mission Bay Bike Path; MLK Promenade; Ocean Beach Bike Path; Ocean Boulevard Bike Path; and San Diego River Bike Path.

Restricting sidewalk vending from these paths will allow their transportation and access functions to best serve residents and visitors traveling to and from their destinations, reduce the potential for collisions, and address other public access concerns.

## **Park Regulations**

SB 946 allows cities to regulate park areas, including beaches and plazas, based not only on public safety, health, and welfare concerns, but also to ensure two elements: (1) that recreation opportunities are not unreasonably affected by commercial vending; and, (2) that the scenic and natural characteristics of the park are maintained by preventing an undue

concentration of commercial activity. To further this objective, the ordinance sets parameters on sidewalk vending in regional parks such as Balboa Park, community parks and shoreline parks and regulations that apply to all sidewalk vending within parks, beaches, and plazas. This includes a 100-foot distance requirement between sidewalk vendors to prevent an over concentration of sidewalk vendors and to assist with ensuring adequate spacing for maintenance vehicles. In addition, a 25-foot distance requirement is proposed from any park decorative fountain, statue, monument, memorial, or art installation.

To avoid detracting from the ability for visitors to enjoy park areas, sidewalk vendors are prohibited from using amplified or non-amplified sound-making devices in conjunction with vending, including loudspeakers, microphones, public address systems, bells, and chimes. Sidewalk vendors must also cease vending before the designated closing time of any public park, plaza, and beach area. If there is no designated closing time in these areas, sidewalk vending will be permitted between 8:00 a.m. and sunset. In addition, consistent with applicable law, the City Manager has the authority to enact additional limits on sidewalk vendors within specified parks to prevent an undue concentration of commercial activity. Consistent with the express language of SB 946, the ordinance prohibits stationary sidewalk vendors from vending in any area of a public park, beach, or plaza if there is an agreement for concessions that exclusively permits the sale of goods by a specified concessionaire.

### **Balboa Park**

As the nation's largest urban cultural park and a National Historic Landmark since 1977, Balboa Park attracts over 4.6 million unique visitors a year equating to over 28 million total visits to its dozens of museums, performing arts venues, gardens and cultural and recreational attractions.

Under SB 946, the City is allowed to enact regulations within parks that are "necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural characteristics of the park." In addition, the City is allowed to enact regulations within parks that are directly related to objective health, safety and welfare concerns.

As a matter of objective health, safety and welfare concern, the proposed sidewalk vending regulations prohibit vending activity during the summer moratorium, which is defined similarly to its reference in Municipal Code Section 63.0103, and the last week of December within Balboa Park. Based on attendance data to various park institutions, these periods of the year experience higher than normal visitation contributing to increased sidewalk congestion and accessibility issues for park patrons and visitors. Prohibiting sidewalk vending during these time periods will protect public safety by reducing the likelihood of conflict between vendors and pedestrians, and ensuring accessibility throughout the park.

Outside of the time periods previously mentioned, sidewalk vending would be allowed, but within the parameters of additional proposed restrictions which would ensure that the scenic and natural characteristics of the park remain for visitors. The proposed restrictions prohibit sidewalk vending within the vicinity of roads and sidewalks within the National Landmark Historic Zone, in addition to distance requirements from park decorative fountains, statues, monuments, memorials, art installations, gardens, and other significant historical resources such as the Botanical Building and Lily Pond.

The roads with a proposed 25 foot distance requirement and within the Central Mesa’s National Landmark Historic Zone and its vicinity include El Prado, Village Place, Pan American Road East and West, Pan American Plaza, Old Globe Way, Chapel Road, Spanish Village, Plaza de Panama, Plaza de California, Plaza de Balboa, War Memorial Building, the Carousel, Spreckels Organ Pavilion, and Presidents Way. These restrictions are intended to limit an undue concentration of commercial activity as well as interferes with the scenic and natural character of the park which is consistent with SB 946.

Balboa Park’s gardens are also considered a major component of the scenic and natural characteristics of the park. To protect these experiences for park visitors, a 25-foot distance requirement is proposed from the following gardens to prevent an undue concentration of commercial activity and to protect these scenic and natural characteristics. The gardens include: 1935 Old Cactus Garden, Alcazar Garden, Casa del Rey Moro Garden, Desert Garden, Florida Canyon Native Plant Preserve, Inez Grant Parker Memorial Rose Garden, Marston House Garden, Palm Canyon, Trees for Health Garden, Veterans Memorial Garden, and Zoro Garden as well as the covered pathways.

**Shoreline Parks and Coastal Sidewalks**

San Diego’s beaches and bays are a significant attraction for visitors and locals drawing over 5 million people during the summer months in 2019. Based on concerns relating to congestion and pedestrian accessibility, the proposed regulations currently prohibit vending at Mission Bay Park and all shoreline parks, which are those parks contiguous to the shoreline or beach in the communities of Ocean Beach, Mission Beach, Pacific Beach, and La Jolla during the summer moratorium. Additionally, the ordinance prohibits sidewalk vending activities on high-traffic bike and shared use paths such as Ocean Front Walk (Mission Beach Boardwalk) and the La Jolla Shores Boardwalk. These prohibitions will help to appropriately balance the use of these pathways for cyclists, skateboarders, and other non-motorized devices to reduce public safety concerns and prevent collisions with stationary and roaming sidewalk vendors.

Outside of the summer moratorium, sidewalk vending would be allowed in shoreline parks, but subject to a 100-foot distance requirement between sidewalk vendors and at least a 25-foot distance requirement from all beach access points, which include among other things public stairways, ramps, and seawalls. This requirement is intended to allow visitors to be able to readily access and enjoy these park areas by preventing an over-concentration of commercial activity within these park areas.

The following table outlines visitation numbers to San Diego’s most popular shoreline parks and beaches. This data was collected by the San Diego Lifeguard Division and outlines total visitation statistics in addition to pedestrian traffic within their immediate vicinity.

Beach	June 2019	July 2019	August 2019	September 2019	Location Attendance Totals
Ocean Beach	206,000	401,342	210,000	173,000	990,342
Pacific Beach	294,900	360,400	256,500	143,500	1,055,300
Mission Beach	356,300	446,000	312,200	244,400	1,358,900
La Jolla Cove	160,000	246,500	235,500	114,801	756,801
La Jolla Shores	203,500	317,200	298,500	159,000	978,200
Monthly Attendance Totals	1,220,700	1,771,442	1,312,700	834,701	5,139,543

## **Coastal Sidewalks**

Portions of Coast Boulevard, Newport Avenue, Garnet Avenue, and Ventura Place are located within high pedestrian traffic commercial areas directly adjacent to or connecting to the coastline. During the summer moratorium, these streets and the sidewalks along these streets experience high levels of congestion and heightened interaction between pedestrians, vehicles, pedestrians walking with surfboards and other beach-related equipment, thereby reducing sidewalk width and increasing the potential for accidents and other conflict. For these reasons and the reasons below, sidewalk vending on these coastal sidewalks is prohibited during the summer moratorium.

In addition to the elements mentioned above, Newport Avenue and Garnet Avenue experience high levels of tourism and pedestrian activity during the summer months due in part to their close proximity to some of San Diego's longest piers. Garnet Avenue directly connects to Crystal Pier and its historical cottages and hotel. Towards the South, Newport Avenue sits feet away from the Ocean Beach Pier; the longest public pier on the west coast drawing thousands of visitors every year. Due to their popularity and use as an access route for San Diego Lifeguards during emergencies, sidewalk vending is prohibited on these piers.

In Mission Beach, Ventura Place serves as a direct vehicle drop off and access point for beach visitors to load and unload within feet of the Mission Beach Boardwalk. In addition, its narrow sidewalks and driveways connecting to one of San Diego's largest public beach parking lots, directly adjacent to Belmont Park, make this pedestrian corridor extremely impacted, especially during the summer months.

Coast Boulevard in La Jolla also experiences high levels of pedestrian activity during the summer months, especially due to its close proximity to the Children's Pool, sea caves and La Jolla Cove which is part of the La Jolla Underwater Sea Park- an Ecological Reserve and Refuge bringing thousands of divers and snorkelers every year.

By prohibiting sidewalk vending on segments of these coastal streets and corridors, there will be less conflict with sidewalk vendors and pedestrians which is a direct health, safety and welfare concern.

### ***Mission Beach Park***

Adjacent to Belmont Park, Mission Beach Park is prohibited to vending year-round as a result of Proposition G which passed in 1987. This voter approved initiative, which has been codified in SDMC section 63.50 expressly excludes retail and commercial uses within Mission Beach Park except for retail and commercial use specifically articulated in this Municipal Code section such as developments that have a vested right as set forth in SDMC section 63.50(f).

### ***Mission Bay Park***

At 4,235 acres, Mission Bay Park is the largest public man-made aquatic recreational area in the country with both passive and active recreational opportunities, hotels, beaches and dozens of leasehold specializing in aquatic activity. Yearly attendance is an estimated at 17 million visitors with a majority coming during the high tourism summer season between



Memorial Day and Labor Day. Because of the extremely high levels of pedestrian and visitor traffic during the summer moratorium, vending activities are prohibited within the park during this time.

Outside of the summer moratorium, vending would still be prohibited on the High Traffic and Shared Use Path facility on the Mission Bay Bike Paths and Bayside Walk.

These areas extend from the bayside of South Mission Beach to Crown Point in addition to the segment from Pacific Beach Drive south along the east side of Mission Bay Park towards Sea World within Mission Bay Park. Vendors stopping with carts and other conveyances, combined with a concentration of customers, would create significant obstacles and congestion for bicyclist traveling at higher rates of speed, joggers, and other pedestrians within these areas.

In addition, sidewalk vendors would have to adhere to a 100-foot separation requirement to ensure there is not an over concentration of commercial activity and to prevent interference with park visitors enjoying recreational opportunities such a running, walking, roller blading or other outdoor activities.

### **Sunset Cliffs Natural Park**

Located south of Ocean Beach in Point Loma, Sunset Cliffs Natural Park spans 68 acres and serves as an active and passive recreational resources for thousands of joggers, walkers, and sunset viewers every year. The park's linear section is 18 acres and very narrowly bordered on each side by either Sunset Cliffs Blvd and near vertical drops of 50 feet or more, to rocks and beaches below. The hillside portion is approximately 50 acres of west facing slope with eroded land formations sporadically covered throughout the park.

The park's scenic and natural characteristics are at the very center of what attracts its visitors. It's dramatic cliff formations, native vegetation, and expansive ocean views are a place "where people can enjoy San Diego's natural coastal environment as it once was, free from the effects of man" as stated within the Sunset Cliffs Natural Park Master Plan. For these reasons, the proposed ordinance prohibits any vending activity within the park as it would conflict public's use and enjoyment of natural resources and recreational opportunities within the park.

### **Additional Areas of Concern for Sidewalk Vending**

#### *Prohibition in Portions of East Village*

Sidewalk vending within portions of East Village present a challenge for the San Diego Police Department. The ordinance proposes to prohibit sidewalk vending within the area bounded by Harbor Drive, Park Boulevard, 10<sup>th</sup> Avenue, Market Street, 22<sup>nd</sup> Street, Commercial Street, 17<sup>th</sup> Street, Logan Avenue, and Sigsbee Street. Within this area, the San Diego Police Department has experienced ongoing issues with "vending" businesses on the sidewalks and street corners that illegally peddle loose cigarettes and alcohol, and sometimes act as felony facilitators to sell marijuana and narcotics.

In fact, police report data shows an unusually high concentration of narcotic sales, possession, and under the influence arrests that occur in the southern segment of the East Village and its adjacent neighborhoods. Between 2017 and 2019, there were over 2,000

arrests and citations for under the influence, possession, and sales relating to narcotics and tobacco, which is the highest concentration of such illicit activity in the City.

Allowing sidewalk vending within this area will present an obstacle for law enforcement and their ability to address the illegal sale of drugs, alcohol, and cigarettes due to their inherent covert nature. Sidewalk vending presents a unique challenge and could give illegal operators a front to operate and deal illegal drugs thereby requiring more resources and staffing to adequately address because there is little an uniformed officer can do unless they happen to witness a transaction or are part of an undercover operation.

The community public health and safety would greatly benefit by prohibiting sidewalk vending within this area which will reduce the opportunities for illegal transactions of tobacco, alcohol, and drugs.

### **Special Events, Swap Meets, Farmer’s Markets, and Permitted Events**

SB 946 allows the City to restrict or prohibit sidewalk vendors within the immediate vicinity of an area designated for a temporary special permit, farmers market, swap meet or permitted event. These events and community gatherings can be designated venues ranging in size up to hundreds of thousands of attendees. For this reason, and to ensure the integrity of the event, the ordinance proposes a 500-foot distance requirement from these permitted events around the City.

### **Entrepreneurship Zones**

The City Manager will be authorized to designate entrepreneurship zones in the City where sidewalk vendors may vend in these zones subject to the rules and regulations enacted by the City Manager. The zones will provide vendors an opportunity to be a part of a placemaking opportunity as well as providing customers an experience within a designated area. It is important to consider input from all stakeholders including, vendors, community members, businesses and public safety representatives.

### **Goods & Advertising**

To ensure oversight at all times, the ordinance contains a prohibition on sidewalk vendors from leaving goods unattended at any time. Goods are defined as items, personal property, merchandise, or any other similar item that is generally sold, including food and beverages. Furthermore, to prevent issues with false advertising as well as to ensure consistency with the City’s sign regulations prohibiting off-site advertisement and to balance the need for the public to use the sidewalks and other public amenities and for City crews to access such public amenities and utility structures, sidewalk vendors may only advertise goods for immediate on-site sale, and are prohibited from displaying goods on any above ground structure.

### **Sidewalk Vending Equipment**

The proposed ordinance sets parameters for the use of sidewalk vending equipment. Any vending equipment used by the sidewalk vendor may not exceed 8 feet in height to limit the risk of over-height objects falling on pedestrians. Sidewalk vendors may provide a chair for themselves, but may not set up customer seating areas to prevent undue congregation and

overcrowding of sidewalks that would make it difficult for pedestrians. In addition, to prevent damage to public property, the ordinance prohibits vending equipment from being attached to or making contact with any utility pole, street sign, trash can, traffic pole, or any other public structure. To prevent theft of public resources, sidewalk vendors are prohibited from connecting to an external source of power, water, or any other utilities located on public property. Also, to protect against unsafe distractions that could endanger pedestrians and drivers, the ordinance prohibits sidewalk vendors from using amplified sound-making devices such as loudspeakers, microphones, and public address systems in conjunction with vending. Lastly, to ensure sanitary conditions, sidewalk vendors engaged in the vending of food or beverages must have hand sanitizer located in a conspicuous location readily available for use by customers. Notwithstanding any specific requirements listed in the ordinance, no sidewalk vendor shall use vending equipment in such a way as to endanger the safety of person or property or to cause a public or private nuisance.

### **Portable Cooking Equipment**

The ordinance prohibits roaming sidewalk vendors from using any portable cooking equipment, flammable gas-fueled appliance, or any open flame because of the danger associated with constantly moving while cooking or constantly moving while transporting such hazardous materials. The ordinance does allow stationary sidewalk vendors to use propane, natural gas, or butane, but prohibits all sidewalk vendors from the use of other flammable fuels such as kerosene, deep frying, and gasoline. The ordinance also prohibits the use of wood burning ovens or charcoal barbecues based on public safety concerns over charcoal briquettes and wood embers having a greater potential to cause fires if they were to fall on the ground or get airborne particularly when it is windy. It also prohibits the use of portable generators because of noise and air quality health concerns for pedestrians. Prior to using portable cooking equipment, stationary sidewalk vendors must obtain any and all required permit(s) from the County Department of Environmental Health such as a valid Mobile Food Facilities permit. Such vendors must also comply with the California Retail Food Code in addition to regulations set forth in the proposed ordinance.

Only stationary sidewalk vendors may use an open flame, but must stay at least 20 feet away from permanent structures and at least 30 feet away from dry grass, grain, brush, or forested covered area at the recommendation of the Fire Marshall. To prevent fire hazards, sidewalk vendors are regulated in a variety of ways under Section 36.0108(f) as it relates to the use of portable cooking equipment, including being prohibited from smoking or vaping, not leaving such equipment unattended while in use, regularly cleaning such equipment and removing grease and food buildup, and storing, connecting, disconnecting, testing, and transporting gas tanks properly. The ordinance also limits the size of such tanks to 20 gallons or less and they must have a shut-off valve and pressure regulator to reduce the risk and impact of explosion to protect the public safety. Stationary sidewalk vendors using portable cooking equipment must also keep an easily accessible fire extinguisher on hand that is properly stored as well as regularly serviced and maintained.

In order to protect public health and safety as well as water quality and storm water mandates, sidewalk vendors are also required to maintain a clean and sanitary condition within a 10 foot radius of their vending operation as well as provide their own proper trash receptacle, and may not allow any liquids or grease within a storm drain conveyance system. They must also adhere to other best management practices such as disposing of grease properly, possessing spill kits comprised of paper towels, cloth towels, cat litter, or sand at all times while vending, removing any spill material off the ground once it is absorbed, and ensuring that any water or rinse residue used for vending activities such as cooler water, ice,

and food preparation water are not disposed in the curbs, gutters, streets, drains, or on any public property. They are also required to follow all regulations set forth by the County Department of Environmental Health if they wish to sell food.

### **Prohibited Sales**

To protect public health and safety, sidewalk vendors are prohibited from vending the following goods: alcoholic beverages, tobacco and tobacco products, vaping products, smoking and drug related paraphernalia, cannabis and cannabis products, weapons, including knives, guns, or explosive devices, BB devices or imitation firearms, pharmaceuticals, live animals, materials harmful to minors as defined in section 58.07 of the Code, or other products prohibited by local, state, and federal laws. The sale of weapons and imitation weapons poses a public safety issue because such items can cause injury to others or be confused for real weapons. Other items listed such as alcohol, tobacco, pharmaceuticals, and vaping products are already regulated or restricted in the way that they can be sold due to public health and safety concerns. There is a prohibition on the sale of live animals for both the safety of the public and animals.

### **Past Committee Actions - Economic Development & Intergovernmental Committee**

On July 25<sup>th</sup>, 2019, the Economic Development & Intergovernmental Committee unanimously approved the draft ordinance with the following requested changes:

- **Prohibit La Jolla Shoreline Parks year-round.**
  - This requested change was evaluated and was not included in the revised ordinance. SB 946 allows cities to regulate parks, but only to prevent an undue concentration of commercial activity, which may unreasonably interfere with the park's scenic or natural characteristics, or for concerns related to public health, safety and welfare. Following the proposed prohibition during the summer moratorium in La Jolla shoreline parks, visitors in the area will be significantly reduced thereby reducing public health, safety, and welfare concerns. Additionally, the ordinance proposes a year-round 100-foot buffer between sidewalk vendors which will address concerns related to preventing an undue concentration of commercial activity within the parks.
- **Amend Section 36.0102(j) to define Coast Boulevard as "from Cave Street to the 200 block of Coast Blvd. South in La Jolla."**
  - This is included in the ordinance under Section 36.0106(e) which prohibits sidewalk vending in this location during the summer moratorium based on the fact that this extension of Coast Boulevard is directly adjacent to several significant coastal resources such as shoreline parks, tidepools and small beaches including Nicholson Point, Cuvier Park and the Wedding Bowl at the park. These amenities draw thousands of visitors every year. By prohibiting sidewalk vending along the corridor, it will ensure the public continues to have the ability to freely walk this area and reduce pedestrian and sidewalk vendor conflict during the busiest time of the year.

- **Provide an evaluation of Amici Park and Veterans Park in Section 36.0107(f).**
  - Veterans Park is a shoreline park within the community of Ocean Beach and will be subject to a prohibition during the summer moratorium under Section 36.0107(i) in addition to citywide park regulations within the proposed ordinance under SDMC section 36.0107.
  - The property of Amici Park is owned by the San Diego Unified School District and operated under a lease agreement with the Little Italy Association so it was not included in the proposed ordinance. The City could only enforce the area of the park within the City's right of way which would be subject to restrictions from various above ground facilities, spacing between vendors and other general applicable laws.
- **Provide an evaluation of Ocean Boulevard in Pacific Beach in Section 36.0106(c).**
  - Ocean Boulevard Bike Path is included under the definition of high traffic bike and shared use path. This path extends from Crystal Pier to Law Street. In order to prevent a higher risk of serious injury due to the concentration of pedestrians, and higher rates of speed of bicyclists and other forms of mobility, sidewalk vendors are prohibited from vending within 10 feet of any high traffic bike and shared use path.
- **Provide language to define services and rentals, and an evaluation of services and rentals for prohibition.**
  - The parameters within SB 946 only apply to the sale of goods, which include food, beverages, or merchandise and does not express any intent or include any reference to services or rentals such as hair braiding, massages, fortune telling, tattooing, or renting surfboards on sidewalks and pedestrian paths. The proposed regulations define *Services* as “activities involving the performance of work for others or the provision of intangible items that cannot be returned once they are provided.” Using this definition, language was added to Section 36.0105(o) of the ordinance that prohibits sidewalk vendors from selling or offering to sell services, or rentals of any goods or services.
- **Provide language to define public promenades and plazas and prohibit vending in public promenades and plazas.**
  - Language was added to Section 36.0102 of the ordinance to define a “plaza”. A “plaza” is defined as a public square or other large urban open space typically 1,000 square feet or greater in size under the control of the City's Parks and Recreation Department and designated as a City plaza, which is primarily intended to allow the public to congregate to enjoy surrounding public amenities such as fountains, benches, tables, landscaping, or historical structures. Under section 36.0107(c), no sidewalk vendor may vend within 100 feet of another sidewalk vendor.
  - The City can designate an area to be a promenade through the use of signage and other identifiers. Given that promenades typically are major pedestrian thoroughfares, the ordinance requires a 50 foot distance requirement between stationary sidewalk vendors to ensure adequate space and pedestrian access

between vendors and these larger concentrations of people.

- **Explore options for extending indemnification to cover Maintenance Assessment Districts and Business Improvement Districts.**
  - The ordinance was revised to include release and indemnification requirements that included “contractors” which would include all entities and vendors maintaining City sidewalks under a City contract.

#### **Some Additional Changes since Committee:**

- Requiring sidewalk vendors to place items for sale at least 36 inches off the ground to ensure public safety by avoiding the creation of tripping hazards and increasing visibility to pedestrians;
- Expanding the distance requirements from bus, tram, and other non-trolley stops to 65 feet, measured in a linear fashion along the curb, to reduce pedestrian conflicts for transit passengers and vending activities;
- Requiring sidewalk vendors to cease vending operations in a park by the designated park closing time or by sunset if there is no designated closing time;
- Required a 25-foot distance requirement for all sidewalk vendors from park decorative fountains, statues, monuments, memorials or art installations within parks to ensure preservation of the natural and scenic amenities;
- Expanding prohibited items that can be sold to prohibit the sale of live animals and harmful materials to minors as defined in Municipal Code section 58.07, which would include pornographic materials.
- Revising and establishing distance requirements for crosswalks, emergency exits and railroad crossings to enhance public safety.
- Prohibiting sidewalk vending on any property under a lease agreement with the City of San Diego to avoid violating the property rights of City lessees.
- Requiring vendors to use no more than 5 square feet or 25% of vending space, whichever is less, for personal items that are not directly related to vending operations to ensure that limited sidewalk space is primarily dedicated to vending and to balance the need of pedestrians and others to use the sidewalk
- Authorizing the City Manager to create Entrepreneurship Zones throughout the City of San Diego

#### **Outreach Efforts**

Following an initial review of the draft ordinance at the Economic Development and Intergovernmental Relations Committee, staff made additional outreach efforts to obtain input directly from sidewalk vendors and stakeholders affected by the proposed ordinance.

Following input from City Council offices, staff identified and hand delivered flyers to locations throughout the City where there were high numbers of sidewalk vendors such as, but not limited to La Jolla, Ocean Beach, Mission Beach and Pacific Beach, Old Town and Balboa Park. The flyers informed sidewalk vendors of several workshops where they could give input on the proposed ordinance. In October 2019, three workshops were held at three different locations: the Logan Heights Library, Fair @ 44 in City Heights, and the Serra Mesa Library. The workshops were attended by approximately 100 people.

In addition to hosting three workshops, the City launched [sandiego.gov/sidewalkvending](http://sandiego.gov/sidewalkvending) which was created to educate the public on the proposed ordinance. It included links where

stakeholders could review the draft ordinance, read Senate Bill 946, watch the hearing from the Economic Development & Intergovernmental Relations Committee, learn about upcoming workshops, and submit additional feedback via email to a dedicated email address: [sidewalkvending@sandiego.gov](mailto:sidewalkvending@sandiego.gov).

Based on feedback from these workshops and other communications, staff revised the ordinance to address concerns and create more flexibility for sidewalk vendors. This includes:

- Not requiring roaming sidewalk vendors to adhere to distance requirements from above ground structures;
- Allowing more flexibility for sidewalk vendors to use sidewalk space by not restricting all sidewalk vendors to a 6' x 4' area. Instead, sidewalk vendors would be allowed up to 24 square feet but could not exceed 8 feet in total length or 4 feet in total width;
- Allowing sidewalk vendors to begin vending earlier by revising the start time to 7 a.m. from 8 a.m. in residential areas and revising the start time to 6 a.m. from 7 a.m. in commercial areas;
- Replaced the year-round prohibition with a prohibition during the summer moratorium on the following streets: Newport Ave between Abbott Street and Sunset Cliffs Blvd in Ocean Beach; Ventura Place between Mission Blvd and Ocean Front Walk in Mission Beach; Garnet Ave between Ocean Front Walk and Cass Street in Pacific Beach; and Coast Boulevard between Cave Street and the 200 block of Coast Boulevard South in La Jolla;
- Removed requirement that a roaming sidewalk vendor cannot vend on a single residential block for longer than 60 minutes;
- Allowing sidewalk vendors to use a shade apparatus and to provide seating for sidewalk vendor personal use only;
- Reducing the distance requirement for sidewalk vending near Major Transit Stops from 100 feet to 50 feet.
- Removing distance requirement for roaming sidewalk vendors from fire lanes and fire hydrants

As of spring 2021, the new mayoral administration conducted a series of meetings with vendor advocate organizations. In addition, Council District Two took the lead on this effort as of June 2021. Our office has met with various stakeholders including the San Diego Immigrant Rights Consortium, Logan Heights CDC, City Heights CDC, Downtown Partnership, the Padres, Balboa Park Conservancy, San Diego Restaurant Association, Mission Beach Town Council, Ocean Beach Town Council, Pacific Beach Town Council, Point Loma Association, Supervisor Fletcher's Office, and County of San Diego Health & Human Services. We continue to meet with stakeholders to ensure that we create an ordinance that appropriately balances the needs of all those effected.

### **Indemnity But No Insurance Requirement**

The prohibitions and regulations on sidewalk vending activities within highly trafficked corridors, parks, and other areas are intended to reduce and prevent pedestrian and sidewalk vendor conflict thereby decreasing liability and accidents. According to the Risk Management Department, the City has not received any claims from sidewalk vendors or the public to date.

For this reason, sidewalk vendors are not required to obtain insurance. Furthermore, the cost of insurance could easily exceed a minimum of \$1,500 per a year and create an additional

barrier to economic entrepreneurship for sidewalk vendors. As part of the application process, sidewalk vendors will need to indemnify and hold harmless the City, its officers, agents, employees, contractors, and volunteers from any and all claims arising out of any vending activity or any illness or injury resulting therefrom.

**Minors Involved with Sidewalk Vending**

Given that sidewalk vendors operate outdoors and possibly throughout the City and in the evening hours, minors need to be supervised and accompanied by an adult for public safety reasons.

As such, minors, who are individuals under 18 years of age, will not be issued sidewalk vending permits, but they may assist with permitted sidewalk vendors. Any minor assisting with or engaged in vending must be physically accompanied by an adult sidewalk vendor with a valid vending permit. The sidewalk vendor is responsible for the actions of the minor as any and all actions of the minor including any violations committed by the minor are attributable to the sidewalk vendor.

**Enforcement**

As set forth by SB 946, violations associated with any part of the ordinance will be subject to escalating fines as set forth in the table below:

<b>Administrative Citations</b>		
<b>(Violations within one year)</b>	<b>With Permit</b>	<b>Without a Permit</b>
<b>First Violation</b>	\$100	\$250
<b>Second Violation</b>	\$200	\$500
<b>Third Violation</b>	\$500	\$1,000
<b>Fourth Violation</b>	\$500 and/or permit revocation	\$1,000

Unless there is a particularly substantive danger associated with the sidewalk vendor’s conduct, it is staff’s intent to allow all sidewalk vendors violating the ordinance a verbal warning within the first month the ordinance is in effect to educate sidewalk vendors about the new regulations. If a sidewalk vendor does not comply with the warning, staff may begin issuing administrative citations in accordance with SB 946. Following multiple violations of the proposed regulations, sidewalk vendors would be subject to additional fines as set forth in SB 946. If fines are not adequately addressing a particular violation or there is vending activity which constitutes an imminent and substantial safety or environmental hazard, the City may impound any vending equipment or goods that are contributing to this hazard. The sidewalk vendor would be required to pay the cost of impound and the cost of any storage. The Environment Services Department would be responsible for all impounds.

Enforcement will be conducted primarily by the Code Enforcement Division in addition to City of San Diego Park Rangers on a proactive and responsive basis to areas of high concern for public health, safety and welfare. The San Diego Police Department may issue warnings and assist with educating sidewalk vendors but will be focused on enforcement only for the most imminent hazards to public safety or when Code Enforcement officers and park ranger are unavailable.



## **Permit Revocation**

The ordinance outlines provisions related to the revocation of a permit. Grounds for permit revocation may include, but is not limited to, giving the City false information in a sidewalk vending application or for violating local, state and federal laws while operating as a sidewalk vendor, repeated failure to comply with sidewalk vending regulations, or failure to notify the City Manager within 5 business days of any material changes to the facts provided in a vending permit application subsequent to the issuance of a vending permit. Sidewalk vendors are allowed appeal a permit revocation as set forth in Chapter 1, Article 2, Division 4 of the San Diego Municipal Code.

## **Effective Date of the Ordinance**

The ordinance effective date will be set at a future council hearing in order to provide an opportunity for City staff to determine the permit fee and to set up the permit system. Since the ordinance is subject to California Coastal Commission approval, the ordinance would not take effect in the areas of the City within the Coastal Zone until such approval was obtained. A map of the Coastal Zone boundary is available on the California Coastal Commission website at the following link: <https://www.coastal.ca.gov/maps/czb/>

## **City Strategic Plan Goal(s)/Objective(s):**

Goal #2: Work in partnership with all of our communities to achieve safe and livable neighborhoods. Objective #1: Protect lives, property, and the environment through timely and effective response in all communities

Goal #3: Create and sustain a resilient and economically prosperous City.  
Objective #1: Diversity and grow the local economy.

## **Fiscal Considerations:**

The cost to administer sidewalk vending applications has not yet been determined. City staff is currently determining cost associated with the implementation, education/outreach, permitting and enforcement.

## **Charter Section 225 Disclosure of Business Interests:**

N/A; there is no contract associated with this action.

## **Environmental Impact:**

### **1. Sidewalk Vending Ordinance:**

This ordinance to regulate sidewalk vending is not subject to CEQA pursuant to CEQA Guidelines Section 15060(c)(2) as it would not result in a direct or reasonably foreseeable indirect physical change in the environment. Pursuant to SB 946 and with limited exception, cities are not permitted to disallow sidewalk vending- on a public sidewalk, except where the restrictions are directly related to objective health, safety, or welfare concerns. This ordinance is intended to comply with SB 946. In accordance with SB 946, the City has not been enforcing its regulations related to sidewalk vending that are in conflict with SB 946. As a result, sidewalk vendors are currently operating in the City and would continue to be

allowed to do so even with the adoption of this ordinance. Therefore, adoption of this ordinance would not result in any physical changes to the environment. Even if the ordinance is subject to CEQA, it is nevertheless categorically exempt pursuant to CEQA Guidelines section 15301(Existing Facilities) because it involves the use of existing sidewalks involving negligible or no expansion of an existing use-as the ordinance is proposing to regulate sidewalk vending activity that is already occurring and will allow for regulated uses of City sidewalks in a manner no more intense than is the case on the date the City Council adopts the ordinance, and none of the exceptions to the exemption listed in CEQA Guidelines 15300.2 would apply.

2. Repeal of Pushcart in the Public Right-of-Way Regulations:

The proposed repeal of regulations related to pushcarts in the public right-of-way are not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2) as it would not result in a direct or a reasonably foreseeable indirect physical change in the environment. Pushcarts located within the right-of-way are not permanent structures and are primarily designed to service existing pedestrian activity. Pursuant to Senate Bill (SB) 946 and with limited exception, cities are not permitted to disallow sidewalk vending on a public sidewalk except where the restrictions are directly related to objective health, safety or welfare concerns. The repeal of pushcart in public right-of-way provisions are intended to comply with SB 946. In accordance with SB 946, the City has not been enforcing its regulations related to sidewalk vending that are in conflict with SB 946, including its pushcart in the public right-of-way provisions so the repeal of such provisions will not have an effect on the environment.

**Equal Opportunity Contracting Information (if applicable):**

N/A

**Previous Council and/or Committee Actions:**

1. Sidewalk Vending Ordinance:

Motion by Councilmember Ward to recommend Council approval of staff's proposed actions with the following amendments.

- Prohibit La Jolla Shoreline Parks year-round.
- Amend Section 36.0102(j) to define Coast Blvd as "from Cave Street to the 200 block of Coast Blvd. South in La Jolla."
- Provide language to amend Section 36.0102(j) to include cross streets in the area bounded by Kettner Blvd., Columbia Street, Beech Street, and Laurel Street in downtown.
- Provide an evaluation of including Amici Park and Veterans Park in Section 36.0107(f).
- Provide an evaluation of including Ocean Blvd. in Pacific Beach in Section 36.0106(c).
- Provide language to define services and rentals, and an evaluation of services and rentals for prohibition.
- Provide language to define public promenades and plazas and prohibit vending in public promenades and plazas.
- Explore options for extending indemnification to cover Maintenance Assessment Districts and Business Improvement Districts.

Second by Councilmember Bry.

Passed by the following vote:

Yea: Barbara Bry, Mark Kersey, Monica Montgomery, Christopher Ward

Nay: (None)

Recused: (None)

Not Present: (None)

Abstain: (None)

2. Repeal of Pushcarts in the Public Right-of-Way Regulations:

Planning Commission: The proposed project is being heard by the Planning Commission on July 25, 2019. The Planning Commission's recommendation will be provided prior to the City Council hearing.

Community Planners Committee (CPC) Recommendation: On June 25, 2019, the item was heard as an informational item and no comments were received.

Technical Advisory Committee (TAC): Planning Department staff notified the members of TAC via email on July 2, 2019, of this proposed action due to their July 10, 2019 meeting being cancelled.

Code Monitoring Team (CMT): Planning Department staff notified the members of CMT via email, on July 2, 2019, of this proposed action due to their July 10, 2019 meeting being cancelled.

**Key Stakeholders and Community Outreach Efforts:**

Outreach and input was received by the following organizations and departments but not limited to: sidewalk vendors, San Diego Regional Chamber of Commerce, San Diego Business Improvement District Alliance, Council on Policy Initiatives, City Heights Community Development Corporation, Logan Heights CDC, Community Planners Committee, San Ysidro Chamber of Commerce, Balboa Park Cultural Partnership, Downtown San Diego Partnership, Gaslamp Quarter Association, San Diego Convention Center, Little Italy Association, Metropolitan Transit System, San Diego Police Department, Development Services Department - Code Enforcement, Risk Management Department, Parks and Recreation Department, Fire-Rescue Department and Lifeguard Division, Transportation and Stormwater Department, County Department of Health and Human Services, Port of San Diego, California Coastal Commission and Council Offices.

Venus Molina

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Chief of Staff, Council District 2

## **Appendix F**

### **City of Anaheim Application for Sidewalk Vendor Permit**



# CITY OF ANAHEIM APPLICATION FOR SIDEWALK VENDOR PERMIT

Chapters 4.10, 4.52, 12.12, 13.08, 14.32-Anaheim Municipal Code

New Application  Renewal --- Expiration Date of Previous Permit: \_\_\_\_\_

Open/Start Date of Business: \_\_\_\_\_

## PART 1: NAME AND ADDRESS OF BUSINESS/VENDOR

Business Name			
Business Address (Physical Address Only CANNOT Be a P.O. Box)			
City	State	Zip	
(Include All Business Telephone Numbers) Business Phone	Cell Phone	Email	
Mailing Address (if different from above)			
City	State	Zip	

## PART 2: OWNER INFORMATION

Last Name		First Name		Middle	
Alias or Maiden Names					
Home Address					
City	State	Zip	Primary Phone		
Place of Birth			Date of Birth		
Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Age	Height	Weight	Hair	Eyes
Driver's License No.	State	Resale Permit #:	Social Security or Tax ID No.	Other Licenses Held	State

### OFFICE USE ONLY

APP REC'D \_\_\_\_\_ BY \_\_\_\_\_ LICENSE / PERMIT # \_\_\_\_\_

TRANSMITTED TO DEPARTMENTS: DATE \_\_\_\_\_ BY \_\_\_\_\_

REVIEWED BY:

PLANNING (ZONING)      DATE \_\_\_\_\_ Recommendation \_\_\_\_\_ BY \_\_\_\_\_

CODE ENFORCEMENT      DATE \_\_\_\_\_ Recommendation \_\_\_\_\_ BY \_\_\_\_\_

POLICE DEPARTMENT      DATE \_\_\_\_\_ Recommendation \_\_\_\_\_ BY \_\_\_\_\_

PUBLIC WORKS (STREETS)      DATE \_\_\_\_\_ Recommendation \_\_\_\_\_ BY \_\_\_\_\_

COMMUNITY SVS (PARKS)      DATE \_\_\_\_\_ Recommendation \_\_\_\_\_ BY \_\_\_\_\_

### PART 3: Employment History

Name and Address of your previous employer in the last 5 years. Please begin with the most recent employer. If you require additional space, please attach an additional sheet.

1 Present Employer			Address			
City	State	Zip	Job Start Date	End Date	Job Title	
2 Employer			Address			
City	State	Zip	Job Start Date	End Date	Job Title	
3 Employer			Address			
City	State	Zip	Job Start Date	End Date	Job Title	
4 Employer			Address			
City	State	Zip	Job Start Date	End Date	Job Title	
5 Employer			Address			
City	State	Zip	Job Start Date	End Date	Job Title	

### PART 4: Emergency Contact

Name of Person to Notify In Case of an Emergency			
Full Name		Relationship	
Home Address			
City	State	Zip	Phone

### PART 5: Detailed Business Description

Please select what type of permit you are requesting:

Stationary Sidewalk Vendor     Roaming Sidewalk Vendor

Please **describe below in detail** the types of goods or wares offered for sale, **days & hours of operation** and the **location(s)** you plan on conducting business:


**PART 6: Additional Information**

Have you ever been arrested because of an alleged violation of any law or ordinance?	<input type="checkbox"/>	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>
Have you ever been convicted of a crime or misdemeanor other than a parking violation?	<input type="checkbox"/>	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>
Has your driver's license ever been suspended or revoked?	<input type="checkbox"/>	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>
If you have answered yes to any of the above questions, please explain in detail below (giving dates and locations):				

**PART 7: Required Documents for Submittal of this Application:**

- Valid California Department of Tax and Fee Administration Seller's Permit.
- California Valid Identification (driver's license or identification card)
- Orange County Health Care Permit (required for the vending of food items)
- Site Plan of location(s) for Stationary Sidewalk Vendors including size of cart, trailer or station with size of canopy if applicable and distance from curb to station. (Plan must be legible in an 8 1/2" x 11" format)
- Trash Collection Plan describe how you will maintain sanitary conditions and contain all refuse until properly disposed of by Sidewalk Vendor.
- Application and Business License Fees**

**PART 8: The following must be initialed by the Business Owner/Vendor:**

- \_\_\_\_\_ I have read and understand Chapter 4.10, 4.52, 12.12, 13.08 and 14.32 of the Anaheim Municipal Code.
- \_\_\_\_\_ Sidewalk Vending prohibited unless a valid Sidewalk Vendor permit and valid business license has been issued by the City of Anaheim.
- \_\_\_\_\_ Sidewalk Vending prohibited in or upon grounds of any stadium, convention center, government office building, police station, fire station, library or other public facility owned or operated by the City of Anaheim.
- \_\_\_\_\_ Sidewalk Vending prohibited in the Anaheim Resort District on the following designated public streets and sidewalks listed below:
  - Ball Rd. from west side of Walnut St. to Palm St. east of Harbor Blvd.
  - Disney Way from Harbor Blvd. to east side of Clementine St.
  - Katella Ave. from Walnut St. to east side of Clementine St., except for the south side of Katella Ave. between Walnut St. and West St.
  - Convention Center Dr./Convention Center Walkway from Katella Ave. to the south side of Convention Way.
  - Convention Way from West St. to the east side of Harbor Blvd.
  - West St./Disneyland Dr. from Magic Way to south side of Katella Ave.
  - Harbor Blvd., from Ball Rd., to the south side of Convention Way
  - Manchester Ave. from Harbor Blvd. to 600 ft. easterly of Harbor Blvd.

\_\_\_\_\_ Sidewalk Vending prohibited within two (2) hours before, during and two (2) hours after events at the Angel Stadium of Anaheim, the Honda Center and The City National Grove of Anaheim on the following designated public streets and sidewalks listed below:

- Oranewood Ave. from west side of 57 Freeway to 300 feet west of State College Blvd.
- State College Blvd. from 300 feet south of Oranewood Ave. to the north side of Katella Ave.
- Katella Ave. from west side of State College Blvd. to the Santa Ana River Trail.
- Douglass Rd. from the entrance to the Angel Stadium of Anaheim to Cerritos Ave.
- Dupont Dr.
- Rampart St. from Oranewood Ave. to Dumaine St.
- Gene Autry Way from S. Chris Ln. to entrance of the Angel Stadium of Anaheim.

\_\_\_\_\_ Stationary Sidewalk Vending is prohibited from vending in a Public park that is subject to a concessions agreement that exclusively permits the sale of food or merchandise in that Public Park.

\_\_\_\_\_ Stationary Sidewalk Vending is prohibited in any location zoned residential.

\_\_\_\_\_ Sidewalk vending is prohibited within the immediate vicinity of a permitted certified farmers' market or permitted swap meet during the hours of that certified farmers' market or swap meet.

\_\_\_\_\_ Sidewalk vending is prohibited within the immediate vicinity of any area designated for a temporary special permit for the duration of the temporary special permit.

\_\_\_\_\_ Sidewalk Vendors shall maintain sanitary condition and contain all refuse until properly disposed of by the Sidewalk Vendor.

\_\_\_\_\_ Sidewalk Vendors shall comply with the federal American with Disabilities Act of 1999 and other disability access standards, including but not limited to allowing for a minimum width of at least thirty-six (36) inches of accessibility on any sidewalk.

\_\_\_\_\_ The business shall also be in conformity with all other city, state and federal laws.

## **PART 9: CERTIFICATION**

I hereby certify under the penalty of perjury that the information given is true and correct. I understand that providing false information or withholding information, including any criminal record, is grounds for denial or revocation of my permit and may subject me to criminal prosecution. I do hereby authorize the City of Anaheim, its agents and employees to seek verification of the information contained on this application. I further understand that I may not conduct the activity applied for until a permit has been granted, and that a copy of the City Ordinances regulating Sidewalk Vendors is available to me in the City Clerk's Office or over the Internet at [www.anaheim.net](http://www.anaheim.net) (Chapter 4.10, 4.52, 12.12, 13.08, and 14.32 of the Anaheim Municipal Code).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title

### **FEES MUST ACCOMPANY THIS APPLICATION** **PLEASE MAKE CHECKS PAYABLE TO: THE CITY OF ANAHEIM**

#### **OFFICE USE ONLY**

Expiration Date \_\_\_\_\_

Fee Schedule \_\_\_\_\_

NAICS Code \_\_\_\_\_

Tax (1141) \$ \_\_\_\_\_

Processing (1142) \$ \_\_\_\_\_

Penalty (1143) \$ \_\_\_\_\_

Interest (1144) \$ \_\_\_\_\_

Permits (1149) \$ \_\_\_\_\_

**TOTAL \$ \_\_\_\_\_**



## **Appendix G**

### **City of Oakland Mobile Vending Application**



- c. **Owner Gender:**     Male/Man     Female/Woman     Nonbinary     Transgender     Decline to state
- d. **Owner Disability:**     Yes, I have a disability/One or more of the owners of the business entity has a disability  
 No, I do not have a disability/None of the owners of the business entity has a disability  
 Decline to state
- e. **Owner Education:**     No High School Diploma     High School Graduate or Equivalency  
 Some college, No Degree     Professional Certification     Associate's Degree  
 Bachelor's Degree     Graduate or Professional Degree     Decline to State

**4. Would you like to be featured on our City of Oakland's mobile vending website so event organizers can contact you?**     No     Yes

If yes, please provide below your company's name, type of food/merchandise, your website link, and/or email that you would like displayed on the City of Oakland's website:.

Type of Food/Merchandise (Less than 10 words) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**5. VENDING ON PRIVATE OR CITY OWNED PROPERTY?**     NO     YES *(if yes, please complete the*

**Proposed Address:** Please attach a lease or letter of authorization from the property owner along with this application.

**\*Proposed Vending Location Information\***

Address number \_\_\_\_\_ Address Street name \_\_\_\_\_ Address zip code \_\_\_\_\_

**\*Property owner contact information\***

Owner name \_\_\_\_\_ Owner telephone number \_\_\_\_\_

Owner Email: \_\_\_\_\_ EXTRA NOTES \_\_\_\_\_

**\*\*REQUIRED--** Location(s) will be verified by city staff before issuing a permit\*\*

**6. VENDING ON SIDEWALK OR IN PARKING LANES?**     No (skip section)     Yes *(If yes, please complete the section below)*

**\*Roaming Vendors\*:** Please indicated street intersections or address.

Location 1 \_\_\_\_\_ Location 2 \_\_\_\_\_

Location 3 \_\_\_\_\_ Location 4 \_\_\_\_\_

Location 5 \_\_\_\_\_ Location 6 \_\_\_\_\_

\*Notes \_\_\_\_\_

**\*Roaming vendors stop only long enough to make a sale. Vending in one location for more than 60 minutes requires providing customers and employees with access to a restroom (See section #7).**

**7. RESTROOM REQUIREMENTS FOR STATIONARY VENDORS**

**Restroom Authorization must be within 200-feet of the stationary vending location.**

Name of Business Providing Restroom Access: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Owner's Name: \_\_\_\_\_

Business Phone number: \_\_\_\_\_ Business Owner Email \_\_\_\_\_

Vendor use of restroom: Date(s) \_\_\_\_\_ Hours of use \_\_\_\_\_

Business Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

***\*Submit a copy of the authorization letter for employees to use the restroom along with this application. \****

***\*Note: City staff will verify agreement before issuing a vending permit\****

**8. SCHOOL WAIVER (To be completed if vendor obtains a school waiver as detailed below)**

Vendors **may not sell within 300 feet of any school**, between 7 a.m. and 6 p.m., Monday through Friday, **unless the school's supervising entity\* provides a waiver to serve healthy food or to sell merchandise.**

**Applicant must complete this section if they are requesting a waiver from a school's supervising entity\* to help the supervising entity make a determination:**

**Name of School:** \_\_\_\_\_

**Address of School:** \_\_\_\_\_

*I, the undersigned, have attached a copy of the menu, which shows that the vendor will only sell "healthy foods" such as fruits; non-fried vegetables; dairy foods; food made from nuts, seeds, legumes, cheese; foods made from whole grains (defined as 51% or more); foods which do not contain trans-fat. Beverages for sale in this definition include: water; 100% fruit or vegetable juice; nonfat and 1% milk; and non-dairy milk, such as soy. Sugar-sweetened beverages, candy and soda are not considered "healthy" under these guidelines.*

\_\_\_\_\_

\_\_\_\_\_

*Signature of Vendor/Owner*

*Date*

**TO BE COMPLETED BY SCHOOL'S SUPERVISING ENTITY\* (if waiver is granted):**

**Specify if there is any time of day when vending is prohibited:** \_\_\_\_\_

**Please list any Restrictions:** \_\_\_\_\_

**\*School's Supervising Entity:** \_\_\_\_\_

*(Printed Name, Title)*

*(Phone Number)*

\_\_\_\_\_

\_\_\_\_\_

*(Signature)*

*(Date)*

*\*For Oakland Unified School District schools (and certain Charter schools served by OUSD Nutrition Services), the supervising entity is the Executive Director of OUSD Nutritional Services.*

***\*For Oakland Unified District schools (and certain Charter schools served by OUSD Nutrition Services), the supervising entity is the Executive Director of OUSD Nutritional Services.***

**9. RESTAURANT OR MERCHANDISE STORE WAIVER\***

To be completed if truck or trailer is vending within 300-feet of a brick-and-mortar restaurant or merchandise store.

To be completed if a non-motorized sidewalk vendor will be vending within 100-feet of a restaurant or merchandise store.

**Vendor must complete this section if they are requesting a waiver from a brick-and-mortar:**

For the owners of a restaurant/café or merchandise store within a buffer distance of a site where a vendor is seeking a permit to vend: With my signature, I authorize this application from a vending business to sell within the above-described buffer distances.

**1. Food vendors--Café/Restaurant #1 or Merchandise Vendor—Merchandise Store**

**Business Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Owner's Name:** \_\_\_\_\_

**Phone number:** \_\_\_\_\_ **Email** \_\_\_\_\_

**Signature :** \_\_\_\_\_ **Date :** \_\_\_\_\_

**2. Food vendors--Café/Restaurant #2 or Merchandise Vendor—Merchandise Store**

**Business Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Owner's Name:** \_\_\_\_\_

**Phone number:** \_\_\_\_\_ **Email** \_\_\_\_\_

**Signature :** \_\_\_\_\_ **Date :** \_\_\_\_\_

**3. Food vendors--Café/Restaurant #3 or Merchandise vendor—Merchandise Store**

**Business Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Owner's Name:** \_\_\_\_\_

**Phone number:** \_\_\_\_\_ **Email** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**\* Signatures required from merchandise (for merchandise vendors) stores and restaurants (for food vendors) \***

**10. SEND SUBMISSION REQUIREMENTS TO [MOBILEVENDING@OAKLANDCA.GOV](mailto:MOBILEVENDING@OAKLANDCA.GOV)**

**The following items are required for ALL applications unless otherwise noted. Each and every item is required at the time of application submittal. APPLICATIONS WITH MISSING ITEMS WILL NOT BE ACCEPTED AND WILL BE CONSIDERED INCOMPLETE.**

- (1) Mobile Vending Application (signed and completed)
- (2) Photographs for Food Vendors--showing front, side view and back (food vendors include the license plate and Alameda County Health decal) of the vending vehicle
- (3) Proposed Menu (of items to be offered at the food vending vehicle)
- (4) Photographs – Non-Food Merchandise vendors showing front, side view and back of the vending vehicle or tent/table used to vend
- (5) Copy of Health Permit(s) from Alameda County’s Department of Environmental Health (*Food vendors only*)
- (6) Verified Insurance Certificate and Endorsement Page
- (7) **Fees due: \$0.00 for mobile vending application and permits processed before July 1, 2023**

**If applicable:**

- (8) Proof of Fire Permit and/or Inspection Report for (*Vendors Using Gas to Cook or Warm/Cool Food*)
- (9) Lease, or letter of authorization from property owner (*Vending on Private Property or City Owned Property*)<sup>1</sup>

**Note: Fees may apply for the permits or clearances required by other departments or agencies as part of this submittal.**

*I certify that I am the vendor and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies may result in the revocation of vending permits. I understand that approval of this application does not confer any form of permanent land use entitlement to the person, group, entity or property associated with this permit. I also understand that the permits cannot be transferred or otherwise assigned to another person or entity. I agree to abide by all local, State and Federal requirements, including, but not limited to those listed in an associated Approval Letter issued by the City of Oakland, buffer, clearance and permission requirements related to the location of vending, and those laws relating to minimum wage and sick leave for employees.*

***I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT I HAVE READ THE ABOVE AND THAT ALL THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT.***

\_\_\_\_\_  
*Signature of Vendor/Owner*

\_\_\_\_\_  
*Date*

## **Appendix H**

### **City of Oakland Mobile Food Vending Information**



City of Oakland

# MOBILE FOOD VENDING

## Food Trucks, Trailers, and Sidewalk Vendors



To vend food and non-alcoholic beverages from the public right-of-way, private property or city owned property you must have a City of Oakland Mobile Vending Permit.

Applications available at <https://www.oaklandca.gov/topics/food-and-mobile-vending-permits>

### \*Special Event and Group Site Participants\*

Buffer distances between vendors do not apply if you are part of a special event or permitted mobile group site.

- To Apply for a Special Event Permit: <https://www.oaklandca.gov/topics/special-events>
- To Apply for a Group Site application: <https://www.oaklandca.gov/topics/food-and-mobile-vending-permits>

A vendor is a person who sells food or non-alcoholic beverages in the public right-of-way, private property, or city owned property from a food truck, trailer, pushcart, stationary cart or other equipment allowed by the Alameda County Environmental Health Department.

There are two types of vendors:

**A Roaming Vendor** moves from place to place and stops only to make a sale.

**A Stationary Vendor** sells from a fixed location e.g., public right-of-way, private or city owned property on commercial or industrial zones.

### Where can I vend after receiving my permit?

**Pushcart Roaming Vendors** can vend on any city sidewalk as long as they comply with *sidewalk clearances*, *buffer distances* and *special permissions*.\*

**Stationary Vendors** can vend on parking lanes, sidewalks, private property or city owned property in commercial or industrial zones. As long as they comply with *sidewalk clearances*, *buffer distances*, *parking requirements*, and *special permissions*.\*

**All Vendors** are must comply with all parking laws e.g., paying meter parking, not parking in front of bus stops, or red, yellow, green zones.

#### More Details?

Visit our website for applications <https://www.oaklandca.gov/topics/food-and-mobile-vending-permits>

### \*Sidewalk Clearances\*

Vending facilities must maintain at least 6-foot clear path of travel along the sidewalk. Additional clearance requirements, such as distances from bus stops, fire hydrants, curb ramps, building entrances and others are also required.

### \*Special Permissions\*

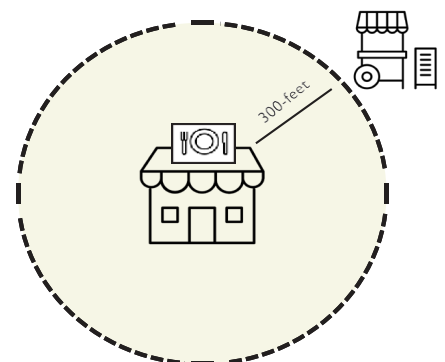
**Parks:** To vend in City of Oakland parks, vendors must also get permission from the Oakland Parks, Recreation and Youth Development Department. Please visit <https://www.oaklandca.gov/services/rentals-and-reservations> for additional information.

**Schools:** Vending within 300 feet of any school is **only allowed if a waiver is granted** by the school's Supervising Entity to sell healthy food and non-food merchandise.

### \*Buffer Distance\*

Mobile Food Vending outside of a special event or group site is not allowed within:

- 300 Feet of any other permitted mobile food vendor
- 100 Feet from another permitted sidewalk Vendor
- 300 Feet of a Restaurant or Café
- 300 Feet of Schools
- 300 Feet of a Farmer's Market, Flea Market, or other Special Events (like "First Friday" or "Off the Grid")
- See Mobile Vending Website for Details





Please obtain the following permits and insurance before applying for a Mobile Vending Permit

### Health Permit

Alameda  
County  
Department of  
Environmental  
Health  
1131 Harbor Bay Parkway,  
Alameda, CA  
(510) 567-6700  
[www.acgov.org/aceh](http://www.acgov.org/aceh)

1

### Proof of Insurance

Talk to an  
Insurance Agent  
General Liability  
Insurance is required;  
Worker's Compensation  
Insurance may also be  
required.  
Request a Sample Document  
[mobilevending@oaklandca.gov](mailto:mobilevending@oaklandca.gov)

2

### Fire Clearance

Fire  
Prevention Bureau  
250 Frank H. Ogawa  
Plaza,  
Suite 3341, Oakland  
Email:  
[FPBReceptionist@oaklandca.gov](mailto:FPBReceptionist@oaklandca.gov)  
Vendors using generators,  
natural gas, propane, butane  
may require a permit and/or  
inspection for fire safety.

3

Please note there is no mobile vending application or permit fee until July 2023

#### Applications Available

Please visit:

<https://www.oaklandca.gov/topics/food-and-mobile-vending-permits>

CALL: 510-238-2273

EMAIL: [Mobilevending@oaklandca.gov](mailto:Mobilevending@oaklandca.gov)

To report unpermitted vending please email:

[Mobilevending@oaklandca.gov](mailto:Mobilevending@oaklandca.gov)

#### Resources

##### **Interested in vending on City Owned Property?**

More information contact City of Oakland Real Estate Department:

<https://www.oaklandca.gov/resources/use-city-owned-outdoor-property>

Or email Jinnhua Su at  
[JSu@oaklandca.gov](mailto:JSu@oaklandca.gov)

**Business Assistance Center** Free help and referrals for small business owners and entrepreneurs located in Oakland:

<https://www.oaklandca.gov/topics/oakland-business-assistance-center>

Or

email Juno Thomas  
[JThomas@oaklandca.gov](mailto:JThomas@oaklandca.gov)

#### Keep in mind...

The **regular permitted hours for mobile vendors** are 7 am to 10 pm daily. Late night vending may be allowed if adjacent businesses are open late.

**You will also need a business license!** You can obtain a license after you receive your Mobile Vending Permit. Contact the Business Tax Office please visit:  
<https://www.oaklandca.gov/services/apply-for-a-business-license-online> for more information.

250 Frank H Ogawa Plaza,  
Suite 1320, Oakland, CA  
(510) 238-3704

Check our website and sign up for email updates  
<https://www.oaklandca.gov/topics/food-and-mobile-vending-permits>



City of Oakland

# MOBILE FOOD VENDING

## Permit Application Process



Applications available at: <https://www.oaklandca.gov/topics/food-and-mobile-vending-permits>

### Have Questions?

Feel free to contact the Special Activity Permits Division for question.

Please email:

[Mobilevending@oaklandca.gov](mailto:Mobilevending@oaklandca.gov)

### Resources

#### Interested in vending on City Owned Property?

Contact the City of Oakland's Real Estate Department:

<https://www.oaklandca.gov/resources/use-city-owned-outdoor-property>

Or email Jinhua Su at: [JSu@oaklandca.gov](mailto:JSu@oaklandca.gov)

#### Business Assistance Center

Free help and referrals for small business owners and entrepreneurs. Please visit:

[https://www.oaklandca.gov/to\\_pics/oakland-business-assistance-center](https://www.oaklandca.gov/to_pics/oakland-business-assistance-center)

### \*Note\*

**Vending on Private Property** must take place in a commercial or industrial zone.

**Worker's Compensation Insurance** is required if you have one employee or more.

**Public right-of-way** e.g., sidewalk or parking lane in a commercial or industrial zone.

## Food Vendors

### Step 1

Alameda County Health Permit  
<https://deh.acgov.org/operations/mff.page>

### Step 2

**Fire Prevention Inspection**  
(cooking with gas)

Email:

[FPBReceptionist@oaklandca.gov](mailto:FPBReceptionist@oaklandca.gov)

### Step 3

\*Obtain General Liability Insurance.  
To request a Sample Document email:  
[mobilevending@oaklandca.gov](mailto:mobilevending@oaklandca.gov)

### Step 4: Mobile Vending Application\*\*

<https://www.oaklandca.gov/topics/food-and-mobile-vending-permits>

Submit copies of documents with your application. *If vending on private property, submit a copy of your lease agreement along with your application.*

### Final Step:

City of Oakland Business License/Certificate.

<https://www.oaklandca.gov/topics/oakland-business-assistance-center>

**Now you are ready to vend!**



City of Oakland

# MOBILE FOOD VENDING SAFETY REQUIREMENTS



Applications available at: <https://www.oaklandca.gov/topics/food-and-mobile-vending-permits>

## Safety Requirements for Vending Food on Sidewalks and Parking Lanes

### Sidewalk Clearance

- 6-foot straight path clearance
- Measured from store wall to furthest city placed obstruction e.g., light pole, parking meter, etc..

### Buffer Requirements

- 300-feet from Restaurants and Café's
- 300-feet from food trucks and trailers
- 300-feet from schools unless authorized by school Super Intendent.
- 100-feet from other permitted sidewalk vendors

### Parking Lane Vending:

- Vendor is responsible for obeying all parking laws and practicing good neighbor policies

### Stationary Vendors

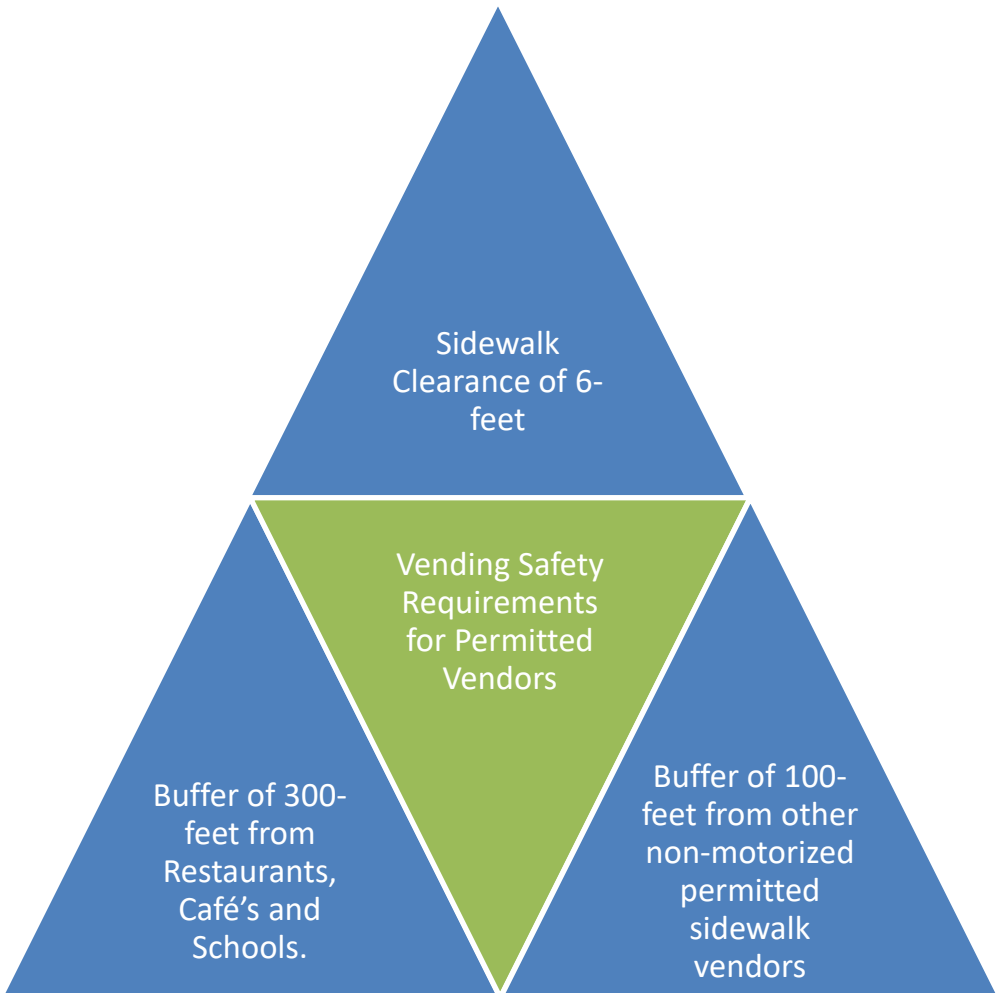
- May vend in commercial and industrial zones with buffer, safety and health requirements. Vending for more than 60 minutes requires a restroom signature.

### Roaming Vendors

- Stopping only long enough to make a sale and continue to other locations while respecting safety requirements.

### Public right-of-way

- Parking Lanes.



**For a Map of Permitted Vending Areas Please visit:**  
<https://www.oaklandca.gov/topics/food-and-mobile-vending-permits>

**To Vend in City Parks:**  
*This Permit does not grant permission* to vend on City Park Land e.g., Lake Merritt, Mosswood Park, etc.. Please visit Parks, Recreational & Youth Development for additional information on obtaining permission to vend <https://www.oaklandca.gov/services/rentals-and-reservations>

# Appendix I

## City of Oakland Mobile Merchandise Vending Information



City of Oakland

# MOBILE MERCHANDISE VENDING

Merchandise Trucks, Trailers, Vehicles, and Sidewalk Vendors



To vend merchandise or non-food merchandise from the public right-of-way, private property or city owned property you must have a City of Oakland Mobile Vending Permit.

Applications available at : <https://www.oaklandca.gov/topics/food-and-mobile-vending-permits>

## "Non-food Merchandise"

Means goods, wares, distribution of mobile phones, mobile phone services, sale of flowers or other non-food related merchandise on the public right-of-way.\*

## \*Special Event and Group Site Participants\*

Buffer distances between vendors do not apply if you are part of a special event or permitted mobile group site.

To Apply for a Special Event Permit:

<https://www.oaklandca.gov/topics/special-events>

To Apply for a Group Site application:

<https://www.oaklandca.gov/topics/food-and-mobile-vending-permits>

A vendor is a person who sells merchandise in the public right-of-way, private property, or city owned property from a truck, trailer, vehicle, pop-up tent, pushcart, stationary cart.

### There are two types of vendors:

- A Roaming Vendor moves from place to place and stops only to make a sale.
- A Stationary Vendor sells from a fixed location e.g., public right-of-way, private or city owned property on commercial or industrial zones.

### *Where can I vend after receiving my permit?*

**Non-motorized-pushcart roaming vendors** can vend on any city sidewalk as long as they comply with *sidewalk clearances, buffer distances and special permissions.\**

**Stationary Vendors** can vend on parking lanes, sidewalks, private property or city owned property in commercial or industrial zones. As long as they comply with *sidewalk clearances, buffer distances, parking requirements, and special permissions.\**

**All Vendors must** comply with all parking laws e.g., paying meter parking, not parking in front of bus stops, or red, yellow, green zones.

### *\*Sidewalk Clearances\**

Vending facilities must maintain at least 6-foot clear path of travel along the sidewalk. Additional clearance requirements, such as distances from bus stops, fire hydrants, curb ramps, building entrances and others are required.

### *\*Special Permissions\**

**Parks:** To vend in City of Oakland parks, vendors must also get permission from the Oakland Parks, Recreation and Youth Development Department.

Please visit

<https://www.oaklandca.gov/services/rentals-and-reservations> for additional information.

**Schools:** Vending within 300 feet of any school is **only allowed if a waiver is granted** by the school's Supervising Entity to sell healthy food and non-food merchandise.

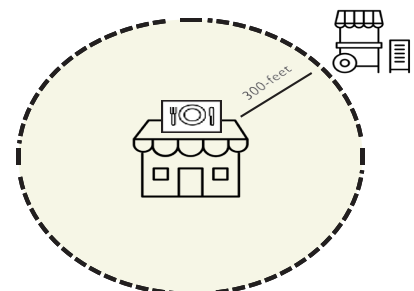
### *\*Buffer Distance\**

Mobile Vending outside of a special event or group site is not allowed within:

- 300-Feet of any other permitted mobile vendor
- 100-Feet from other permitted roaming vendors
- 300-Feet from a merchandise brick and mortar store
- 300-Feet of Schools
- 300-Feet of a Farmer's Market, Flea Market, or other Special Events (like "First Friday" or "Off the Grid")
- **See Mobile Vending Website for Details**

### More Details?

Visit our website for applications  
<https://www.oaklandca.gov/topics/food-and-mobile-vending-permits>



Please obtain the following permits and insurance before applying for a Mobile Vending Permit

**Oakland Business License**

**Business License for the City of Oakland**

Business license is required to vend within the City of Oakland.

Visit:  
<https://www.oaklandca.gov/topics/oakland-business-assistance-center>

or email for additional information:  
[jethomas@oaklandca.gov](mailto:jethomas@oaklandca.gov)

1

**Proof of Insurance**

**Talk to an Insurance Agent**

General Liability Insurance is required; Worker's Compensation Insurance may also be required.

Request a sample document at:  
[Mobilevending@Oaklandca.gov](mailto:Mobilevending@Oaklandca.gov)

2

Please note there is no mobile vending application or permit fee until July 2023

**Applications Available**

<https://www.oaklandca.gov/topics/food-and-mobile-vending-permits>

CALL 510-238-2273

EMAIL [Mobilevending@oaklandca.gov](mailto:Mobilevending@oaklandca.gov)

**To report unpermitted vending**

Email: [Mobilevending@oaklandca.gov](mailto:Mobilevending@oaklandca.gov)

**Resources**

**Interested in vending on City Owned Property?**

More information contact City of Oakland Real Estate Department:

<https://www.oaklandca.gov/resources/us-e-city-owned-outdoor-property>

Or

email Jinnhua Su at  
[JSu@oaklandca.gov](mailto:JSu@oaklandca.gov)

**Business Assistance Center** Free help and referrals for small business owners and entrepreneurs located in Oakland:

<https://www.oaklandca.gov/topics/oakland-business-assistance-center>

Or

email Juno Thomas  
[JThomas@oaklandca.gov](mailto:JThomas@oaklandca.gov)

**Keep in mind...**

The **regular permitted hours for mobile vendors** are 7 am to 10 pm daily. Late night vending may be allowed if adjacent businesses are open late.

**You will also need a business license!** You can obtain a license after you receive your Mobile Vending Permit. Contact the Business Tax Office please visit:

<https://www.oaklandca.gov/services/apply-for-a-business-license-online> for more information.

250 Frank H Ogawa Plaza,  
Suite 1320, Oakland, CA  
(510) 238-3704

Check our website and sign up for email updates  
<https://www.oaklandca.gov/topics/food-and-mobile-vending-permits>



City of Oakland

# MOBILE MERCHANDISE VENDING

## Permit Application Process

Applications available at: <https://www.oaklandca.gov/topics/food-and-mobile-vending-permits>

### Have Questions?

Feel free to contact the Special Activity Permit for question. Please email:

[Mobilevending@oaklandca.gov](mailto:Mobilevending@oaklandca.gov)

### Resources

#### Interested in vending on City Owned Property?

Contact City of Oakland Real Estate Department: <https://www.oaklandca.gov/resources/use-city-owned-outdoor-property>

Or email Jinhua Su at: [JSu@oaklandca.gov](mailto:JSu@oaklandca.gov)

#### Business Assistance

**Center Free** help and referrals for small business owners and entrepreneurs. Visit: [https://www.oaklandca.gov/to\\_pics/oakland-business-assistance-center](https://www.oaklandca.gov/to_pics/oakland-business-assistance-center)

### \*Note\*

**Vending on Private Property** must take place in a commercial or industrial zone.

**Worker's Compensation Insurance** is required if you have one employee or more.

**Public right-of-way** e.g., sidewalk or parking lane in a commercial or industrial zone.

Merchandise Vendors

### Step 1

Obtain General Liability Insurance.

To request a Sample Document email: [mobilevending@oaklandca.gov](mailto:mobilevending@oaklandca.gov)

Now you are ready to Apply for a Mobile Vending Permit!

### Mobile Vending Application \*

<https://www.oaklandca.gov/topics/food-and-mobile-vending-permits>

### \*Note\*

**Vending on Private Property?:** Submit a copy of your lease agreement and all documents with your application

### Last Step

City of Oakland Business License. <https://www.oaklandca.gov/topics/oakland-business-assistance-center>

Now you are ready to vend!



City of Oakland

# MOBILE MERCHANDISE VENDING SAFETY REQUIREMENTS

Applications available at: <https://www.oaklandca.gov/topics/food-and-mobile-vending-permits>

## Safety Requirements for Vending Merchandise on Sidewalks and Parking Lanes

### Sidewalk Clearance

- 6-foot straight path clearance
- Measured from store wall to furthest city placed obstruction e.g., light pole, parking meter, etc..

### Buffer Requirements

- 300-feet from Merchandise Stores
- 300-feet from schools unless authorized by school.
- 100-feet from other permitted sidewalk vendors

### Parking Lane Vending:

- Vendor is responsible for obeying all parking laws and practicing good neighbor policies

### Stationary Vendors

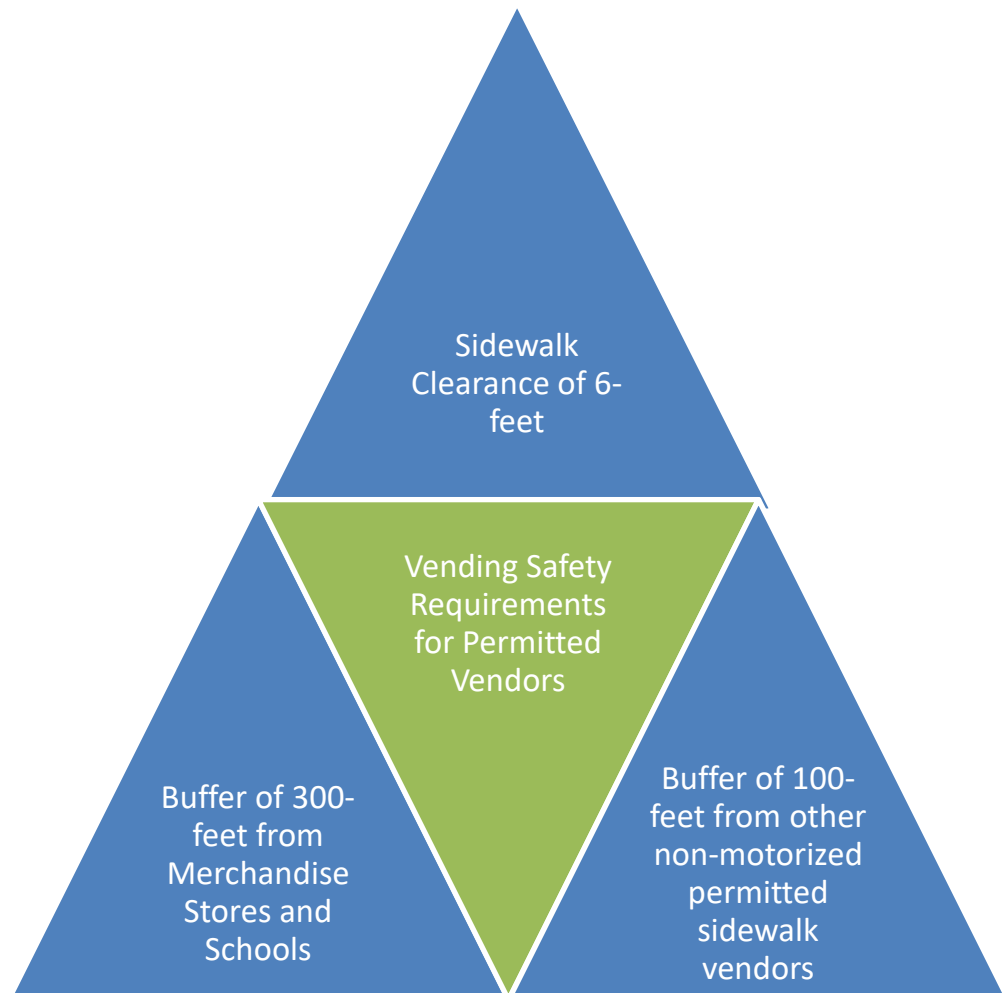
- May vend in commercial and industrial zones with buffer and safety requirements.

### Roaming Vendors

- Stopping only long enough to make a sale and continue to other locations without being stationary and respecting safety requirements.

### Public right-of-way

- Sidewalks or Parking Lanes.



**For a Map of Permitted Vending Areas Please visit:**

<https://www.oaklandca.gov/topics/food-and-mobile-vending-permits>

### **To Vend in City Parks:**

***This Permit does not grant permission*** to vend on City Park Land e.g., Lake Merritt, Mosswood Park, etc.. Please visit Parks, Recreational & Youth Development for additional information on obtaining permission to vend <https://www.oaklandca.gov/services/rentals-and-reservations>



## **Appendix J**

### **City of Oakland Mobile Food Sidewalk Vendors Insurance Requirements**



**Insurance requirements for the City of Oakland are as follows: (FOR STREET CLOSURE)**

We need an ACORD (a Certificate of Insurance) showing:

\$1 million per occurrence, and \$1 million aggregate of General Liability

Per the city's requirement, we need an Endorsement to the General Liability Policy naming the following Additional Insureds:

**"The City of Oakland, it's Councilmembers, directors, officers, agents, employees and volunteers."**

We don't need Endorsements for the Auto or Workers' Compensation policies.

The ACORD and the Endorsement are usually one-page documents. The ACORD is a summary of the current insurance policy. The Endorsement legally changes the policy to add the City, et al. as Additional Insureds.

The Certificate Holder should be:

City of Oakland  
Department of Transportation  
250 Frank Ogawa Plaza, 4th floor  
Oakland, CA 94612

Return documents to City of Oakland

via email: with your Flex Streets—Street Closure Application Packet via your City of Oakland staff contact

or US Mail: City of Oakland  
Department of Transportation  
250 Frank Ogawa Plaza, 4th floor  
Oakland, CA 94612

**Schedule Q**  
**Mobile Food Sidewalk Vendors**  
**INSURANCE REQUIREMENTS**

*(Revised 09/03/19)*

a. General Liability, Workers' Compensation and Professional Liability

Vendor shall procure, prior to commencement of service, and keep in force for the term of this permit, at Vendor's own cost and expense, the following policies of insurance or certificates or binders as necessary to represent that coverage as specified below is in place with insurance companies doing business in California and acceptable to the City. If requested, Vendor shall provide the City with copies of all insurance policies. The insurance shall at a minimum include:

- i. **Commercial General Liability insurance** shall cover bodily injury, property damage and personal injury liability for premises operations, independent contractors, products-completed operations personal & advertising injury and contractual liability. Coverage shall be at least as broad as Insurance Services Office Commercial General Liability coverage (occurrence Form CG 00 01)

Limits of liability: Vendor shall maintain commercial general liability (CGL) and, if necessary, commercial umbrella insurance with a limit of not less than \$1,000,000 each occurrence. If such CGL insurance contains a general aggregate limit, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

- ii. **Workers' Compensation insurance** as required by the laws of the State of California, with statutory limits, and statutory coverage may include Employers' Liability coverage, with limits not less than \$1,000,000 each accident, \$1,000,000 policy limit bodily injury by disease, and \$1,000,000 each employee bodily injury by disease. The Vendor certifies that he/she is aware of the provisions of section 3700 of the California Labor Code, which requires every employer to provide Workers' Compensation coverage, or to undertake self-insurance in accordance with the provisions of that Code. The Vendor shall comply with the provisions of section 3700 of the California Labor Code before commencing performance of the work under this Agreement and thereafter as required by that code.

b. Terms Conditions and Endorsements

The aforementioned insurance shall be endorsed and have all the following conditions:

- i. **Insured Status (Additional Insured):** Vendor shall provide insured status naming the City of Oakland, its Councilmembers, directors, officers, agents, employees and volunteers as insureds under the Commercial General

Liability policy. General Liability coverage can be provided in the form of an endorsement to the Vendor's insurance (at least as broad as ISO Form CG 20 10 (11/85) or both CG 20 10 and CG 20 37 forms, if later revisions used). If Vendor submits the ACORD Insurance Certificate, the insured status endorsement must be set forth on an ISO form CG 20 10 (or equivalent). A STATEMENT OF ADDITIONAL INSURED STATUS ON THE ACORD INSURANCE CERTIFICATE FORM IS INSUFFICIENT AND WILL BE REJECTED AS PROOF OF MEETING THIS REQUIREMENT; and

- ii. Coverage afforded on behalf of the City, Councilmembers, directors, officers, agents, employees and volunteers shall be primary insurance. Any other insurance available to the City Councilmembers, directors, officers, agents, employees and volunteers under any other policies shall be excess insurance (over the insurance required by this Agreement); and
- iii. Cancellation Notice: Each insurance policy required by this clause shall provide that coverage shall not be canceled, except with notice to the City of Oakland; and
- iv. The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City for all work performed by the Vendor, its employees, agents and subcontractors; and
- v. Certificate holder is to be: City of Oakland, Special Activity Permits Division within the City Administrator's Office; and
- vi. Insurer shall carry insurance from admitted companies with an A.M. Best Rating of A VII, or better.

c. Lapse of Coverage

In the case of expiration or failure to provide any of the insurance provisions required as detailed in this Schedule, the City may, at the City's option, rescind the issued Mobile Food Vending permit.

d. Insurance Interpretation

All endorsements, certificates, forms, coverage and limits of liability referred to herein shall have the meaning given such terms by the Insurance Services Office as of the date of this Agreement.

e. Proof of Insurance

Prior to issuance of the Mobile Food Vending permit, Vendor will be required to provide a certificate of liability insurance and endorsements as stated herein as proof of meeting the insurance requirements for the permit. Failure to provide the

insurance proof requested or failure to do so in a timely manner shall constitute ground for rescission of the issued permit.

f. Deductibles and Self-Insured Retentions

Any deductible or self-insured retention must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductible or self-insured retentions as respects the City, its Councilmembers, directors, officers, agents, employees and volunteers; or the Vendor shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration and defense expenses.

g. Waiver of Subrogation

Vendor waives all rights against the City of Oakland and its Councilmembers, officers, directors, employees and volunteers for recovery of damages to the extent these damages are covered by the forms of insurance coverage required above.

h. Evaluation of Adequacy of Coverage

The City of Oakland maintains the right to modify, delete, alter or change these requirements, with reasonable notice, upon not less than ninety (90) days prior written notice.

i. Higher Limits of Insurance

If the Vendor maintains higher limits than the minimums shown above, The City shall be entitled to coverage for the higher limits maintained by the Vendor.

# SAMPLE ACORD CERTIFICATE OF INSURANCE



## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
01/07/20XX

**THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.**

**IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).**

PRODUCER Insurance broker name and address  CA 94104	CONTACT NAME: PHONE (A/C, No., Ext):      FAX (A/C, No.): E-MAIL ADDRESS:  INSURER(S) AFFORDING COVERAGE      NAIC # INSURER A: Insurance company names go here      11000 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
INSURED  Insured person's name and address  CA 94607	

**COVERAGES      CERTIFICATE NUMBER: CL2162929989      REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADJL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			Policy number here	07/01/20XX	07/01/20XX	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 20,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 \$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000						EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY    Y/N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		Policy number here <b>(IF YOU HAVE EMPLOYEES)</b>	05/31/20xx	05/31/20XX	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A							Each claim \$ 1,000,000 Aggregate \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

City of Oakland, its councilmembers, directors, officers, agents, employees and volunteers are all included as additional insured as per the attached endorsement - a waiver of subrogation endorsement is attached for the workers compensation policy

**CERTIFICATE HOLDER**

**CANCELLATION**

<p style="color: red;"><b>For Street Closure: See Page 1 for Certificate Holder Information</b></p> <p style="color: red;"><b>For Mobile Vendors: See below</b></p> City of Oakland Special Activity Permits 1 Frank Ogawa PL - 1st FL Oakland      CA 94612	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  
---	---

© 1988-2015 ACORD CORPORATION. All rights reserved.

POLICY NUMBER:  
 Named Insured: .

COMMERCIAL GENERAL LIABILITY  
 CG 20 26 12 19

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

### SCHEDULE

**Name Of Additional Insured Person(s) Or Organization(s):**

Any person or organization that you are required to add as an additional insured on this policy, under a written contract or agreement currently in effect, or becoming effective during the term of this policy. The additional insured status will not be afforded with respect to liability arising out of or related to your activities as a real estate manager for that person or organization.

---

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

- A. Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:
1. In the performance of your ongoing operations; or
  2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

- B.** With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

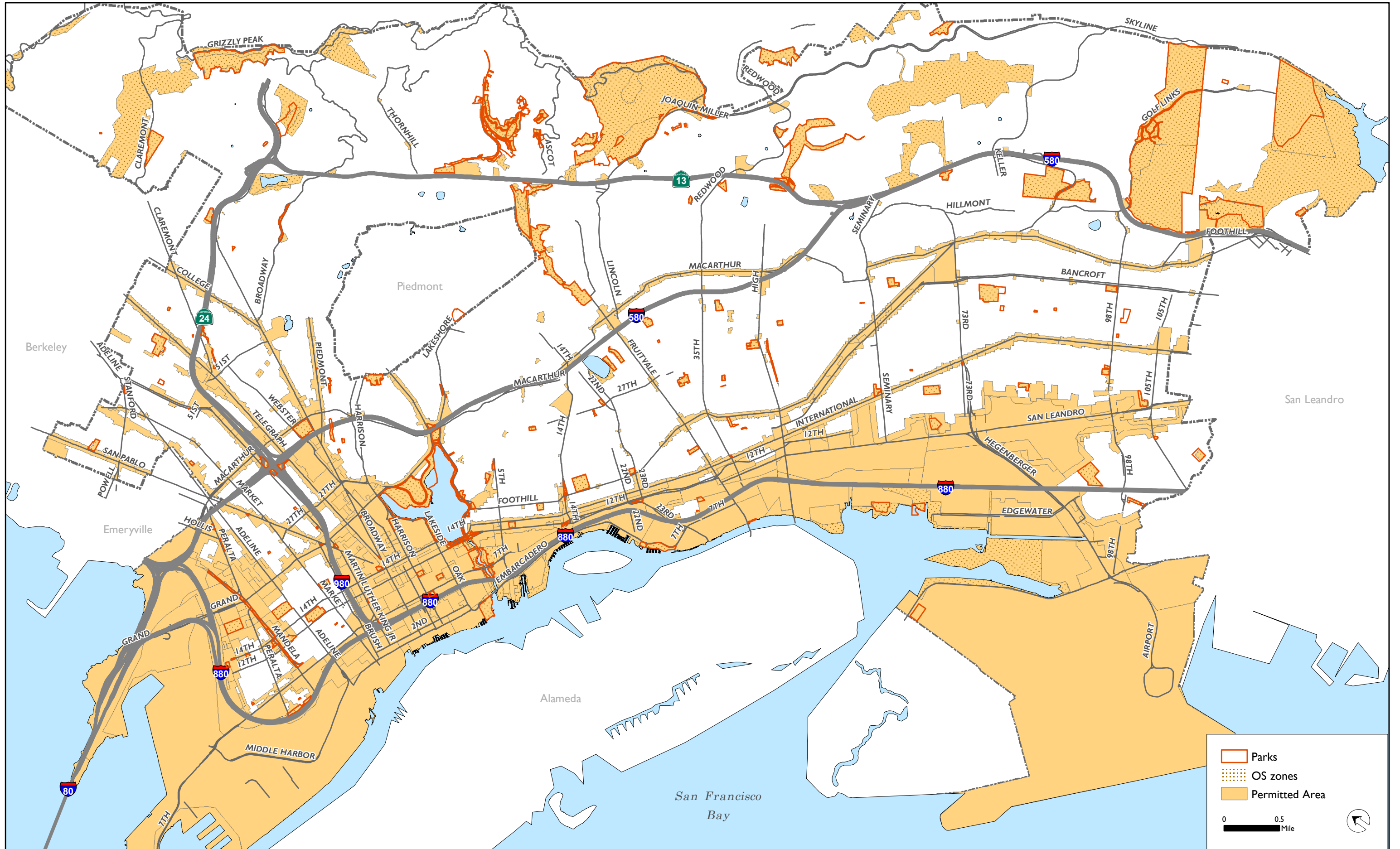
1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations; whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

## **Appendix K**

### **City of Oakland Sidewalk Food Vending Permitted Area for Stationary Vendors Map**





**Sidewalk Food Vending Permitted Area for Stationary Vendors**

## **Appendix L**

### **City of San José Outdoor Vending Facility Permit Application**

# OUTDOOR VENDING FACILITY PERMIT APPLICATION

**This application is for an Administrative Permit to operate a stationary outdoor vending facility for service to the public on lots zoned for commercial or industrial uses.**

The permit will be issued for proposals that meet all requirements below and as specified in [San José Municipal Code Title 20.80.800](#).

**For questions:** Speak with a City Planner at **408-535-3555**; see phone service hours at [www.sanjoseca.gov/Planning](http://www.sanjoseca.gov/Planning).

Para información en español, comuníquese con un Planificador de la ciudad al **408-793-4100**.

Để được hỗ trợ, nói chuyện với Người lập kế hoạch thành phố tại **408-793-4305**.

## REQUIREMENTS

**Zoning.** Visit [www.SJPermits.org](http://www.SJPermits.org) to find the zoning of a property by entering the address or Assessors Parcel Number. Outdoor vending may be allowed in the following zoning districts after issuance and compliance with an Administrative Permit: CG, CN, CP, CIC, HI, LI, PQP, TEC, and PD districts that allow the same uses of the preceding zoning districts

**Advertising, signs and displays.** Codes and restrictions also apply to vending facility advertising, signs, and displays. See San Jose Municipal Code [Sections 20.80.800 - 20.80.890](#).

**Fixed-base host.** This is a permanent business operating on-site, whose owner is willing to share trash disposal and sanitary facilities with you. The host business owner's signature must be notarized on the permit application.

**Hours of Operation.** These regulations apply:

- » The vendor may operate only when the host business is open for business.
- » Additionally, the vendor may NOT operate between 10:00 p.m. and 6:00 a.m.
- » When the host business is closed, the vending facility must be removed from the parcel or be stored indoors.

**Parking.** At least 3 parking spaces must be provided, within 200 feet of the approved location for the vending facility and on the host site. These spaces are in addition to the spaces that the City requires of the permanent businesses on-site.

**Maximum size** for the vending facility and associated conveyance, if any, is: **10' wide X 24' long X 10' high**

**Setbacks.** The vending facility must comply with these minimum setbacks:

- 15 feet from street right-of-way, public right-of-way, parcel, and lot lines.
- 20 feet from a driveway curb cut
- 30 feet from street intersections
- 100 feet from freeway on- or off-ramps
- 150 feet from a residence
- 500 feet from other vending facilities on private property

## FEES

Your invoice for permit application fees will be generated after you submit your application. The fee for administrative permits and methods of payment are outlined at [www.sanjoseca.gov/PlanningApplications](http://www.sanjoseca.gov/PlanningApplications). Review of your submittal will not begin until fees are paid.

**INSTRUCTIONS FOR APPLICATION PACKAGE****HOW TO SUBMIT**

- Please save all forms and documents as PDF files. Email your application to [ZoningQuestions@sanjoseca.gov](mailto:ZoningQuestions@sanjoseca.gov); OR
- This application package may also be submitted at the Planning Counter, 1st floor, City Hall. An appointment is required. Visit [www.sanjoseca.gov/PlanningAppointments](http://www.sanjoseca.gov/PlanningAppointments) and scroll to the Application Form table. You will see an In-Person appointment link for the Outdoor Vending Facility Permit Application.

**WHAT TO SUBMIT.** Please include the following in your application package:

- PHOTOGRAPHS of project site digitally placed, or mounted on 8.5x11" paper and scanned, showing the proposed vending facility location and existing buildings.
- ASSESSOR'S PARCEL MAP marked with the project location
- SITE PLANS - Draw site plans to scale. Label all sheets as "Site Plan" and date and number each sheet in a block in the lower right corner. Allow space in the block to enable future revision dates. Site Plan sheets must include:

**Title Sheet - List:**

- Name of vending business
- Name and type of business of fixed-base host
- List all outdoor vending permits issued for the subject site

**Other Sheets - Show:**

- Parcel lot lines and site dimensions, and show location and dimensions of the proposed vending facility
- All buildings on the parcel and their uses
- All off-street parking, loading, and circulation areas; show all dimensions
- Proposed removal of any parking spaces plus 3 parking spaces to be dedicated to tenant space
- Table showing:
  - » Total acres of subject property
  - » Total existing square footage of floor space for each tenant space
  - » Total number of off-street parking and loading spaces
  - » Use of adjacent properties, including locations of any buildings or freeways within 50 feet of property lines

Staff will assign FILE #

This is a computer-fillable PDF form. Follow instructions for [Digital Forms & Signatures](#).

**SECTION A - APPLICANT TO FILL OUT THIS SECTION**

FIXED-BASE HOST ADDRESS:

ASSESSOR'S PARCEL NUMBER [FIND APN- WWW.SCCASSESSOR.ORG](http://WWW.SCCASSESSOR.ORG):  
SEPARATE MULTIPLE APNS WITH A COMMA

APPLICANT NAME:

VENDING BUSINESS NAME:

CONTACT NAME IF DIFFERENT FROM APPLICANT:

CONTACT MAILING ADDRESS:

CONTACT PHONE:

CONTACT EMAIL:

---

● **APPLICANT SIGNATURE** PRINT NAME DATE [MM/DD/YYYY]

**SECTION B - FIXED-BASE HOST TO FILL OUT THIS SECTION;** PROPERTY OWNER MUST ALSO SIGN IF DIFFERENT FROM HOST BUSINESS

HOST BUSINESS OWNER NAME:

HOST BUSINESS MAILING ADDRESS:

HOST BUSINESS PHONE:	<small>ONLY IF DIFFERENT FROM HOST BUSINESS</small> PROPERTY OWNER PHONE:
HOST BUSINESS EMAIL:	<small>ONLY IF DIFFERENT FROM HOST BUSINESS</small> PROPERTY OWNER EMAIL:

**DECLARATION:** As required by San José Municipal Code Title 20, I hereby agree to provide support facilities including parking, restrooms, and trash disposal to the above-named Applicant for operation of a vending facility.

---

● **HOST BUSINESS SIGNATURE \*** PRINT NAME DATE [MM/DD/YYYY]

---

● **PROPERTY OWNER SIGNATURE** IF DIFFERENT FROM HOST \* PRINT NAME DATE [MM/DD/YYYY]

**\* A [Digital ID Signature](#) is required.**

**By signing this application, you acknowledge that you are the property owner, the legally authorized agent of the property owner, a qualified tenant, or other signatory as allowed by [San José Municipal Code Section 20.100.110](#).**

**REQUIRED NOTARIZATION:**

---

● **WITNESSED BY** PRINT NAME DATE [MM/DD/YYYY] SEAL

OFFICE USE ONLY		
DATE:	ZONING:	PAID: \$
BY:	PD ZONING FILE #:	RECEIPT #:

## **Appendix M**

### **City of San José Peddler Permit Application**



**SAN JOSE POLICE  
DEPARTMENT  
PERMITS UNIT  
(408) 277-4452**



**PEDDLER PERMIT INFORMATION SHEET**

**Visit us on the web for updated fees:**

[http://www.sjpd.org/Records/Fees\\_Public\\_Safety\\_Permits.asp](http://www.sjpd.org/Records/Fees_Public_Safety_Permits.asp)

The following items are **required** for all applicants as part of your application for a Peddler Permit:

- A completed Business or Individual Peddler Application
- Government issued Identification
- After a review of the above listed information you will be **required to have your fingerprints scanned** at the Sheriff's Office. The San Jose Police Permits Unit will provide available locations after submission of application.
- A **copy of your Business License Tax Certificate** issued by the Finance Department located at City Hall, 200 E Santa Clara St, 1<sup>st</sup> Flr., San Jose (408) 535-7055

**Peddlers selling food:**

- A **Health Permit**: Health Dept., 1555 Berger Dr. 300, San Jose (408) 918-3400

**Fixed Location Peddlers:**

- **Fixed Peddler** – Commercial General Liability (\$500,000 Minimum, City of San Jose as additional insured)

It shall be unlawful to maintain, manage, operate, conduct, control or own a Fixed or Mobile vending business, unless the business is operated in strict compliance with a valid Peddler Permit.

Each Peddler Permit issued shall expire one (1) year after the date of issuance.

**Fees are non-refundable** and issuance of a receipt is the only written acknowledgement that a fee was paid. **The receipt is not a Permit.**

An application shall not be deemed completed until all applicable fees have been received and the Police Department has completed the background investigation (which could include requesting and obtaining more information from the applicant).

If you have any questions, please call the San Jose Police Department Permits Unit at (408) 277-4452.



**SAN JOSE POLICE  
DEPARTMENT  
PERMITS UNIT**



**PEDDLER PERMIT APPLICATION QUESTIONNAIRE**

FIXED LOCATION: \_\_\_\_\_

MOBILE

NEW

RENEWAL

**INDIVIDUAL APPLICANT INFORMATION**

Last Name \_\_\_\_\_ First \_\_\_\_\_ MI \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_ Gender: \_\_\_\_\_

Home Address \_\_\_\_\_ City \_\_\_\_\_ St \_\_\_\_\_ Zip \_\_\_\_\_

Email Address: \_\_\_\_\_

Home Phone No. \_\_\_\_\_ Cell phone No. \_\_\_\_\_

California DL/ID Number: \_\_\_\_\_ Other Government Photo ID \_\_\_\_\_

**BUSINESS APPLICANT INFORMATION**

Name of Business/DBA: \_\_\_\_\_

Business Address \_\_\_\_\_ City \_\_\_\_\_ St \_\_\_\_\_ Zip \_\_\_\_\_

Business Phone No. \_\_\_\_\_

Business Fax No. \_\_\_\_\_

Website Address: \_\_\_\_\_

**EXPLAIN THE TYPE OF BUSINESS:**

\_\_\_\_\_  
\_\_\_\_\_

**If individual applying is not a partnership, corporation, LLC or other type of business structure, go to page 4.**



**Information regarding individual applying for a Peddler Permit on behalf of the Business:**

Last Name \_\_\_\_\_ First \_\_\_\_\_ MI \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_ Gender: \_\_\_\_\_

Home Address \_\_\_\_\_ City \_\_\_\_\_ St \_\_\_\_\_ Zip \_\_\_\_\_

Email Address: \_\_\_\_\_

Home Phone No. \_\_\_\_\_ Cell phone No. \_\_\_\_\_

California DL/ID Number: \_\_\_\_\_ Other Government Photo ID \_\_\_\_\_

Name of Primary Manager of the Business: \_\_\_\_\_

Telephone Number of Primary Manager: \_\_\_\_\_

**If You Are A Business Entity, Please Identify the Type of Business:**

Sole Proprietor     Partnership     Corporation     Other \_\_\_\_\_

If your business is a corporation, complete the following for the officers. Please also attach a copy of the "Statement of Information" form filed with the state's Department of Corporations for the state where you are incorporated. If you are not incorporated in California, please provide proof that you are authorized by California's State Department of Corporations to conduct business in California: **(If an individual resided in their current residence for less than three (3) years, list previous address)**

<b>President/Name:</b>	Address:
Telephone No.	

<b>Vice-President/Name:</b>	Address:
Telephone No.	

<b>Secretary/Name:</b>	Address:
Telephone No.	

<b>Treasurer/Name:</b>	Address:
Telephone No.	

**Directors or Trustees**

Name:	Address:
Telephone No.	

Name:	Address:
Telephone No.	

**Shareholder(s) owning 10% or more:**

Name:	Address:
Telephone No:	% Ownership
Name:	Address:
Telephone No:	% Ownership
Name:	Address:
Telephone No:	% Ownership

Date of incorporation: \_\_\_\_\_ Where was certificate filed: \_\_\_\_\_  
Name shown on the Article of Incorporation: \_\_\_\_\_.

**If your business is a partnership, list all general and limited partners:**

Name:	Phone No.
Address:	% Ownership
Names:	Phone No.
Address:	% Ownership
Name:	Phone No.
Address:	% Ownership
Name:	Phone No.
Address:	% Ownership
Names:	Phone No.
Address:	% Ownership
Name:	Phone No.
Address:	% Ownership

**Residence History (for individuals and for those persons applying on behalf of business entity):**

Residence: List all residences you have had for the past three years. Please attach additional pages if necessary.

Number & Street Name:	
City, State, Zip:	
Length of Stay:	
Contact Person / Phone	

List any municipalities, Counties or Cities with which you hold a business license or Peddler Permit in which you conduct or have conducted business. Also, list any Cities or Counties which have suspended or denied you or the business a license or permit within the last 10 years.

City Name:	
Business Address:	
City, State, Zip	
Phone No.	
Type of license	
Term of license	
Name on license	

City Name:	
Business Address:	
City, State, Zip	
Phone No.	
Type of license	
Term of license	
Name on license	

Vehicle Description	
Type of vehicle: _____	Make: _____ Model: _____ Year: _____ Color: _____
License Plate Number: _____	



**SAN JOSE POLICE  
DEPARTMENT  
PERMITS UNIT**



**FIXED OR MOBILE PEDDLER APPLICATION AND QUESTIONNAIRE**

**Next to each question, please answer “Yes” or “No.” If you answer “Yes” to any of the questions, please attach a separate sheet of paper explaining your answer and providing all information necessary for the Police Department to confirm the information you provided, including, but not limited to the jurisdiction where the activity occurred. A “Yes” answer does not necessarily mean you will be denied a permit. Additional documentation may be requested by the Police Department if the information presented is deemed insufficient to complete the investigation.**

**THE FOLLOWING QUESTIONS MUST BE ANSWERED BY ALL APPLICANTS: For purposes of this questionnaire, “you” shall mean any person, firm, association, organization, partnership, business trust, company, corporation, public agency, school district, the State of California and its political subdivisions, and/or instrumentalities thereof.**

1. \_\_\_\_\_ Have you ever applied for or received a license, certificate, permits, or registration to practice under any name other than the name listed on this application?
2. \_\_\_\_\_ Have you ever had a license, certificate, permit, or registration denied, suspended or revoked, or in any way conditioned, curtailed, limited, or restricted in or by any jurisdiction (including San Jose)?
3. \_\_\_\_\_ Is any administrative, civil or criminal action pending against you now by any licensing or regulatory agency?
4. \_\_\_\_\_ Have you ever been party to a lawsuit as either a plaintiff or defendant where the lawsuit involves allegations of unlawful business practices, fraud, breach of contract, or unlawful detainer?
5. \_\_\_\_\_ Have you ever been convicted of a crime that is substantially related to the qualifications, functions or duties of the Fixed or Mobile Peddling business?
6. \_\_\_\_\_ Have you ever been convicted of a crime involving fraud, dishonesty or deceit?
7. \_\_\_\_\_ In the last five (5) years, have you been convicted of a felony?
8. \_\_\_\_\_ Have you ever used another name or alias?

**CONTINUED ON NEXT PAGE**

9. \_\_\_\_\_ Do you have a valid City of San Jose Business License Tax Certificate?

10. \_\_\_\_\_ If you are a firm, association, organization, partnership, business trust, company, corporation, public agency, school district, or the state of California, its political subdivisions and/or instrumentalities thereof, has any person holding an ownership interest of more than 10% in your organization ever had any permit or license denied, suspended or revoked by any agency

### **Affidavit**

I, the undersigned, declare under penalty of perjury that to the best of my knowledge, the information contained in this application for an Peddler Permit, and its supporting documentation, is truthful, correct, and complete; and, the information contained in this application and its supporting documentation discloses all material facts regarding the applicant and associated individuals necessary to allow the Chief of Police to properly evaluate the applicant's qualifications for licensures.

If the applicant is a business entity, I, as the person signing below do hereby represent and warrant that the business entity is authorized to do business in California and that I have full right, power and authority to sign on behalf of the business entity and carry out all actions contemplated by this application, and that any permit issued to the business entity constitutes valid, binding and enforceable obligations of the business. Upon the Department's request, I promise to provide the Department with evidence reasonably satisfactory to the Department confirming the foregoing representations and warranties.

I will ensure that any information subsequently submitted to the Department in conjunction with this application or its supporting documentation meets the same standard as set forth above.

I acknowledge that I may be required to provide additional information, as needed, for a complete investigation.

I acknowledge that I have received / reviewed Chapters 6.54 of the San Jose Municipal Code. I am authorized by the business, to state that the business fully understands its legal obligations and agrees to comply with and obey all the ordinances and statutes listed in the San Jose Municipal Code. Additionally, the business recognizes its responsibility for obeying all Federal, State and local statutes.

***I further understand that any misrepresentations, omissions or falsifications will be grounds for the denial of the permit and/or future suspension or revocation of the permit***

Print Name Here:	
Title:	
Signature:	
Date:	
Address:	
City, State, Zip	
Contact Phone No.	



**SAN JOSE POLICE  
DEPARTMENT  
PERMITS UNIT  
(408) 277-4452**  
*All fees are non-refundable*



**PEDDLER ORDINANCE and VEHICLE CODE INFORMATION SHEET**

**This is not an exhaustive list of all requirements in the San Jose Municipal Code, California Vehicle Code or other law, rule or regulation controlling your business.**

**STATE LAW**

**Vehicle Code section 670:**

A "vehicle" is a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

**Vehicle Code section 22500:**

No persons shall stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

(f) On any portion of a sidewalk, or with the body of the vehicle extending over any portion of a sidewalk, except electric carts when authorized by local ordinance, as specified in Section 21114.5.

**SAN JOSE MUNICIPAL CODE**

**6.54.070 Definition of a Peddler: section "Peddling" means:**

- A. Traveling by foot, motor vehicle, mobile unit or any other type of vehicle, from place to place, and selling or vending any goods, wares, merchandise, products, or any other thing or representation of value on any private place, or on any street, sidewalk, right-of-way, park or other public place.
- B. Selling or vending any goods, wares, merchandise, food, products or any other thing or representation of value from an approved location on any private place, or on any street, sidewalk, right-of-way, park or other public place.

**6.54.040 Mobile Unit**

"Mobile unit" means any vehicle, truck, trailer, cart, wagon, bicycle, dray, conveyance or structure on wheels, not firmly fixed to a permanent foundation, which is not required to have a license to operate issued by the California Department of Motor Vehicles.

**6.54.050 Motor Vehicle**

"Motor Vehicle means any automobile, truck, trailer or other conveyance requiring a license issued by the California Department of Motor Vehicles.

**6.54.110 Peddler business permit required.**

- A. It shall be unlawful for a person to maintain, manage, operate, conduct, control or own a peddler business that operates within the city unless the business is maintained and operated in strict compliance with a valid peddler's business permit issued by the chief of police.
- B. A peddler business permit is a business permit for purposes of Chapter 6.02 of the code.

#### **6.54.130 Employee License.**

- A. It shall be unlawful for a person, other than the peddler business permittee, to peddle without having first obtained an employee license issued by the chief of police.
- B. It shall be unlawful for any peddler business permittee or any operator, manager, owner or employee of a peddler business to allow or tolerate any person who does not have an employee license from working for or under the direction of, or on behalf of, or as an agent of the peddler business permittee.
- C. A peddler business permittee, if the permittee is a natural person holding a valid peddler business permit, is deemed to have an employee license for purposes of peddling.

#### **6.54.200 Conditions of permit.**

- A. Each peddler business permit issued by the chief of police shall be subject to the terms and conditions set forth in this part, as well as any other conditions specifically set forth in the permit.
- B. The provisions of this part shall constitute operating regulations. It shall be unlawful for any person to engage in peddling in violation of these provisions.

#### **6.54.205 Hours of business.**

- A. No person shall peddle upon any private place, or any street, sidewalk, right of way, park or other public place in the city between the hours of 7:00 p.m. or one-half hour after sunset, whichever comes first, and 10:00 a.m. of the following day, except as provided in subsection B. below.
- B. The provisions of this section shall not apply to the sale of foodstuffs to employees of industrial establishments at or adjacent to such establishments or to workers or employees at any construction job site, if the foodstuffs sold to such persons are sold for immediate consumption at such places.

#### **6.54.210 ID display requirements.**

Each person who is engaged in peddling shall, at all times while so engaged, wear in plain sight, on his or her person an identification (ID) card, provided by the chief of police, containing such information, including a suitable photograph, as the chief of police may require.

#### **6.54.220 General noise requirements.**

- A. No peddler shall use, play or cause to be used or played any amplifier, loudspeaker, or any other instrument or device for the production of sound between the hours of seven p.m. or one-half hour after sunset, whichever comes first, and ten a.m. of the following day.
- B. No peddler shall use, play or cause to be used or played any amplifier, loudspeaker, or any other instrument or device for the production of sound in such a manner as to create a disturbance of the peace as that term is used in Chapter 10.16 of the code.

#### **6.54.230 Noise restrictions - Motor vehicle-based and mobile unit peddlers.**

No motor vehicle-based peddler or mobile peddler shall use, play or employ any amplifier, loudspeaker, or any other instrument or device for the production of sound when the motor vehicle or mobile unit from which the peddler is peddling is stationary upon any private place, or any street, sidewalk, right-of-way, park or other public place.

#### **6.54.240 Parking restrictions - Motor vehicle-based and mobile unit peddlers.**

- A. It shall be unlawful for any motor vehicle-based or mobile unit peddler to:
  - 1. Permit any motor vehicle or mobile unit from which peddling is occurring to remain standing or stopped, for peddling purposes, at any place on any public street, sidewalk,

2. right-of-way, public place or at any location within five hundred feet of that place, for a total period of time exceeding fifteen minutes within any two-hour period.
  3. Make any stop, for the purpose of making any sale upon any public street, sidewalk, right- of-way, park, or other public place, within five hundred feet, measured along the traveled way of any public street or streets, of any school property.
- C. It shall be unlawful for any motor vehicle-based or mobile unit peddler to peddle from any motor vehicle or mobile unit upon any public street except from or at the side of such motor vehicle, which is nearest to the curb of such street.

**6.54.250 Congestion restriction for motor vehicle-based and mobile unit peddlers.**

No motor vehicle-based or mobile unit peddler shall stop to peddle from a motor vehicle or mobile unit within two hundred feet of another motor vehicle-based or mobile unit peddler that has already stopped to peddle.

**I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THE PEDDLERS ORDINANCE AND CA. VEHICLE CODE INFORMATION SHEET, AND THAT FAILURE TO OBEY THE CONDITIONS OF THE ORDINANCE CAN RESULT IN A CITATION, FINE OR REVOCATION OF PERMIT.**

---

**Signature**

---

**Date**



# SAN JOSE POLICE DEPARTMENT VENDOR PEDDLER PERMIT APPLICANTS



## ALL BUSINESSES, OWNERS, MANAGERS AND EMPLOYEES

---

- I understand that changes in name, address or phone numbers require me to notify the San Jose Police Department Permits Unit within 5 days.
- Employees no longer employed or terminated are required to turn in ID cards within 5 days. This can be done in person or by mail.
- ID cards are the property of the San Jose Police Department and are only to be used while employed at the business identified on the back of the card.
- The act or omission of any permittee's partner, owner, associate, director, manager, officer, agent or employee is for all purposes the act or omission of the permittee regulated by this chapter.
- Business and Owner-Managers, you have 5 days to notify the Department of any employee that no longer works for you.

**All permits or licenses are NON-TRANSFERABLE. Application fees are NON-REFUNDABLE.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**CITY OF SAN JOSE**

**INSURANCE REQUIREMENTS FOR**

**PEDDLER PERMIT – APPROVED FIXED LOCATION  
(i.e. HOT DOG CART, FRUIT CART, COFFEE CART, etc.)**

Municipal Code 6.54.270

**INSURANCE REQUIREMENTS**

Vendor shall procure and maintain for the duration of the permit insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the vendor, his agents, representatives, employees or subcontractors.

**INSURANCE**

The Vendor shall furnish Risk Management a Certificate of Insurance showing there is in force coverage at least as broad as:

- **Commercial General Liability** (occurrence form CG 0001): minimum \$500,000 combined single limit per occurrence for bodily injury and property damage including products and completed operations.

**ENDORSEMENTS**

Commercial General Liability Certificate must be accompanied by the following endorsements:

- The City of San Jose, its officers, employees, agents and contractors are named as additional insured.
- Insurance policy shall be endorsed to state that coverage shall not be suspended, voided, cancelled, or reduced in limits except after thirty (30) days' prior written notice has been given to the City of San Jose.

**VERIFICATION OF COVERAGE**

Vendor shall furnish the City of San Jose with Certificates of Insurance and Endorsements. Verification of Coverage is to be mailed or faxed to:

City of San Jose  
Risk Management Department  
200 East Santa Clara Street, 2<sup>nd</sup> Floor Wing  
San Jose, CA 95113-1905  
Phone: (408) 535-7060 Fax: (408) 286-6492

These requirements are subject to amendment or waiver if so approved in writing by the office of Risk Management.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**DO NOT WRITE BELOW THIS LINE**

Permit \$ \_\_\_\_\_ RMS \_\_\_\_\_ Exp Date: \_\_\_\_\_  
Renewal \$ \_\_\_\_\_  
I.D. \$ \_\_\_\_\_  
Total \$ \_\_\_\_\_ Permit ID NO: \_\_\_\_\_ Recpt No. : \_\_\_\_\_

Application completed Yes / No

Government Identification (page 2) Yes / No Exp Date \_\_\_\_\_

Copy of Business License Tax Certificate Yes / No Exp Date \_\_\_\_\_  
Number \_\_\_\_\_

Health Permit Yes / No Exp Date \_\_\_\_\_  
Number \_\_\_\_\_

Fixed location Inspection Yes / No

Downtown Vendor Program Yes//No

Location Map Yes / No  
Location: \_\_\_\_\_

Cart Dimension:  
Length: \_\_\_\_\_ Width \_\_\_\_\_ Height \_\_\_\_\_

S/O Fingerprints Yes/No Date \_\_\_\_\_

SLETS Yes/No Date Reviewed \_\_\_\_\_

City Ordinance Signed Yes/No

Fixed Peddler Commercial General Liability Ins. Yes / No

Applicant thumb prints (page 2) Yes/No

Program Officer file review? **YES/NO**

Signature \_\_\_\_\_ Badge \_\_\_\_\_ Date \_\_\_\_\_

Applicant notified of: **DENIAL APPROVAL**

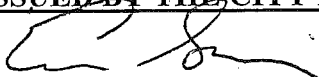
Signature \_\_\_\_\_ Badge \_\_\_\_\_ Date \_\_\_\_\_

## **Appendix N**

### **City of San José Regulations for Approved Location Peddlers**

**REGULATIONS FOR APPROVED LOCATION PEDDLERS**  
**OPERATING IN THE CITY OF SAN JOSÉ**

**ISSUED BY THE CITY MANAGER**



*for* **DEBRA FIGONE**

ON: NOV 21 2013

## REGULATIONS FOR APPROVED LOCATION PEDDLERS

### **PART I - GENERAL PROVISIONS**

#### **SECTION 1-1. PURPOSE AND AUTHORITY.**

Chapter 6.54 of the San José Municipal Code ("Code") sets forth the permitting and licensing requirements and procedures for persons peddling in the City of San José ("City"). These regulations specifically pertain to a peddler peddling from a fixed location in the public right-of-way, supplement the provisions of Chapter 6.54 as they pertain to such peddlers, and are issued by the City Manager pursuant to Chapter 6.54 of the Code. These regulations will be referred to as "Regulations for Approved Location Peddlers Operating in the City of San José". It shall be unlawful for any person permitted or licensed under Chapter 6.54 to peddle from a fixed location in the public right-of-way, or any person required to be so permitted or licensed, whether or not such person is actually permitted or licensed, to violate any of these regulations. A copy of Chapter 6.54 of the Code and these regulations are available on the City's website at [www.sanjoseca.gov](http://www.sanjoseca.gov).

#### **SECTION 1-2. APPLICATION PROCESS.**

- A. Any person wishing to peddle from a fixed location in the public right-of-way shall apply for an Approved Location peddler permit by completing an application for said permit pursuant to the procedures set forth in Chapter 6.54 of the Code. Applications are available at the Permits Unit of the San José Police Department or online at [www.sjpd.org](http://www.sjpd.org).
- B. Approved Location peddler permits will be coordinated for processing by the San José Police Department.

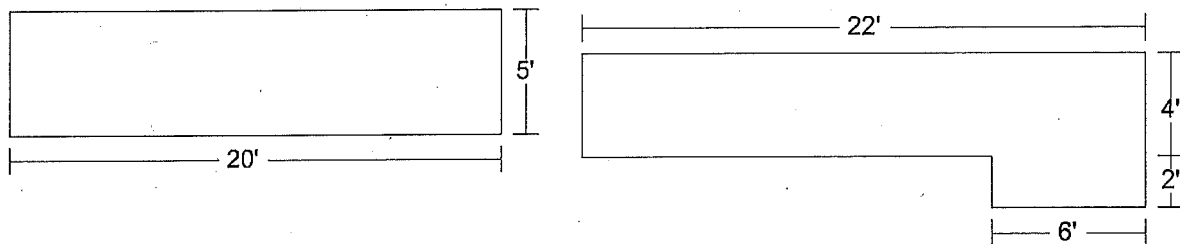
***[Regulations Continued On Next Page.]***

## REGULATIONS FOR APPROVED LOCATION PEDDLERS

### PART II – OPERATIONAL REQUIREMENTS

#### SECTION 2-1. SPACE RESTRICTIONS AND USE OF APPROVED LOCATION.

- A. The San José Chief of Police may issue an Approved Location peddler permit to any person authorizing that person to peddle from and utilize a footprint of up to no more than one hundred (100) square feet ("peddler footprint") on the sidewalk portion of the public street. Each Approved Location peddler shall maintain the minimum peddler footprint necessary for his or her operation. Example layouts of the maximum peddler footprint permissible are shown below.



- B. No Approved Location peddler permit may be issued for any location within one hundred fifty (150) feet of residentially zoned or used property, with the exception of the San José State University Campus area and the Downtown Street Vendors Program Area, as those areas are defined in Chapter 6.54 of the Code.
- C. No Approved Location peddler shall peddle from a mobile unit, as such unit is defined in Chapter 6.54 of the Code, that exceeds ten (10) feet in height, as measured from the ground to the highest point of said mobile unit.
- D. No Approved Location peddler shall use or have any movable or permanent stand, table, chair, ice chest, canopy or any other equipment within his or her peddler footprint, except that he or she may have one stool for his or her own use and one stand-alone umbrella which shall be no more than (9) feet in diameter and anchored by an umbrella stand.
- E. All Approved Location peddlers are required to maintain the layout of their peddler footprint as described in the site plan submitted pursuant to Chapter 6.54 of the Code and approved by the San José Chief of Police.
- F. In the areas defined as the San José State University Campus Area and the Downtown Street Vendors Program Area, the boundaries of one peddler footprint shall not come within ten (10) feet of the boundaries of another peddler footprint. In all other locations, the boundaries of one peddler footprint shall not come within two hundred (200) feet of the boundaries of another peddler footprint.

## REGULATIONS FOR APPROVED LOCATION PEDDLERS

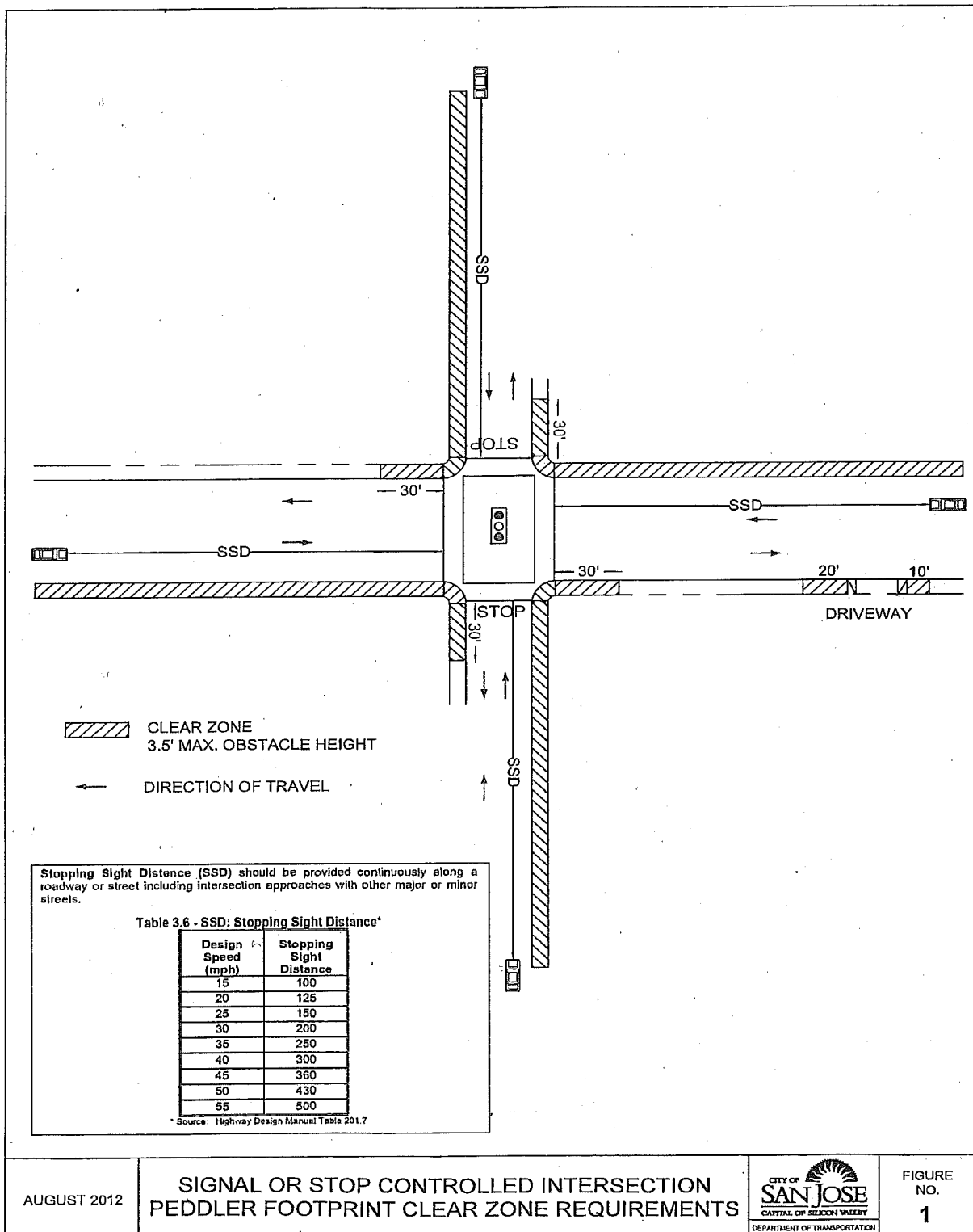
- G. A minimum clearance of eighteen (18) inches shall be maintained between the edge of any peddler footprint and any adjacent street curb not designated by the City as a red, blue, white or yellow zone, as measured from the section of the street curb which is closest to the public street.
- H. A minimum clearance of five (5) feet shall be maintained between the edge of any peddler footprint and any street curb which is designated by the City as a red, blue, white or yellow zone, as measured from the closest edge of such designated section of the street curb.
- I. A minimum clearance of five (5) feet shall be maintained between the edge of any peddler footprint and any ADA curb ramp, as measured from the closest edge of the ADA curb ramp.
- J. A minimum clearance of fifteen (15) feet shall be maintained between the edge of any peddler footprint and any fire hydrant.
- K. In no event shall a peddler footprint, or anything contained therein, block direct access to San José Fire Department Connections.

***[Regulations Continued On Next Page.]***



## REGULATIONS FOR APPROVED LOCATION PEDDLERS

- L. The following minimum clearances, as measured from the elongation of the curb on the intersecting street to the edge of the peddler footprint closest to the intersection, shall be maintained:



## REGULATIONS FOR APPROVED LOCATION PEDDLERS

- M. A minimum clearance of twenty (20) feet shall be maintained between the edge of any peddler footprint and the approach of any driveway, as measured from the closest edge of such driveway. A minimum clearance of ten (10) feet shall be maintained between the edge of any peddler footprint and the departure of any driveway, as measured from the closest edge of such driveway.
- N. A minimum of four (4) feet shall be maintained between the edge of any peddler footprint and any other structure not otherwise specified herein, including but not limited to street light poles, parking meters, and trees.
- O. Notwithstanding the minimum distances required in subsections "G." through "N." above, the San José Chief of Police may require a greater distance to be maintained between the edge of any peddler footprint and any street curb, curb ramp, curb cut or driveway if such distance is reasonably necessary to prevent interference with public safety or with the safe or free passage of pedestrian or vehicular traffic.
- P. The weight, material or design of the Approved Location peddler's mobile unit, equipment or other products ("merchandise") shall not be such that it is likely to damage any part of the surface of the Approved Location.
- Q. Fluids, liquids or other material generated by the Approved Location peddler's mobile unit, equipment or merchandise shall not leak from the mobile unit, equipment or merchandise onto the surface of the Approved Location or flow into nearby storm drains.
- R. Each Approved Location peddler's mobile unit shall be self-contained. No utility wires shall be exposed on the sidewalk or run from the mobile unit to another location outside or beyond the mobile unit.

### **SECTION 2-2. MINIMUM HOURS OF OPERATION FOR PEDDLERS IN THE DOWNTOWN STREET VENDORS PROGRAM AREA.**

- A. Any Approved Location peddler operating in the Downtown Street Vendors Program Area shall operate for no less than fifteen (15) hours per week and for not less than three (3) days per week.
- B. The minimum hours of operation provided in Section A can be met with the Approved Location peddler peddling from the original Approved Location; a location within a Downtown Special Event, as provided for in Chapter 6.55 of the Code; or, an alternate Approved Location approved by the San José Chief of Police.

## REGULATIONS FOR APPROVED LOCATION PEDDLERS

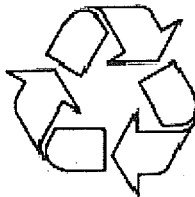
### SECTION 2-3. PERMITTED HOURS OF OPERATION.

Approved Location peddlers may operate during the following hours:

- A. An Approved Location peddler operating within the Downtown Street Vendor Program Area may operate on a daily basis between the hours of 6:00 a.m. and 12:00 a.m. (midnight).
- B. An Approved Location peddler operating outside the Downtown Street Vendor Program Area may operate on a daily basis between the hours of 6:00 a.m. and 7:00 p.m., or one-half hour after sunset, whichever comes first.

### SECTION 2-4. MINIMUM REQUIREMENTS FOR PEDDLER OPERATIONS.

- A. All Approved Location peddlers shall provide, within their footprint and for public use, at least one durable trash can of no more than thirty (30) gallon capacity. In addition, all Approved Location peddlers shall be responsible for ensuring that the Approved Location is maintained free of debris, including trash, food, liquid or waste, resulting from their operation, regardless of whether the debris originated from the use of their mobile unit or a customer or patron.
- B. All Approved Location peddlers peddling food and/or beverages shall also provide, within their footprint and for public use, at least one durable recycling can of no more than thirty (30) gallon capacity displaying the internationally recognized recycling symbol shown below.



- C. All mobile units used by Approved Location peddlers shall have signage that identifies the type of goods, wares, merchandise, food, products or any other thing or representation of value being peddled from the mobile unit. One (1) square foot of signage shall be allowed for every two (2) linear feet of mobile unit frontage.
- D. No furnishings or fixtures shall be installed in such a manner as to become permanently affixed to or a part of the surface of the Approved Location.

## REGULATIONS FOR APPROVED LOCATION PEDDLERS

### **SECTION 2-5. OTHER LEGAL REQUIREMENTS.**

- A. All Approved Location peddlers shall be responsible for ensuring that they and their agents and employees conduct their peddler business and maintain their mobile units and peddler footprints in a manner that complies with all laws, including, but not limited to the following: the Americans with Disabilities Act ("ADA"), and all federal, state and local building and fire codes.
- B. Approved Location peddlers shall defend, indemnify and hold harmless the City and its officers, employees and agents against all claims, loss, liability, damages, judgments, decrees, costs and expenditures which the City or its officers, employees or agents may suffer, or which may be recovered or obtainable against the City or its officers, employees or agents, proximately caused by, arising out of, or resulting from the Approved Location peddler's peddling activity, to the fullest extent permitted by law, save and except the City's sole negligence or willful misconduct.

### **SECTION 2-6. CLEAN-UP AND REPAIR PROCEDURES.**

- A. Immediately following the conclusion of operations on any given day, all Approved Location peddlers shall remove from the Approved Location all mobile units, equipment, goods, wares, food or merchandise related to the peddling.
- B. Immediately following the conclusion of operations on any given day, all Approved Location peddlers shall remove from the Approved Location all trash and recyclables generated by the peddler, related to the peddling, or placed in the trash and recycle containers provided by the peddler. All trash shall be delivered to a permitted waste facility or stored for collection by one of the City's Solid Waste and Recycling Franchisees as provided for in Chapter 9.10 of the Code, except that the Approved Location peddler may separate cans, bottles, newspapers, and other recyclables from the trash for recycling. Recyclable materials, including cans and bottles, newspapers and magazines, or any other recyclables placed in the recycling or trash containers, shall be delivered to a recycling center or stored for separate collection by a recycling collector as provided for in Chapter 9.10 of the Code.
- C. Immediately following the conclusion of operations on any given day, all Approved Location peddlers shall restore the surface of the Approved Location to its condition as it existed prior to the peddler engaging in any peddling activities at the Approved Location.

## REGULATIONS FOR APPROVED LOCATION PEDDLERS

### **SECTION 2-7. FIRE EXTINGUISHER**

Every Approved Location peddler shall, at all times, carry or maintain on his or her mobile unit a fire extinguisher of the type and size approved by the San José Fire Department.

### **SECTION 2-8. GENERAL NOISE REQUIREMENTS.**

- A. No Approved Location peddler shall use, play or caused to be used or played any amplifier, loudspeaker, or any other instrument or device used for the production of sound, beyond the hours permitted for operation.
- B. Any amplifier, loudspeaker, or other instrument or device used for the production of sound during the permitted hours shall not create a disturbance of the peace as that term is used in Chapter 10.16 of the Code.

## **Appendix O**

### **County of Santa Clarita Mobile Food Facility (MFF) Application Information Sheet**



## MOBILE FOOD FACILITY (MFF) APPLICATION INFORMATION SHEET

**Contact Name:** \_\_\_\_\_ **Phone #:** \_\_\_\_\_

**Vehicle/Cart Name (dba):** \_\_\_\_\_ **License Plate #:** \_\_\_\_\_

**Please note:** Permit decals are issued during the scheduled initial permitting inspection and annual permit renewal inspections. MFFs are not permitted to operate without a valid permit decal. To schedule a permit renewal inspection, please submit the commissary agreement form(s), route sheet, copy of the menu & DMV vehicle registration. Also, if modifications have been made to an existing MFF, submit a drawing of the changes and the manufacturer specifications sheets for the new equipment as the changes will be evaluated at the time of the inspection. **Depending on the modifications, Plan Review, applicable fees, and a new HCD insignia may be required before the permit can be issued.**

### I'M APPLYING FOR A MOBILE FOOD FACILITY PERMIT AND I HAVE A: (Check the two boxes that apply.)

**All occupied vehicles must obtain an insignia from the Department of Housing and Community Development (HCD) prior to scheduling an inspection with this department.**

- A)
- Non-motorized cart. (Non-Occupied vehicle)
  - Fully enclosed vehicle: truck, trailer or van. (Occupied vehicle)\*\*

**AND**

- B)
- Newly built vehicle/cart and not permitted in another county in California. (Plan Check is required)
  - Vehicle/cart which will be built/fabricated. (Plan Check is required)
  - Vehicle/cart which operates in another county in California.\*
  - Vehicle/cart which operates in another city in California.\*
  - Vehicle/cart is currently permitted with Santa Clara County. (Change of Ownership)

\*Submit copy of City or County's Environmental Health permit or inspection report - VIN# must be included.

### CHECK ONE OF THE FOLLOWING and SUBMIT THE FOLLOWING DOCUMENTS:

**No food preparation (FP24):**

- All items are prepackaged foods or whole uncut produce and seafood only. (EXAMPLES: Prepackaged ice cream trucks/carts, Produce vehicles.)
  - Permit Application
  - Approved Facility/Commissary Agreement Form (Produce vehicles exempt)
  - Menu (include ingredients)
  - Copy of Vehicle Registration OR Permanent Trailer Identification Card
  - Route/Location Sheet

**Limited food preparation (FP25):**

- Includes preparing beverages that are for immediate service, in response to an individual consumer order.
- Includes most push carts which have a food compartment.
- Includes shaving of ice, blending of beverages.
- Includes heating, steaming or boiling of hot dogs/tamales, frying churros.
- Does not include hot holding of non-prepackaged potentially hazardous foods (except for roasting of corn on the cob, steamed or boiled hot dogs and tamales in the original, inedible wrapper).  
(EXAMPLES: Vehicles which serve snow cones, fruit, frozen yogurt, hot dog, popcorn, coffee, churros, pastries, roasted corn on a cob and scooped ice cream.)

- Permit Application
- Approved Facility/Commissary Agreement Form
- Menu (include ingredients)
- Copy of Vehicle Registration OR Permanent Trailer Identification Card
- Route/Location Sheet

**Full food preparation (FP26) – Occupied Vehicle (Food Truck/Trailer/Van):**

- Includes full food service operations.
- Includes cooking, heating, hot holding, cooling and reheating of potentially hazardous foods (PHFs), extensive handling and assembly of PHFs.
- Hot holding items other than hot dogs, tamales or corn on the cob.  
(EXAMPLES: Most full-service catering food trucks, trailers and vans)

**OR**

**Full food preparation (FP26) – Non-occupied Vehicle (Food Cart):**

- Includes heating, frying, baking, roasting, popping.
- Includes cooking and seasoning to order.
- Includes slicing and chopping on heated surface during the cooking process ONLY.
- Includes cooking potentially hazardous foods to order.
- No cooking of potentially hazardous foods for later use.
- No washing of foods.
- No reheating or hot holding of potentially hazardous foods (except for steamed or boiled hot dogs and tamales in original, inedible wrapper).
- Does not include hot holding of potentially hazardous foods (except for roasting corn on the cob, steamed or boiled hot dogs, and tamales in original, inedible wrapper).
- No thawing or reheating of potentially hazardous foods.
- No grinding of raw ingredients or potentially hazardous foods.
- No cooling of cooked potentially hazardous foods.  
(EXAMPLES: hot dog carts and taco carts)

- Permit Application
- Approved Facility/Commissary Agreement
- Menu (include ingredients)
- Copy of Vehicle Registration/Permanent Trailer Identification Card
- Route/Location Sheet
- Standard Operating Procedures (SOPs)

**\*\* Office Use Only \*\***

**Facility ID #:** \_\_\_\_\_ **Appointment Date:** \_\_\_\_\_

**Received By:** \_\_\_\_\_ **Appointment Time:** \_\_\_\_\_





**MOBILE FOOD PROGRAM (MFF)  
PERMIT APPLICATION & CERTIFICATION STATEMENT**

DEPARTMENT OF ENVIRONMENTAL HEALTH  
CONSUMER PROTECTION DIVISION  
1555 Berger Drive, Suite #300 • San Jose, CA 95112  
(408) 918-3400 • Fax: (408) 258-5891  
Website: [www.ehinfo.org/cpd](http://www.ehinfo.org/cpd) • Email: [dehweb@deh.sccgov.org](mailto:dehweb@deh.sccgov.org)

**Owner Information:**

Owner Name: \_\_\_\_\_  
(Corporation, LLC Name or First and Last Name of Primary Owner)

Address: \_\_\_\_\_ City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Ext: \_\_\_\_\_ Fax \_\_\_\_\_ Email: \_\_\_\_\_

Co-Owner Name (if applicable): \_\_\_\_\_ Co-Owner Phone: \_\_\_\_\_

Co-Owner Address: \_\_\_\_\_ City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_

Alternate Contact Name: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

Do you currently hold a permit to operate a Food Facility in Santa Clara County?  No  Yes (If Yes, please answer the following):

Facility ID#: FA0 \_\_\_\_\_ Facility Name: \_\_\_\_\_

**Vehicle/Cart Information:**

Vehicle/Cart Business Name: \_\_\_\_\_ License Plate Number: \_\_\_\_\_

Commissary Name: \_\_\_\_\_

Commissary Address: \_\_\_\_\_ City: \_\_\_\_\_ ST: CA Zip: \_\_\_\_\_

Commissary Phone: \_\_\_\_\_ Ext \_\_\_\_\_ Fax \_\_\_\_\_ Email: \_\_\_\_\_

**Send Official/Billing Correspondence to:**  Owner  Facility  Other (Please specify below):

Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_

**This permit is renewable annually. The permit and decal will be issued when all fees have been paid in full and the vehicle has passed all applicable inspections. To renew the permit and obtain the current decal, a scheduled inspection is required prior to permit expiration. If found operating without a valid permit and decal, a penalty will be assessed and further legal action may be taken.** The undersigned certifies, under penalty of perjury, that to the best of his/her knowledge and belief, the statements made herein are complete, correct and true.

The undersigned hereby applies for a Permit to Operate and agrees to operate in accordance with all applicable state and local regulations, laws, ordinances, and codes. Payment of the required fee(s) and late penalties, if any, to secure a valid permit, is required before commencing or continuing operation. Failure to do so may result in a misdemeanor citation, fines and permit suspension/revocation proceedings. **NOTIFY** the Department of Environmental Health of any change in the type of business activity, name, billing address, or ownership, including the closure of business or a commissary change, by calling the number above within 14 calendar days of a change. **PERMITS AND FEES ARE NOT TRANSFERABLE.**

**NOTE:** Any information contained in this application is a matter of public record, and is available to the public under the California Public Records Act (CPRA).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Phone: \_\_\_\_\_

<b>FOR OFFICE USE ONLY:</b>	Existing AR#: AR0 _____ (for Change of Owner Only)	Owner ID#: OW0 _____ ( <input type="checkbox"/> Add New)
Facility ID#: FA0 _____ ( <input type="checkbox"/> Add New)	Food Safety Certification Required?	Yes No
Name: _____	Certificate #: _____	Test Provider: _____ Expiration Date: ____/____/____
Program ID#: PR0 _____ ( <input type="checkbox"/> Add New)	Assigned Specialist ID: _____	Current Status: _____
MFF Vehicle Information: Plate#: _____	VIN: _____	Make: _____ Year: _____ Type: _____
Permit ID#: PT0 _____ ( <input type="checkbox"/> Add New) P/E: FP	Permit Status: 21	Permit Type: P PE PV
	Permit Valid: ____/____/____ to ____/____/____	
<u>Permit Conditions and Descriptions:</u>	<input type="checkbox"/> Add <input type="checkbox"/> Modify <input type="checkbox"/> Delete	[Supervisor Initials _____]
Approved by: _____	Employee #: _____	Date: ____/____/____ Supervisor: _____ Date: ____/____/____
Support Staff: _____	Entered Date: ____/____/____	New AR#: AR0 Ck# _____ \$ _____



**COMMISSARY/APPROVED FACILITY (AF) AGREEMENT**  
 Mobile Food Facility (MFF), Mobile Food Units (MFPU), Temporary Food Facility (TFF)  
 Mobile Support Unit (MSU), Caterer



This form is to be submitted with proposals for a Vehicle, Trailer, Cart, or Temporary Food Facility. Any foods sold or given away to the public must be prepared and stored in an approved facility. Food and food supplies used in a MFF, MFPU, or a TFF cannot originate (be stored, prepared, etc.) from a private home.

**APPLICANT INFORMATION**

Type of Facility:  MFF  MFPU  TFF  CART  MSU  Other \_\_\_\_\_ For vehicles, License # \_\_\_\_\_

Owner Name: \_\_\_\_\_ Name of Business: \_\_\_\_\_

Owner Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email Address: \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_ Mobile: ( ) \_\_\_\_\_

Where will you be operating? (list address/market/event) \_\_\_\_\_

Provide dates/days of the week and times of commissary/AF use: \_\_\_\_\_

*I, the above –mentioned owner/operator will operate out of the commissary/AF noted below. For vehicles: I will report to the facility at least once each operating day for cleaning and servicing. I will store the vehicle and equipment at the approved food facility or another DEH approved location. The facility noted will be providing the following services to my food operations (Check all that apply):*

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Facilities to prepare or package food | <input type="checkbox"/> Potable (drinkable) water supply            | <input type="checkbox"/> Overnight parking (MFPU)            |
| <input type="checkbox"/> Electrical hook-up                    | <input type="checkbox"/> Warewash facility (i.e. 3 compartment sink) | <input type="checkbox"/> Enclosed overnight parking (carts)  |
| <input type="checkbox"/> Toilet & handwash facilities          | <input type="checkbox"/> Dry food storage                            | <input type="checkbox"/> Refrigeration/frozen food storage   |
| <input type="checkbox"/> Waste tank/sewage disposal            | <input type="checkbox"/> Waste grease removal                        | <input type="checkbox"/> Equipment/utensil storage           |
| <input type="checkbox"/> Garbage disposal                      | <input type="checkbox"/> Chemical storage                            | <input type="checkbox"/> Supply food product-i.e. ice, meats |

If the use of the approved facility/commissary is discontinued, I will notify DEH at (408) 918-3400 to make necessary changes.  
**I understand the use of an unapproved facility for any of the operations above may lead to the revocation of my permit to operate.**

**\*\*This agreement expires one year from the date signed and must be completed annually.**

\_\_\_\_\_  
 Print Name Signature of Applicant Date

**COMMISSARY/APPROVED FACILITY INFORMATION**

Type of Facility:  Commissary  Restaurant  Rental Kitchen  Other \_\_\_\_\_

Name of Commissary/Approved Facility: \_\_\_\_\_

Facility Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email Address: \_\_\_\_\_ Telephone: ( ) \_\_\_\_\_ Mobile: ( ) \_\_\_\_\_

*I, the commissary/AF owner/operator, can and will provide the necessary facilities, as indicated by the applicant, at my approved facility. I acknowledge that I am ultimately responsible for the maintenance and sanitation of this commissary/approved facility. In addition, I will notify DEH when this agreement is terminated.*

\_\_\_\_\_  
 Print Name Signature of Commissary, AF Owner/Agent Email

**OUT-OF-COUNTY COMMISSARY/APPROVED FACILITY**

*Enclose a copy of a valid Environmental Health Permit and obtain REHS signature from designated county. The above checked requirements are available at the proposed commissary/approved facility.*

\_\_\_\_\_  
 Print Name Signature of Approval, REHS Date

FOR OFFICE USE ONLY		
<b>Commissary/Approved Facility Within Santa Clara County:</b>		
Dist. Staff Initials: _____	Emp # _____	Date: _____
Sr. Staff Initials: _____	Emp # _____	Date: _____
FA# _____	Owner ID# _____	PR# _____



## MOBILE FOOD FACILITY (MFF) ROUTE/LOCATION SHEET

Operator is **required** to re-submit this form within 30 days of any changes.

Name of MFF: \_\_\_\_\_

Program Record #: \_\_\_\_\_ Facility ID #: \_\_\_\_\_ License Plate #: \_\_\_\_\_

List your operation schedule in Santa Clara County in the spaces provided below.

Route(s) or Address(es) of the Location(s) and City or Cities	Days of Operation							Start Time	End Time
	M	T	W	TH	F	Sat	Sun		
1. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
2. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
3. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
4. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
5. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
6. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
7. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
8. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
9. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
10. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____

In addition, my current route information/location of operation is posted on our website:

Your Web Address: \_\_\_\_\_

**Note:** The telephone numbers below must be mobile phone numbers for the person in charge. If we are unable to locate you using the above information, our inspectors will call these phone numbers to determine your location for a field inspection. **Please ensure we can reach you.**

Mobile #: \_\_\_\_\_ Alt Mobile #: \_\_\_\_\_ Alt Mobile #: \_\_\_\_\_

I understand and agree that if I make any changes to my route or business location, I must notify the Department of Environmental Health (DEH) within 30 days. I further understand that failure to notify DEH of any changes may result in the suspension or revocation of my Health Permit to Operate as a Mobile Food Facility.

Owner/Operator/Authorized Agent Signature \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_

Send revised route information to:

Attention: "MFF Route Revision"  
County of Santa Clara – DEH  
1555 Berger Drive, Suite #300  
San José, CA 95112-2716

or via email to:

[dehweb@deh.sccgov.org](mailto:dehweb@deh.sccgov.org)



## Standard Operating Procedure Guidance for Mobile Food Facilities (MFFs)

As part of your permit requirements you may be required to submit Standard Operating Procedures (SOPs). A standard operating procedure is a set of instructions that describes all relevant steps and activities of a process or procedure. The information contained in this handout is to assist when creating your SOPs. You may add additional information you find necessary, however, please include the following information:

- 1) Indicate the name and address of the kitchen commissary you will use for *advanced food preparation*, (i.e. washing, rinsing, cooling, thawing, slicing, chopping, etc.). An approved commissary must be equipped with the appropriate equipment required for your food operation.
- 2) List the food items requiring advanced food preparation, for example:

tomato (washing and slicing)	rice (rinsing and cooling)
lettuce (rinsing and chopping)	beans (rinsing and cooling)
cooked chicken & beef (cooling)	frozen chicken (thawing)
- 3) Which sink will be used for washing, rinsing, thawing, cooling? Where? A food preparation sink must be available, as food preparation may not be conducted at a warewash or hand sink on a MFF.
- 4) Describe the thawing process if applicable. *Thawing under refrigeration may be conducted in mobile food facilities ONLY if the food products are ready-to-eat or ready-to-cook, when no rinsing is required.*
- 5) Describe the cooling process in detail if applicable.
  - a) How will your potentially hazardous foods cool from 135°F to 70°F within 2 hours, and then from 70°F to 41°F within 4 hours? Which active cooling methods will be used to achieve both cooling parameters? (i.e. divide food into smaller, thinner portions, use shallow food containers, monitor the food temperature using thermometer, use ice water baths and/or ice paddles while stirring frequently (food container must not float in the ice water bath but be imbedded in the ice), use a blast chiller, use ice as an ingredient, or cut large pieces of meat into smaller pieces).
  - b) Which refrigeration unit and at what temperature will the uncovered food be placed on the top shelf? How is the food monitored to ensure the food reaches 41°F in the required amount of time? When will the food be covered?
- 6) Indicate what will be done with the leftover hot food. Potentially hazardous foods held hot at or above 135°F in holding units (i.e. steam table, hot holding cabinet, etc.) must be destroyed at the end of business day from the mobile food facility. The law prohibits food that was once held hot to be cooled, reheated and served for the following or another business day.

### Please note:

1. MFFs may not be used for *washing, rinsing, cooling, or thawing* vegetables, meats, poultry, or seafood.
2. Stainless steel food containers conduct the cold transfer faster than plastic food containers.
3. Hot holding is not permitted on non-occupied mobile food facilities (carts) except on hot dog, roasting corn and tamale carts.

## \*California Retail Food Code Reference\*

### **113791**

"Food preparation" means packaging, processing, assembling, portioning, or any operation that changes the form, flavor, or consistency of food, but does not include trimming of produce.

### **114002**

- (a) Whenever food has been prepared or heated so that it becomes potentially hazardous, it shall be rapidly cooled if not held at or above 135°F.
- (b) After heating or hot holding, potentially hazardous food shall be cooled rapidly from 135°F to 41°F or below within six hours and, during this time the decrease in temperature from 135°F to 70°F shall occur within two hours.
- (c) Potentially hazardous food shall be cooled within four hours to 41°F or less if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.
- (d) Except as specified in subdivision (e), a potentially hazardous food received in compliance with laws allowing a temperature above 41°F during shipment from the supplier as specified in Section 114037, shall be cooled within four hours to 41°F or less.

### **114002.1**

(a) The rapid cooling of potentially hazardous foods shall be accomplished in accordance with the time and temperature criteria specified in Section 114002 by using one or more of the following methods based on the type of food being cooled:

- (1) Placing the food in shallow pans.
- (2) Separating the food into smaller or thinner portions.
- (3) Using rapid cooling equipment.
- (4) Using containers that facilitate heat transfer.
- (5) Adding ice as an ingredient.
- (6) Using ice paddles.
- (7) Inserting appropriately designed containers in an ice bath and stirring frequently.
- (8) In accordance with an HACCP plan adopted pursuant to this part.
- (9) Utilizing other effective means that have been approved by the enforcement agency.

(b) When placed in cooling or cold holding equipment, food containers in which food is being cooled shall be arranged in the equipment to provide maximum heat transfer through the container walls, loosely covered, or uncovered if protected from overhead contamination during the cooling period to facilitate heat transfer from the surface of the food and stirred as necessary to evenly cool a liquid or a semi-liquid food.

### **114305(d)**

Potentially hazardous foods held at or above 135°F on a mobile food facility or mobile support unit shall be destroyed at the end of the operating day.

### **114018**

Frozen foods shall be stored and displayed in their frozen state unless being thawed in accordance with Section 114020.

### **114020**

Frozen potentially hazardous food shall only be thawed in one of the following ways:

- (a) Under refrigeration that maintains the food temperature at 41°F or below.
- (b) Completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain.
- (c) In a microwave oven if immediately followed by immediate preparation.
- (d) As part of a cooking process.



**DEPARTMENT OF ENVIRONMENTAL HEALTH  
CONSUMER PROTECTION DIVISION**

1555 Berger Drive, Suite #300 • San Jose, CA 95112  
(408) 918-3400 • Fax: (408) 258-5891

Website: [www.EHinfo.org/cpd](http://www.EHinfo.org/cpd) • Email: [dehweb@deh.sccgov.org](mailto:dehweb@deh.sccgov.org)

**MOBILE FOOD FACILITY (MFF) SELF-INSPECTION CHECKLIST**

**Permit decals are issued during the scheduled initial permit and annual permit renewal inspections. Vehicles are not permitted to operate without a valid permit. To schedule a permit renewal inspection, please submit the commissary agreement form(s), route sheet, and a copy of the menu and vehicle registration.**

Please arrive on time for your inspection with all hot and cold holding equipment in operation. If you are 15 minutes late, you may be asked to reschedule. Failure to meet the requirements listed below may result in a delay in permit issuance. Please be prepared to wait in the event the inspection prior to your appointment runs longer than expected.

Your inspection is scheduled for: \_\_\_\_\_ Time: \_\_\_\_\_

<b>MOBILE FOOD FACILITY Requirements:</b>	
	Approved <i>active mechanical refrigeration capable</i> of maintaining cold foods 41°F or below at all times. Arrive with food containers (inserts) at top section of the food preparation refrigeration unit(s). <b>Cold plates are no longer permitted in refrigerators storing potentially hazardous foods.</b> Only freezers storing prepackaged frozen ready-to-eat foods are permitted to have cold plates.
	Hot holding equipment capable of maintaining hot foods at or above 135°F.
	Adequate supply of hot (120°F minimum) and cold running water of adequate pressure available at unobstructed and accessible 3-compartment sink.
	Adequate supply of warm (100°F minimum) and cold running water of adequate pressure available at unobstructed and accessible handwash sink.
	Soap and paper towels in dispensers at the handwash sink. A wall-mounted paper towel dispenser is required.
	Free of vermin infestation and free of dead insects/rodents/droppings.
	Approved probe thermometer accurate within ±2°F. Recommend thermometers with a calibration function.
	Accurate thermometers in all refrigeration units and hot holding/warming units.
	All drain lines free of leaks and connected to wastewater tank.
	Waste lines equipped with proper cap and valve assemblies.
	Protective screen (filter), cap and valve for water inlet.
	Mechanical ventilation equipment in good operating condition and equipped with approved baffle filters.
	All seams, holes, and gaps are sealed, smooth and easily cleanable.
	Cutting boards are smooth, easily cleanable and in good repair. Maplewood is the only wood approved for food contact.
	First-aid kit (enclosed case) and located in a convenient area.
	Wall-mounted, minimum 10 BC rated approved fire extinguisher.
	All equipment is NSF/ANSI certified.
	Shatterproof covers/bulbs at all light fixtures.
	Identification is permanently affixed on the consumer side of a non-motorized (non-occupied) vehicle and on both sides of a motorized (occupied) mobile food vehicle. Motorized mobile food vehicles and mobile support

	units shall have the required identification on both sides. The business name must be at least 3-inch lettering, name of the permittee if different from the business name, and commissary address must be at least 1-inch lettering. The color of each letter and number must contrast with the background.
	Drinking water safe hose to obtain potable water AND a separate hose for cleaning the vehicle.
	Approved sanitizer with appropriate test strips available for wiping cloths, food service utensils and equipment. Use chlorine (unscented bleach) or quaternary ammonium (QUAT).
	Wiping cloth sanitizing buckets/pails and a clean supply of wiping cloths.
	Approved emergency exit (minimum 2 feet x 3 feet) in the side opposite the main exit door, roof, or the rear of the unit. The exit shall be labeled "Safety Exit" with at least 1-inch high lettering.
	Self-closing device present on doors of the food preparation area.
	Tight-fitting screens present at ceiling openings.
	Positive closing lids and latches for coffee urns, fryers, and steam tables.
	Pass-through window openings not to exceed 216 square inches with at least an 18" separation. Screening material is at least 16 Mesh per square inch and the pass-through screen is self-closing.
	All food obtained, stored and prepared at an approved food facility. <b>No food or equipment is to be prepared or stored at home.</b>
<b>Additional requirements:</b>	
	Valid Food Safety Manager Certificate and copies of the Food Handler's Card(s) available on the MFF.
	DEH placard and permit posted in public view.
	Copy of the most recent inspection report available on the MFF.
	Operate within 200 feet of an approved and readily available toilet and handwashing facility whenever the MFF is stopped to conduct business for more than a one-hour period.
	Test for propane leaks.
	Fire suppression system requires bi-annual inspections and the fire extinguishers require annual inspections.
	Class K extinguisher for cooking media (grease).
	Generator exhaust to be directed away from consumers and food handlers.
	Gasoline may not be stored inside the MFF under no circumstances.
	Valid HCD Insignia affixed to vehicle – vehicle modifications may warrant a HCD inspection.
	Operate with a valid Environmental Health Permit. <b>Schedule the annual renewal inspection in advance, more than 8 weeks</b> to ensure your permit is renewed prior to your permit expiration date. All mobile food vehicles found operating without a permit will be closed and assessed a penalty.
	Fire Code Standards may be found at <a href="http://unidocs.org/fire/">http://unidocs.org/fire/</a> (UN-105).

This document serves as guidance and is not inclusive of all mobile food requirements.

# MEMO

To: City of Long Beach

From: Lisa Wise Consulting, Inc.

Date: December 2<sup>nd</sup>, 2022

Subject: Sidewalk Vending Recommendations Memo

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## 1. Introduction

SB 946, or the Safe Sidewalk Vending Act, was signed into law in 2018. This law is intended to decriminalize sidewalk vending throughout the state. While the law permits sidewalk vending statewide, it does allow jurisdictions to implement sidewalk vending regulations directly related to health, safety, or welfare concerns. In public parks jurisdictions are permitted additional authority to ensure that recreation opportunities are not unreasonably affected by commercial vending and that the scenic and natural characteristics of the park are maintained by preventing an undue concentration of commercial activity. SB 972, signed into law in September 2022, updates the California Retail Food Code to add a new chapter for Compact Mobile Food Operations to allow the display or sale of food outdoors provided certain conditions are met. It also increases the discretion of local health departments to approve innovative equipment design for mobile food facilities and eliminates criminal penalties with non-criminal administrative fines for code violations. Long Beach must ensure that its ordinance complies with these state laws.

This memorandum outlines recommendations for the City of Long Beach's Sidewalk Vending Ordinance. These findings are based on LWC's previously completed research, which included City of Long Beach departmental interviews, a case study analysis of comparable California communities, and an audit of the LBMC. All recommendations are subject to further refinement and can be modified based on a public outreach process. This work excludes a full analysis of any draft ordinances from the city that have not been adopted. The recommendations are primarily taken from case study examples in other comparable jurisdictions in California and are intended to align with the requirements of SB 946.

## 2. Areas of Recommendations

### 2.1 Definitions

One issue present in the current LBMC are conflicting definitions related to sidewalk vending. The following definitions are recommended to be used when organizing the Sidewalk Vending Ordinance to eliminate unintended interpretations, and ambiguities with sidewalk vending policies.

- **Above ground structure:** any structure affixed to a sidewalk including streetlights, tree wells, parking meters, utility structure, utility boxes, bike racks, scooter corrals, newspaper racks and public benches, tables, walls, and stairs
- **Roaming sidewalk vendor:** a sidewalk vendor who moves from place to place and stops only to complete a transaction.
- **Stationary sidewalk vendor:** a sidewalk vendor who vends from a fixed location.



- **Goods:** items, personal property, merchandise, or any other similar item that is generally sold, including food and beverages.
- **Food:** any item described in Health and Safety Code Section 113781, or any successor section.
- **Sidewalk:** a public paved or hardscape path or walkway that is specifically designed for pedestrian travel. It excludes any area primarily designed for use by vehicles or the conveyance of storm water, any area planted with landscaping, or any area primarily consisting of dirt or sand. This excludes paths of travel within public parks and beaches.
- **Parkway:** the area adjacent to a roadway between the private property line and the roadway, or the area between the roadways of a highway as are set apart for pedestrian travel.
- **Public right of way:** a public easement for streets, alleys, or other uses, other than a sidewalk.
- **Sidewalk Vendor:** a person who sells goods from vending equipment or from one's person upon a sidewalk. It includes both roaming and stationary sidewalk vendors.
- **Vending equipment:** any conveyance, table, pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other free-standing equipment used for vending on the sidewalk.

## 2.2 Zoning, land use controls, and distancing

Any regulations that affect sidewalk vending should be objective, measurable, and easily understandable by operators, residents, consumers, and enforcement. Land use controls must be focused exclusively on public safety and welfare within the parameters of state law. Public safety, access, and pathways of travel are the primary source of regulating sidewalk vending activities. Additionally, local jurisdictions are permitted to regulate sidewalk vending in residential zone areas. Cities should be cautious about distancing controls to ensure that they don't introduce a restraint of trade which could be legally challenged. The recommendations in this section are based on programs in comparable California cities and information provided by City of Long Beach staff where issues related to public safety and accessibility were reported. A review of comparable programs and the results of the interviews with City staff are contained in the work products that LWC has provided to the City as part of its research program.

### Restraint of Trade Considerations

- Regulations that limit the distance a sidewalk vendor can operate from another vendor or from a brick-and-mortar store without further justification risk creating a restraint of trade which likely would not be upheld given judicial precedent from *People v. Ala Carte Catering Co.* (1979).
- Case law prohibits local jurisdictions from regulating the distances sidewalk vendors can operate from another vendor or from a brick and mortar store unless there is a defensible health, safety, or welfare justification

### Zoning Restrictions

Stationary sidewalk vendors should not be permitted to:

- Operate in an area zoned exclusively residential

### Prohibited Operating Areas

California Government Code (GOV) Section 51038(b) permits local jurisdictions to regulate sidewalk vending in City owned or operated parks if it is related to objective health, safety, or welfare concerns; necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities; or



necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park. For the reasons outlined, sidewalk vendors shall not vend in the following areas and their parking lots and ingress and egress routes.

Based on interviews with City staff the following parks and related public spaces were identified as areas of conflict between sidewalk vending activities and public access and enjoyment of these spaces:

- Protected habitat and mitigation areas such as Deforest Wetlands, Willow Springs Wetlands, Los Cerritos Wetlands, Colorado Lagoon, Jack Dunster Marine Biological Preserve, Sims Pond, Golden Shore Reserve, El Dorado Nature Center
- El Dorado East Regional Park
- Rancho Los Alamitos
- Belmont Veterans Memorial Pier and Plaza
- Rainbow Harbor, including Shoreline Aquatic Park and Pine Avenue Pier
- P.D. Pitchford Companion Animal Village
- City-owned municipal golf courses
- Rancho Los Cerritos
- City permitted/leased community gardens
- Rainbow Lagoon
- Avenue Pier
- Valparaiso Plaza
- Bixby Knolls “National Park”
- Any City property subject to a lease agreement

Vendors can also be prohibited from interfering with public access to the shoreline in order to satisfy State Coastal Commission requirements.

### **Path of Travel and Access**

Pursuant to Government Code (GOV) Section 51038(b) and to promote and protect the public health, safety, and welfare in the City, the regulations below specify distances that must be maintained between a sidewalk vendor and the surrounding environment. Vending on public sidewalks creates the potential for safety hazards, such as inhibiting the ability of individuals with disabilities and other pedestrians to follow a safe path of travel; interfering with the performance of police, firefighter, and emergency medical personnel services; encouraging pedestrians to cross mid-block or stand in roadways to purchase food and merchandise; and creating obstacles and contributing to congestion for pedestrian, vehicle, and bicycle traffic. Distances were determined based on applicability to Long Beach’s built form, community features, examples from other jurisdictions, and to ensure access by those with disabilities and emergency services.

Stationary sidewalk vendors should not be permitted to:

- Occupy the sidewalk in any way that does not maintain 4 feet of width for ADA access.
- Vend within 5 feet of any above ground structure on the sidewalk or parkway.
- Vend within 15 feet of any fire hydrant or fire lane.

No stationary sidewalk vendor shall vend and no roaming sidewalk vendor shall stop to make sales in the following locations:

- In the public right-of-way, or any area that blocks the safe flow of pedestrians or vehicles, or does not maintain 4 feet of sidewalk width for ADA access.
- On any public property that does not meet the definition of a sidewalk as defined in Section 2.1 including, but not limited to, any alley, bike path, bridge, beach, marina, median, pier, square, street, street end, or parking lot.
- Within 5 feet in front of or 5 feet behind the sidewalk along a bus stop or Metro stop as measured linearly along the curb from the sign marking the bus stop or Metro stop
- Within 10 feet of a driveway, marked crosswalk, fire escape, fire hydrant, entrance to a building/structure/facility, ATM, parking meter, above ground utility structure, or emergency exit;
- Within 15 feet of an intersection; loading zone, parking space, or access ramp designed for individuals with disabilities; outdoor dining or patio area; public restroom; curb ramp; location with a valid encroachment permit displayed; or bike and shared use path.
- Within 25 feet of any beach access point or pier
- Within 50 feet of any railroad crossing
- Within 200 feet of any permitted event or filming permit (during the event or filming)
- Within 250 feet (roughly the length of a typical city block) of any school or public library within 30 minutes before or after the school's or library's opening or closing hours

### Traffic Safety and Visibility

No stationary sidewalk vendor shall vend and no roaming sidewalk vendor shall stop to make sales in the following locations or situations:

- Any location that obstructs traffic signals or regulatory signs;
- Within 18 inches from the edge of a curb;
- Within 100 feet of the vehicle entrance of any fire station, police department, hospital, lifeguard tower, lifeguard headquarters, or any other emergency response structure;
- On any slope greater than five percent or where wheels must be cramped to the curb
- To customers in moving vehicles

## 2.3 Operating Conditions

Long Beach can clarify how and when a sidewalk vendor may operate their business. Operating hours should consider location and time of year so that seasons with longer days may allow vendors and patrons to take advantage of the sunlight. While not being so strict as to introduce undue burdens or constraints of trade, Long Beach should implement rules that clearly delineate what a sidewalk vendor may do or use, and what the sidewalk vendor may not do or use, specifically keeping in mind how such operations may impact public health, safety, and welfare.

### Operating Hours

- Roaming vending activities on residential blocks may occur between the hours of 7:00 a.m. and 8:00 p.m. or sunset, whichever is later.
- Vending activities on non-residential blocks may occur between 6:00 a.m. and 10:00 p.m. or the operating hours imposed on other businesses on the same block, whichever is least restrictive. Sidewalk vendors may not be required to close earlier than any other business on the same street.



- Sidewalk vendors shall comply with all applicable laws relating to the employment of minors. Any minor assisting with or engaged in vending shall be accompanied by a sidewalk vendor with a valid vending permit. Any and all actions of the minor related to vending, including any violations committed by the minor, are attributable to the sidewalk vendor.

### **Operating Requirements**

#### Sidewalk vendors shall:

- Follow the Noise Ordinance per section 8.80.010 of the LBMC
- Clean up trash around their surrounding area
- Maintain adequate trash containers in or on their sidewalk vending conveyance or location.

### **Prohibited Items and Activities**

#### Sidewalk vendors shall not:

- Rent merchandise to customers
- Solicit sales by travelling door-to-door on private property
- Sell alcohol, tobacco and tobacco products, vaping products, drug paraphernalia, cannabis, pharmaceuticals, adult-oriented material or animals.
- Sell counterfeit, stolen, or illegal goods
- Sell weapons, including knives, guns, or explosive devices, BB devices, or imitation firearms
- Fail to comply with all nuisance regulations in the LBMC
- Use amplified or non-amplified sound-making devices in conjunction with vending, such as speakers, microphones, public address systems, bells, and chimes
- Use any electrical, flashing, wind powered, or animated signs
- Empty their trash into public trashcans

## **2.4 Vending in Public Parks, Plazas, and Beach Areas**

Public parks, plazas, and beach areas should have specific regulations given the public benefit they serve. However, Government Code (GOV) Section 51038(b) states that local authorities may not prohibit sidewalk vendors from operating in public parks, unless the park has a concession agreement, the restrictions serve to protect the community's health, safety, or welfare, or prevent an undue concentration of commercial activity that would unreasonably interfere with the scenic and natural character of parks. Beach areas additionally provide a public recreation amenity and regulations there shall also serve to preserve the scenic and natural character of the beach. The following provisions should apply to public parks, plazas, and beach areas in Long Beach. Oceanfront land, such as beaches, is subject to California Coastal Commission oversight.

- Vending is permitted between 8:00 a.m. and closing time of the park or sunset in public parks, plazas, and beach areas where there is no designated closing time.
- Stationary sidewalk vendors are not permitted within any area of a public park, plaza, or beach if the public park, plaza, or beach operator has signed an agreement for concessions that exclusively permits the sale of goods by a specified concessionaire
- Sidewalk vendors shall not interfere with any sporting events
- Sidewalk vendors are only permitted to vend on sidewalks as defined in Section 2.1. This excludes pathways that exist within parks and beaches.

## 2.5 Health Code

Long Beach should require measures to ensure the safety and cleanliness of the environment and of goods purchased from sidewalk vendors, as allowed by state law. Sidewalk vendors engaged in the vending of food or beverages shall be subject to the requirements in the California Retail Food Code.

### Long Beach Health Permit: Prepared Food

- Sidewalk vendors who sell food and beverage items should display a Long Beach Health Permit at all times.

## 2.6 Permitting Requirements

Before partaking in sidewalk vending operation, interested vendors should be required to obtain relevant permits, as allowed by SB946. Prospective sidewalk vendors should obtain a Long Beach Business License, a Long Beach Sidewalk Vending Permit, and a California Seller's Permit. Permits related to public health are covered in Section 2.5 (Health Code) of this memo.

### Long Beach Business License

- Businesses operating in Long Beach, including sidewalk vendors, must have a Business License

### Long Beach Sidewalk Vending Permit

- Sidewalk vendors selling goods must obtain a Sidewalk Vending Permit before vending in the City of Long Beach.
- The permits should be issued by the Department of Financial Management and be renewed annually

### California Seller's Permit

- If applicable, sidewalk vendors must possess a valid California Department of Tax and Fee Administration seller's permit that designates "City of Long Beach" as a location or sublocation.

## 2.7 Enforcement

Enforcement of the Sidewalk Vending Ordinance should be strategic and not depend on administrative citations. As the City can no longer issue criminal citations, administrative citations become an ineffective enforcement tool due to difficulties with collecting identification and an ability to pay determination. However, violations of the California Health and Safety Code and the Penal Code are not covered under the State law and will be prosecuted criminally in certain instances. While administrative fines should still exist compliant with state law, an education campaign should be implemented to communicate rules and regulation in the City.

### Different City Department responses depending on violation

- Food violations can continue to be prosecuted under the CA Health & Safety Code
  - For example, vendors who sell unsafe food products can be criminally cited under the CA Health and Safety Code.
- Penal Code violations can continue to be handled by the Police Department
  - For example, vendors that sell alcohol illegally can also be cited for penal code violations.

**Education Campaign**

- Education materials will be provided on City website
- Regulations provided along with the Sidewalk Vendor Application
- Regulation cards to be handed out in the field
- All materials will be available in English, Spanish, and any other languages deemed necessary for adequate communication
- Education materials will be distributed so that vendors understand them for regulation compliance and residents know how to report vendors violating regulations
- Community Education Campaign will be introduced and include town hall meetings with relevant presentations and sessions for questions and answers.

**Exception for Minors**

- In residential zones only, minors operating vending equipment for a temporary use or selling products from a recognized 501(c)(3) Charity for the purpose of fundraising should be exempt from the requirements of this ordinance. Access and Accessibility provisions would still apply.

# Sidewalk Vending: Community Engagement Report

## Community Engagement Summary

The **Sidewalk Vending: Community Engagement Report** highlights the efforts taken by City staff to engage with community and stakeholders on the topic of sidewalk vending. The City's goal was to capture community and stakeholder input to inform the development of the rules and regulations for sidewalk vending. City staff developed and organized a landing page for sidewalk vending content on the city website, created a mailing list for individuals to sign up to receive updates, launched a citywide survey, organized seven focused groups, and invited the community and stakeholders to participate in two community meetings to gain a comprehensive understanding of the perception and challenges surrounding sidewalk vending. The community engagement opportunities mentioned in this report were developed between September 2022 – October 2022 and fully implemented between November 2022 – February 2023.

The report will include:

1. Community Engagement Strategies
2. Overarching Themes from Community Engagement
3. Survey Overview
4. Focus Group Overview
5. Community Meeting Overview
6. Overview of Additional Feedback Received

Attachments:

1. Attachment B1: Sidewalk Vending Survey in English, Spanish, Khmer, and Tagalog
2. Attachment B2: Sidewalk Vending Survey Sampling of Comments
3. Attachment B3: Sidewalk Vending Focus Group Questions
4. Attachment B4: Sidewalk Vending Community Feedback Meeting Presentation
5. Attachment B5: Sidewalk Vending Community Meeting Notes
6. Attachment B6: Sidewalk Vending Survey Graphs

## Community Engagement Strategies

City staff utilized several internal and external strategies to coordinate community engagement efforts to capture community input. City staff formed a core team that led the development and implementation efforts of the **community engagement strategies** outlined below. This team had representation from the following City departments: City Manager's Office, Financial Management, Health and Human Services, and Public Works.

The following strategies were identified and implemented to promote the Sidewalk Vending Survey and Community Meetings:

- **Internal Memo to Mayor, City Council, and Department Directors:** An internal memo was shared that outlined the engagement efforts and relevant social media material with a request to promote the opportunity within their external communication to residents. The Mayor and City Council helped promote each opportunity through a variety of means by adding Sidewalk Vending related opportunities to their newsletters and sharing information in relevant community meetings.
- **Press Release and Media Coverage:** A press release was published to announce each engagement opportunity. After each Press Release, the City noted several news articles and media segments that helped promote these opportunities to the community at large.
- **Centralized City Page:** A page was created with a unique short link to serve as a landing page for community engagement opportunities and information page for future rules and regulations updates. Information on sidewalk vending can be accessed at [longbeach.gov/sidewalkvending](https://longbeach.gov/sidewalkvending).
- **Social Media Campaign:** Social media content was shared widely in City of Long Beach social media accounts on Facebook, Instagram, and Twitter. Various City departments assisted in cross-posting sidewalk vending content on their individual accounts. City staff also noted that the public also created independent conversations about sidewalk vending community engagement opportunities on Nextdoor and Reddit.
- **Newsletter and Email Promotion:** Promotional content was included in the Go Long Beach Newsletter and shared through the Neighborhood Resource Center and Sidewalk Vending and Food Trucks mailing list. City staff sent information to a list of businesses and Business Improvement Districts and connected with the Council of Business Association to disseminate the community engagement opportunities with their network.
- **Long Beach Utilities Bill Special Message:** A special messages about the survey was included in Long Beach Utilities Billing Statements during late November to mid-December. The special message was included in 127,887 service user's bill statements. It is important to note that 18,899 of which have online statements thus did not receive a printed bill statement but could view the message on their online statement. Please note that not all of the service users received the special message due to the print and distribution cycle.
- **Outreach Efforts:** The Survey was available in English, Spanish, Khmer, and Tagalog at all Long Beach Public Libraries. An informational flyer related to sidewalk vending in Long Beach along with a poster and postcard promoting the survey was available at several City of Long Beach Parks and Recreation Centers and Long Beach Public Libraries. Four community-based





organizations received Sidewalk Vending related social media content to help disseminate amongst their community networks.

- **City Staff Presentations:** City staff met with a variety of City departments to share information with front line staff related to community outreach efforts along with attending a variety of public facing meetings where they promoted the Sidewalk Vending Survey. One of the meetings included the Health Permit Workshop hosted by Health and Human Services for mobile food vendors and food truck operators. The same groups were contact during the promotion of the Sidewalk Vending Community Meetings.

The Sidewalk Vending Survey, the Sidewalk Vending and Food Truck mailing list, community-based organizations, and canvassing efforts were used to identify focus group participants.

## Overarching Themes

The **overarching themes** outlined below emerged from input from the survey, focus groups, and community meetings. These themes were heard consistently throughout the three-month engagement period November 2022 – February 2023.

Themes unique to a particular community engagement opportunity will be described in the Overview sections.

### *Hours of Operations*

- Residents had varying experiences that informed their opinion on the hours of operations as residents that had vending close to home mentioned concerns with cleanliness and noise after 10PM going late into the evening. Many residents mentioned the convenience in having late night food options. Overall, there were mixed reviews with consideration of stationary vending in proximity to homes after hours and a general consensus of mirroring business hours from local brick-and-mortar establishments.
- Sidewalk vendors asked for flexibility in hours of operations as set times could be restrictive. Sidewalk vendors that sold merchandise mentioned they typically sold their items before sunset unless they participated in an organized event. Sidewalk vendors that sold food asked for less restrictive hours.
- Business owners had concerns related to hours of operation and enforcement of said hours as they'd seen late night sidewalk vendors operating past typical hours of operations for late night establishments.

### *Compliance with American's Disability Act (ADA)*

- Residents, sidewalk vendors, and business owners all mentioned accessibility and leaving space for ADA access. Sidewalk vendors were willing to comply but felt limited by the sidewalk space available.

### *Permit Eligibility, Cost, and Process*

- Residents wanted to be familiar with the permit process as it related to their awareness of distinguishing vendors who were permitted. Several residents expressed support for the permit



as it offered entrepreneurial opportunities and expressed concern for the overall cost. Some residents mentioned having a recognizable permit for the public to distinguish which sidewalk vendors are permitted.

- Sidewalk vendors were interested in learning more about the permit as it would provide credibility and safety in their operation. Several vendors expressed concern related to the timeline of the permit application process.
- Business owners expressed concerns over eligibility on whether a permit would be granted to an individual only or to a larger company. Many asked for equal requirements of what brick-and-mortar restaurants need to have to operate for example worker's compensation and insurance.
- Residents and business owners shared opinions related to the cost of the permit. Some residents focused on providing low-range cost options for permit applications. Both residents and business owners expressed giving an opportunity to people to apply but recognized a higher-range cost option would help cover staffing costs associated with permitting and enforcement. Several commented on permit eligibility for a corporation versus an individual.

#### *Location*

- Residents, sidewalk vendors, and business owners had varying opinions on where sidewalk vendors could have permission to operate as several residents and business owner wanted restrictions in vending near businesses and residential zones. There were questions on how regulation would work in private spaces versus public spaces. Some business owners mentioned that private spaces have been charging sidewalk vendors for use of space. Some mentioned that sidewalk vendors near schools tend to station their carts at intersections that cause traffic, safety, and accessibility concerns.
- Sidewalk vendors and residents alike mentioned that vendors tend to move throughout the City looking for sales and few vendors stay in one place throughout the week. In terms of private space, there were concerns from all groups of sidewalk vendors operating with or without permission close to privately owned spaces.
- Residents mentioned that sidewalk vendors provide alternative food options. Others added in some areas there are very few food options, thus sidewalk vendors provide food access. Several mentioned that sidewalk vending activates public space and encourages community.

#### *Public and Vendor Education Campaign*

- Residents, sidewalk vendors, and business owners separately mentioned the benefit of an education and awareness campaign to understand the rules and regulations of sidewalk vending as it related to compliance, enforcement, and recognizing what was permissible by City standards. Some asked for there to be public education on what enforcement efforts look like, a help line for questions, and awareness of the permitting process. Several asked for workshops to be offered for vendors to have guidance on permit and application process.

#### *Entrepreneurial Opportunities*

- Residents had varying opinions with some supporting the economic opportunity sidewalk vending brings to Long Beach and others expressing concern regarding the potential



oversaturation vendors in certain areas. There were questions on the quantity of permits that would be granted to sidewalk vendors.

- Sidewalk vendors shared the benefits of having a permit to allow them to participate in this economic opportunity and concern with operating during the application process.
- Business owners also had varying opinions as they recognized the benefits of the opportunity to start a new business with fewer barriers to entry and expressed concerns with the disadvantage of operating brick-and-mortar businesses.

#### *Vendor and Public Safety*

- Residents, sidewalk vendors, and business owners mentioned safety in sidewalk vending for both sidewalk vendors and clients as overcrowding often occurs, blocking access for others wanting to use the right-of-way. There were also concerns with theft due to cash sales and overall safety operating late at night. There were several residents and sidewalk vendors that mentioned that a benefit of vending late at night was the added presence for individuals walking late at night. All groups were concerned with sidewalk vendors being vulnerable to theft due to cash-based sales. Some residents and business owners were concerned that sidewalk vendors may be victims of human trafficking. They asked for human trafficking education be incorporated with the education material developed for sidewalk vending.
- Sidewalk vendors, residents, and business owners had various opinions related to density related to safety, or number of sidewalk vendors per specified area. Some sidewalk vendors shared the number of sidewalk vendors within a specific area depends on whether they are stationary or mobile vendors as a regulation would impact them in different ways.

#### *Contribution to Local Tax Base*

- Several residents and business owners had questions related to how sidewalk vendors were contributing to the local tax base. Sidewalk vendors did not directly mention the local tax base in their feedback as they prioritized other themes.

#### *Health Protocol*

- Residents and business owners were concerned with staff capacity to education and enforce the sidewalk vendors on applicable health code. Health concerns were related to safe food handling and practices, trash near vending location, grease collection after operations, and overall cleanliness of the space sidewalk vendors occupy throughout and after vending. The majority had varying opinion on the use of equipment like propane tanks, grills, and tables and chairs. There were concerns related to the equipment used and the regulation of the equipment. Several asked about access to restrooms and cleanliness associated with food vending.

#### *Business Protocol*

- Business owners mentioned unfair financial burdens such as permit fees currently impacting their business but not sidewalk vendors.



- Business owners and residents shared concerns related sidewalk vendors owners not complying with state law to offer worker's protections in the form of minimum wage, worker's compensation, etc.
- Sidewalk vendors, residents, and business owners asked for a business license permit to operate as sidewalk vendors. Sidewalk vendors specifically mentioned that the benefits would give them an ability to operate and act as a safety measure.

## Survey Overview

The **Sidewalk Vendor Survey** was open for five weeks from Friday, November 11<sup>th</sup> to Sunday, December 18<sup>th</sup> for everyone that lives, work, studies, or visits Long Beach. The survey's goals were to gauge general sentiment of sidewalk vending in Long Beach, identify location, frequency and type of sidewalk vending seen in Long Beach, and capture input to inform the development of rules and regulations for sidewalk vending. Surveys were available online or in print at all Long Beach Public Libraries in English, Spanish, Khmer, and Tagalog.

It is important to note that the survey did not track personal information from survey takers to allow for anonymity and reduce barriers to participation. Each survey taker had the option to share contact information to be added to the Sidewalk Vending and Food Truck mailing list to receive updates. For the online version, there were only four required questions, and the rest were optional. As a result, some questions are based on the total number of respondents whereas others are based on the number of respondents that responded to the question.

The Survey received 2,312 survey responses: 9 print surveys and 2,303 online surveys. From the four available languages, 2,298 English responses, 12 Spanish responses, 1 Khmer response, and 1 Tagalog response were received.

### *Demographics*

The demographic data provided insight on the diversity of the 2,202 Long Beach residents (95%) and the 110 non-residents (5%) who completed the survey. The perspective of 17 sidewalk vendors (1%), 225 business owners (10%), 207 students (9%), 773 sidewalk vendor patrons (33%), 21 individuals related to a sidewalk vendor (1%), and 744 individuals who work in Long Beach (32%) was captured.

Below are some points to highlight from the demographic data.

- **41% of the survey respondents identified as White:** compared to 2<sup>nd</sup> highest ethnicity at 18% who identified as Hispanic/Latino/Latinx.
- **Over half of survey takers were over the age of 40:** all age groups were represented, 103 of survey takers identified as under the age of 18.
- **44% of survey respondents have an annual salary of \$100,000 or more:** 22% of survey respondents \$49,999 or less.
- **193 (0.08%) of survey respondents have a permanent disability:** physical disability was ranked the highest amongst the disabilities listed.



- **English was the primary language for 2,200 (95%) of the survey respondents:** Spanish was 2<sup>nd</sup> with 334 respondents (14%), Khmer and Tagalog tied for 3<sup>rd</sup> with 16 respondents each (0.006%). There were 17 other languages listed from survey respondents.
- **40% of survey respondents have a household size of 2 individuals.**

### *Perspective on Sidewalk Vending*

The **Perspective of Sidewalk Vending** section provided insights on the benefits, concerns, and opinions regarding sidewalk vending.

Below are some points to highlight from the perspective of sidewalk vending data.

- **Entrepreneurial opportunities were the top benefit:** over 50% of survey respondents either agreed or strongly agreed that considered the categories listed as benefits.
- **Food safety was the top concern:** cleanliness and health protocol with food vending were the other two concerns with over 60% of survey respondents either agreeing or strongly agreeing.
- **67% of survey respondents support sidewalk vending:** 30% of which had no concerns and 37% of which had some concerns.

### *Location and Type of Sidewalk Vending*

The **Location, and Type of Sidewalk Vending** section provided insights on familiarity with state law, frequency, location, hours of operation, and type of sidewalk vending.

Below are some points to highlight from the perspective of sidewalk vending data.

- **Over 40% of survey respondents were not familiar with either SB 946 or SB 972.**
- **Sidewalk vendors are seen at all hours between 8 a.m. – 2 a.m.:** 33% of survey respondents see sidewalk vendors from 6 pm. – 10 p.m.
- **Over 90% of survey respondents have seen food sidewalk vendors:** compared to the 10% of survey respondents that haven't seen non-food service sidewalk vendors.
- **The top three places where sidewalk vendors are currently seen are in front of brick-and-mortar businesses, in residential areas, and by the beach.**
- **The top three places where sidewalk vendors should be encouraged were** “nowhere” in Long Beach, “in parks,” and “by the beach”
- **The top three places where sidewalk vendors should be limited were** “in residential areas”, “in front of brick-and-mortar businesses”, and “by schools”.

### *Open-ended Questions*

Common themes were identified in the open-ended questions. The percentages below represent the number of people that mentioned a particular theme in their open feedback.

### **Accessibility**

- **ADA:** Comments focused on limited space on sidewalks that is further restricted because of stationary sidewalk vendors setting up both on the right-of-way and extending to bike paths.



- Food Options: Comments ranged from providing access in food deserts and adding food options late evening hours.

### **Competition**

- Different Requirements: Comments shared that the lack of requirements for sidewalk vendors operating in Long Beach results in unfair competition against brick-and-mortar businesses.

### **Designated Area**

- Easier to Manage: Comments outlined that the benefits of having a designated area in the City for vendors to congregate and sell as it would be easier to manage.

### **Education**

- Workshops for sidewalk vending permit holders: Several ideas were shared related to permit assistance provided by the City to potential sidewalk vendors to increase the chances of attaining a permit.
- Enforcement: Several questions were asked about the process of enforcement and contacting City staff to share health, sidewalk, and safety concerns related to sidewalk vending.

### **Entrepreneurial Opportunities**

- Supporting entrepreneurship: Comments mentioned the sidewalk vending permit allows for flexibility and low entry cost for individuals looking to start a business and individuals currently vending to have a pathway to obtaining a permit.

### **Equity**

- Opportunity to open a small business: Comments ranged from giving an opportunity for undocumented and BIPOC vendors to establish a business to formalize their participation in the local economy.
- Impact of brick-and-mortar business: Comments mentioned that current sidewalk vending conditions were impacting sales of brick-and-mortar businesses that are accruing several costs that sidewalk vendors currently do not pay.
- Activation of public space and providing food options: Comments mentioned sidewalk vending enriches the Long Beach community by providing food in scarce areas and activating public spaces.

### **Health**

- Abiding by health code: Comments expressed that many sidewalk vendors do not follow health code procedures including sanitation, food borne illness precautions, and food temperature to ensure health protocol.
- Litter: Comments shared that there has been an increase in litter in the surrounding areas that sidewalk vending takes place. Some areas have seen food grease stains on sidewalks because of improper discarding of grease.



## Parking

- Set-up impacting parking: Comments mentioned that stationary sidewalk vendors that are setting up near residential areas and parking impacted areas are contributing to the shortage of parking spaces.

## Public Safety

- Cash sales: Comments mentioned sidewalk vendor safety and risk of theft due to business transactions being primarily in cash.
- Crowding: Comments expressed concerns of overcrowding sidewalks due to queues that form waiting for food or merchandise.

## Perception

- Cleanliness: Comments mentioned impact on property values and that the overall unclean appearance signals a disregard for cleanliness within City boundaries.

## Permit and License

- Permit quantity: Comments questioned the number of permits that we be made available for sidewalk vendors. Some asked for a restriction of permits to minimize clustering of sidewalk vendors.

## Rules and Regulations

- Comments that fell under this theme ranged from suggestions were related to health and business protocol. The comments are represented in the Overarching Themes section.

## Focus Group Overview

The **Sidewalk Vending Focus Groups** were composed of individual meetings of community and stakeholders intended to enhance the survey responses through a focused perspective. A total of seven focus groups were held from December 2023 – January 2023. Each meeting was 1.5 hours in length and was a total of 44 participants divided into sidewalk vendors, residents, community-based organizations, business owner/representations of Business Improvement Districts (BIDs) and/or business associations. The objective of these focus groups was to gain a more in-depth understanding of sidewalk vending as it currently takes place in the City, and to get more intimate input to inform the rules and regulations. Common themes expressed during these focus groups were accessibility (both positive and negative), business equity concerns, enforcement concerns, health safety concerns for vendors and customers, operationalizing vending, a need for education and training for vendors, and a need for permitting. These themes are outlined in more detail in the Overarching Themes section, with more unique themes highlighted below.

## Accessibility

- Creative spaces: Some mentioned that sidewalk vendors selling art and hand-made goods increased the amount of creative and art-focused spaces seen throughout the City.



## Enforcement

- Composting Regulation: Some concerned with sidewalk vendors not abiding by composting and sustainability practices in place for larger businesses, but not sidewalk vendors.

## Health and Safety

- Fraud prevention: Some were concerned about fraud in cellphone sales or service registration.

## Operationalizing Vending

- Limitations of state law: Some mentioned that current law restricts the scope of which each municipality can determine its own rules and regulations based on their needs.

## Education, Training:

- Partnerships: Several asked for information to be disseminated directly to Neighborhood Associations, community-based organizations, and community leaders with established relationships within the community.

## Permit

- Eligibility: Several asked for a differentiation of permits for an individual and corporation be established.
- Pop-up Vendors: Some asked what the permit would be for pop-up vendors that vend sparingly.

## Community Meeting Overview

The **Sidewalk Vending Community Meetings** were organized to gain feedback from community on potential areas of regulation and to share the Sidewalk Vending Survey preliminary analysis. An in-person and virtual community meeting were provided to offer varying modalities to the Long Beach community. A total of 167 people participated in the community meetings offered in January 2023. The Community Meetings were split between a City staff presentation (Attachment B#) and a 45-minute small group discussion with community members and stakeholders led by City staff.

Common themes expressed during these focus groups were accessibility, business equity, enforcement, health, safety, education and training, operationalizing vending, and eligibility of permitting. These themes are outlined in more detail in the Overarching Themes section, with more unique themes highlighted below.

## Operationalizing Vending

- Footprint: Varying opinion ranging from 10'x10' canopies to only being able to take up space that a standard moving cart would need.

## Overview of Additional Feedback Received

There were **342 additional comments** received through the Sidewalk Vending Interest Form, emails to the Business Services Bureau's email count, and direct feedback received by City staff from business





owners and community organizations. The themes from these comments are reflected in the Overarching Themes section.



ATTACHMENT B1: SIDEWALK VENDING SURVEY IN ENGLISH, SPANISH, KHMER, AND TAGALOG



## Sidewalk Vending Survey

*The Sidewalk Vending Survey is available in English, Spanish, Khmer and Tagalog.*

*Paper version of the Sidewalk Vending Survey is available in English, Spanish, Khmer and Tagalog at all twelve Long Beach Public libraries.*

*Online version of the Sidewalk Vending Survey is available online in English, Spanish, Khmer and Tagalog at [longbeach.gov/sidewalkvending](https://longbeach.gov/sidewalkvending).*

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The City of Long Beach is initiating its outreach efforts to receive community input on sidewalk vending.

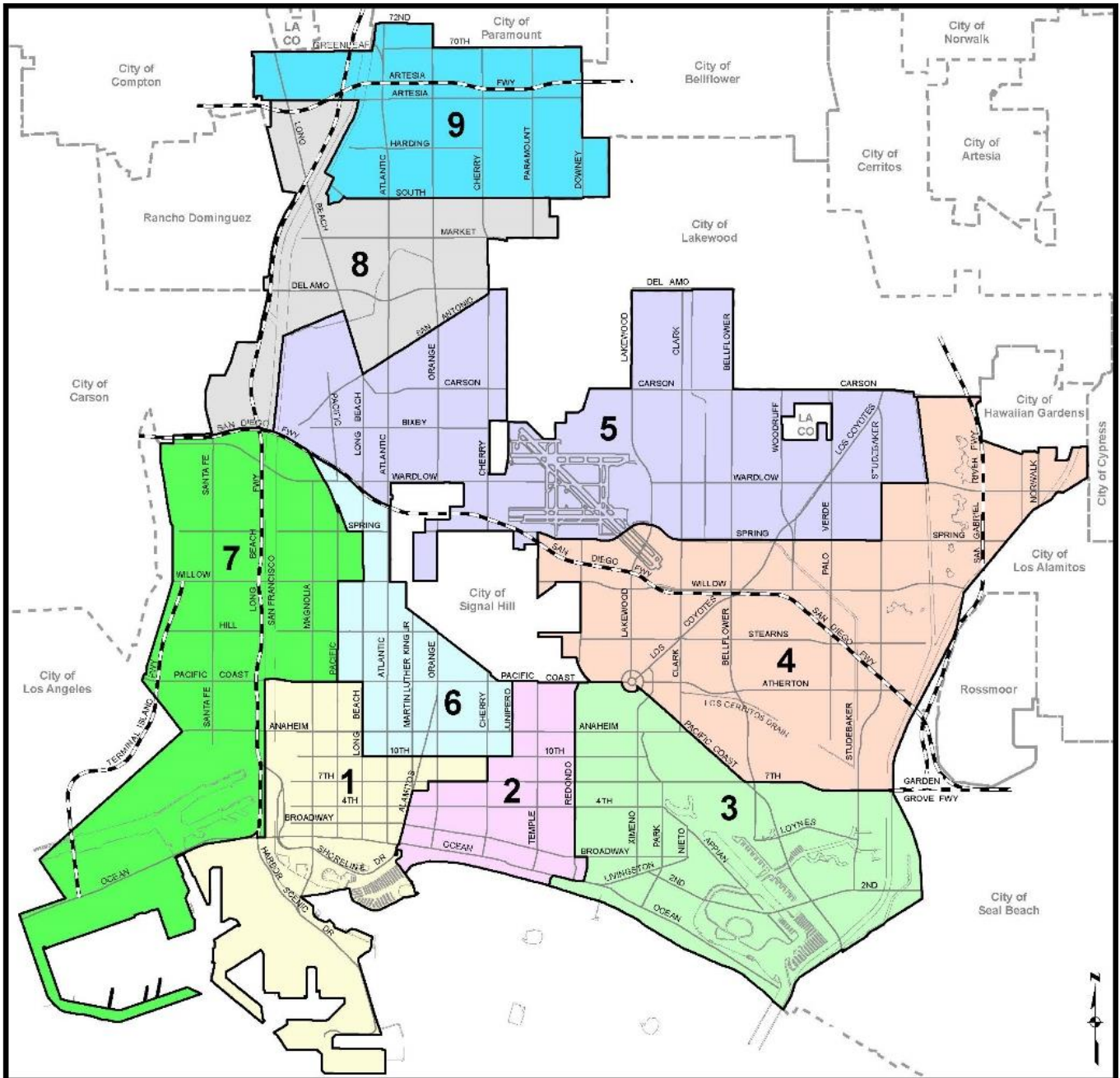
Currently, sidewalk vendors operate throughout the City selling a variety of food, merchandise, and non-food services. City staff is gathering community perspective to inform the development of rules and regulations.

To better understand the interest, opportunities and concerns with sidewalk vending, the City of Long Beach seeks your input. The following survey is anonymous unless you choose to share your contact information.

The Sidewalk Vending Survey will ask questions on your thoughts on sidewalk vending along with the frequency, location, and type of vending seen in Long Beach. To understand who is taking the survey, demographic questions are also included.

We invite you to submit your response by Sunday, December 18, 2022.

For additional questions or concerns, call (562) 570-6211 or email [lbbiz@longbeach.gov](mailto:lbbiz@longbeach.gov) with the subject line "Sidewalk Vending".



Long Beach City Council District Map for Question 21.

## Section 1: Perspective on Sidewalk Vending

Please rank the following statements on a scale of 1-5, with 1 indicating you strongly disagree and 5 indicating you strongly agree. If you don't know or don't have a preference, you can select 0 for neutral.

1: In your opinion, the benefit of having sidewalk vending in the City is...

	0- Neutral	1-Strongly Disagree	2	3	4	5-Strongly Agree
<b>more consumer choices (ex. increased options for food and merchandise)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>entrepreneurial opportunities (ex. affordable way to start a business)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>cultural value (ex. culturally relevant food and merchandise)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>activation of public space (ex. bringing customers to a specific area)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>food security (ex. provides alternative options in food scarce areas)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2: In your opinion, the concern with having sidewalk vending in the City is ...

	0- Neutral	1-Strongly Disagree	2	3	4	5-Strongly Agree
<b>vendor safety (ex. public response towards sidewalk vendors)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>public safety (ex. crowding on sidewalks/in neighborhoods)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>presence of vending in residential areas (ex. hours of operations, noise, parking impacts)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>presence of vending near brick-and-mortar (ex. restaurants or retail stores experiencing impacts)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>health protocol (ex. keeping food safe such as proper sanitation, temperature, handling, and storage)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>food safety (ex. not getting sick from foodborne illness)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>accessibility to the right-of-way (ex. stroller, wheelchair, and pedestrian use of sidewalk)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>cleanliness (ex. trash, food waste, debris left by sidewalk vendors and patrons)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**3:** What is your opinion of sidewalk vending?

- I support sidewalk vending and have no concerns.
- I support sidewalk vending and have some concerns.
- I oppose sidewalk vending.
- I have no opinion on sidewalk vending.
- I am not comfortable sharing my opinion.

**4:** Share any additional benefits, opportunities and/or concerns associated with sidewalk vending, not listed above. *Optional write-in response.*

**Section 2: Frequency, Location and Type of Sidewalk Vending**

**5:** How often do you see sidewalk vendors in Long Beach?

- Daily
- At least once a week
- At least once a month
- At least once a year
- I have never seen a sidewalk vendor.

**6:** What type of sidewalk vending do you see? *Select all that apply.*

- Food: Packaged, non-perishable foods (ex. whole fruits, chips, soda, candies)
- Food: Packaged, perishable foods (ex. groceries, whole fish, ice cream)
- Food: Unpackaged, non-perishable foods (ex. pre-made churro/pretzel, coffee)
- Food: Unpackaged, perishable foods (ex. catering, soft-serve ice cream, cut fruits, taco/hotdog carts)
- Merchandise (ex. clothes, pillows, cellphone/cellphone service)
- Services (ex. massages, haircuts, tax preparation)

**7:** What time of day do you see sidewalk vending? *Select all that apply.*

- 6 a.m. – 10 a.m.
- 10 a.m. – 2 p.m.
- 2 p.m. – 6 p.m.
- 6 p.m. – 10 p.m.
- 10 p.m. – 2 a.m.

**8:** In what areas of the City do you see sidewalk vendors? *Select all that apply.*

- In residential areas
- By schools
- By the beach/on the beach
- In parks
- In shopping centers
- Near religious institutions
- In front of brick-and-mortar businesses
- Other: \_\_\_\_\_

**9:** In your opinion, are there areas in the City where sidewalk vendors should be limited?

- In residential areas
- By schools
- By the beach/on the beach
- In parks
- In shopping centers
- Near religious institutions
- In front of brick-and-mortar businesses
- None
- Other: \_\_\_\_\_

**10:** In your opinion, are there areas in the City where sidewalk vendors should be encouraged?

- In residential areas
- By schools
- By the beach/on the beach
- In parks
- In shopping centers
- Near religious institutions
- In front of brick-and-mortar businesses
- None
- Other: \_\_\_\_\_

**11:** How familiar are you with recent state laws impacting sidewalk vending?

	1 – Not familiar at all	2 – Slightly familiar	3 – Somewhat familiar	4 – Moderately familiar	5-Extremely familiar
<b>SB 946 (2018) – Safe Sidewalk Vending Act</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>SB 972 (2022) – California Retail Code Update</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**12:** Describe the type of sidewalk vending you see in the City and where you see it located.

*Ex.: Food vending in my residential neighborhood, selling shaved ice.*

### Section 3: Demographics

**13:** What language do you speak most at home? *Select all that apply.*

- English
- Khmer
- Spanish
- Tagalog
- Other: \_\_\_\_\_

**14:** How would you describe your ethnicity? *Select all that apply.*

- Asian
- Black/African American
- Cambodian
- Filipino
- Hispanic/Latino/Latinx
- Middle Eastern/Southwest Asian/North African
- Native American/Alaska Native/Indigenous
- Native Hawaiian/Pacific Islander
- White
- Prefer not to answer
- Other: \_\_\_\_\_

**15:** What is your age group?

- Under 18
- 18 – 29
- 30 – 39
- 40 – 49
- 50 – 59
- 60 or older
- Prefer not to answer

**16:** What is your annual income?

- Less than \$15,000
- \$15,000 - \$34,999
- \$35,000 - \$49,999
- \$50,000 - \$74,999
- \$75,000 - \$99,999
- \$100,000 or more

**17:** Including yourself, how many people currently live in your household?

- One
- Two
- Three
- Four
- Five
- Other: \_\_\_\_\_

**18:** Do you identify as someone who has a permanent disability?

- Yes
- No
- Prefer not to answer

**19:** Is this disability: *Select all that apply.*

- Low vision/blindness
- Hard of hearing/deafness
- Cognitive
- Physical
- Mental health
- Prefer not to answer
- Other: \_\_\_\_\_

**20:** What is your relationship with the City of Long Beach? *Select all that apply.*

- I live in Long Beach.
- I live outside of Long Beach.
- I am a sidewalk vendor that sells food.
- I am a sidewalk vendor that sells merchandise.
- I am a sidewalk vendor that sells non-food services.
- I buy from sidewalk vendors.
- I am related to a sidewalk vendor.
- My business competes with sidewalk vendors.
- I own a business other than sidewalk vending in Long Beach.
- I go to school in Long Beach.
- I work in Long Beach.
- I am a Long Beach resident that does not fit into any of the above categories.
- I visit Long Beach, but do not work or live in Long Beach nor do I have direct affiliation with sidewalk vendors.

#### Section 4: Demographics Based on Place of Residency

##### Long Beach Residents

Complete #21 and #22.

**21:** I live in...

- District 1
- District 2
- District 3
- District 4
- District 5
- District 6
- District 7
- District 8
- District 9
- I am not sure.

**22:** What is your zip code?

---

##### Non-Long Beach Residents

Complete #23.

**23:** How often do you visit Long Beach?

- Nearly every day/every day
- Once a week or more
- Once a month or more
- At least six times per year
- At least once a year.



## Section 5: Additional Comments

**24:** Additional comments on sidewalk vending. *Optional write-in.*

**25.** How did you hear about the survey? *Select all that apply.*

- |  |   |
|--|---|
| <input type="checkbox"/> Community Event                               | <input type="checkbox"/> Poster/Handout at Local Community Based Organization |
| <input type="checkbox"/> From Friends and/or Family                    | <input type="checkbox"/> Social Media – Instagram                             |
| <input type="checkbox"/> Mailed Postcard                               | <input type="checkbox"/> Social Media – Facebook                              |
| <input type="checkbox"/> News Media                                    | <input type="checkbox"/> Social Media – Twitter                               |
| <input type="checkbox"/> Poster/Handout at a Long Beach Public Library | <input type="checkbox"/> Other: _____   |

## Section 6: Stay Connected with the Sidewalk Vending Process

Complete this section if you are interested in staying engaged with the sidewalk vending regulation process. Interested community members and stakeholders will receive information on future community meetings, City Council meeting dates with sidewalk vending on the agenda and other engagement opportunities. For an alternative way to share you contact information, complete the interest form at <https://bit.ly/clbfoodvendor>

**26:** Full Name *Include first and last name.*

**27:** Phone Number

**28:** Email



# Encuesta sobre vendedores ambulantes

*Esta encuesta sobre vendedores ambulantes está disponible en inglés, español, jemer y tagalo.*

*La versión en papel de la Encuesta sobre vendedores ambulantes está disponible en inglés, español, jemer y tagalo en todas las doce bibliotecas públicas de Long Beach.*

*La versión en línea de la Encuesta sobre vendedores ambulantes está disponible en línea en inglés, español, jemer y tagalo en [longbeach.gov/sidewalkvending](https://longbeach.gov/sidewalkvending).*

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La Ciudad de Long Beach está iniciando sus esfuerzos de vinculación comunitaria para recibir la opinión de la comunidad sobre la venta ambulante.

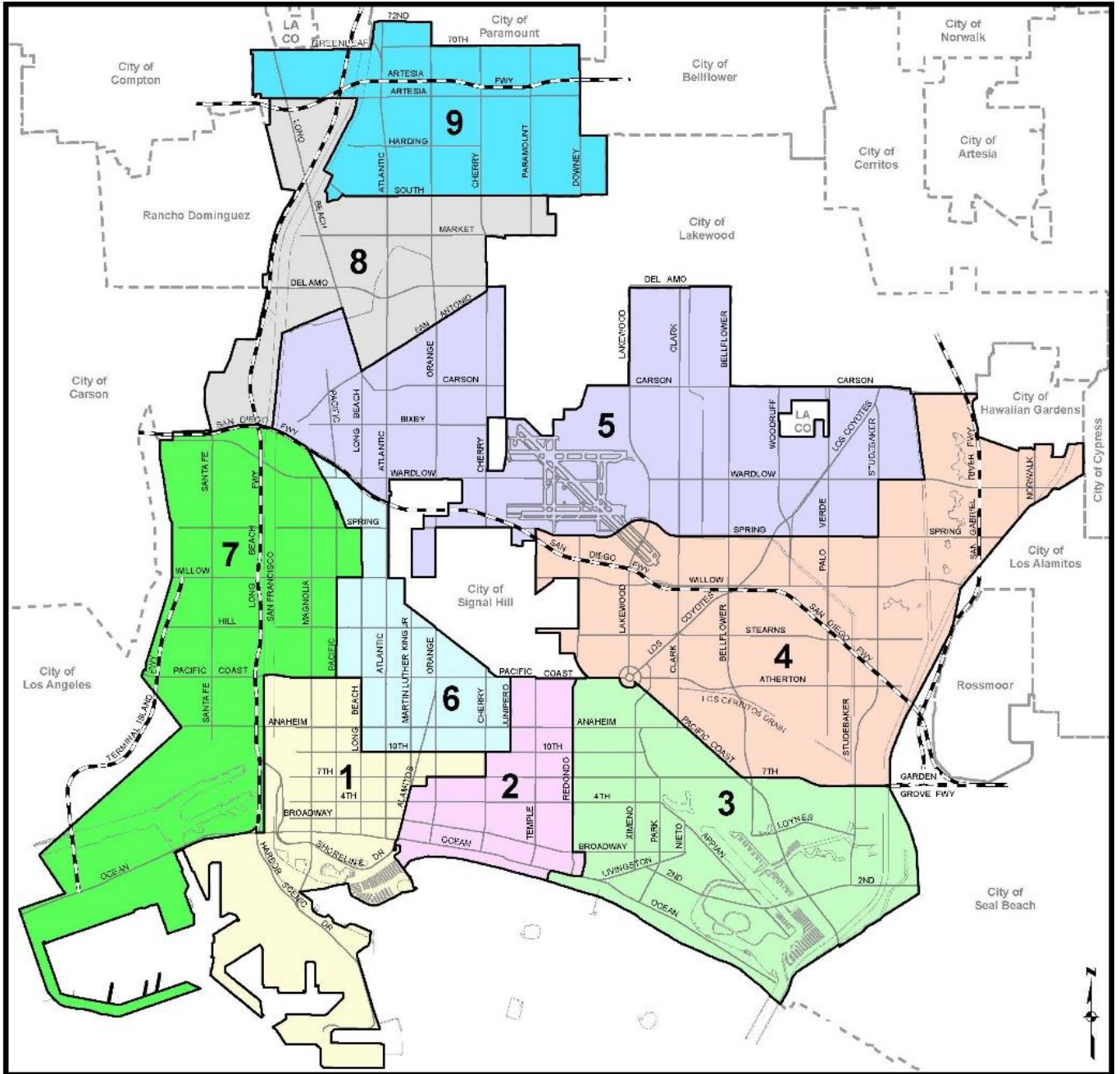
Actualmente, los vendedores ambulantes operan en toda la Ciudad vendiendo una variedad de alimentos, mercancías y servicios no alimentarios. El personal de la Ciudad está recopilando las perspectivas de la comunidad para orientar el desarrollo de reglas y regulaciones.

La Ciudad de Long Beach busca su opinión para entender mejor el interés, las oportunidades y las inquietudes con la venta ambulante. La encuesta siguiente es anónima, a menos que usted decida compartir su información de contacto.

La encuesta sobre vendedores ambulantes le hará preguntas sobre sus ideas respecto a la venta ambulante, así como la frecuencia y tipo de ventas que se ven en Long Beach. Para comprender quién está respondiendo a la encuesta, se incluyen también preguntas demográficas.

Le invitamos a entregar su respuesta antes del domingo 18 de diciembre de 2022.

Si tiene preguntas adicionales, llame al (562) 570-6211 o envíe un correo electrónico a [lbbiz@longbeach.gov](mailto:lbbiz@longbeach.gov) con el asunto "Sidewalk Vending".



Mapa del Distrito del Concejo de la Ciudad de Long Beach para la pregunta 21

## Perspectiva sobre los Vendedores Ambulantes

Favor de calificar las siguientes declaraciones en una escala del 1-5. Al seleccionar el #1, Ud. indica que Ud. esta firmemente en desacuerdo y el #5 indica que Ud. firmemente esta en acuerdo. Si no sabe o no tiene alguna preferencia, Ud. puede seleccionar el #0 para indicar el ser neutral.

1: En su opinión, el beneficio de tener vendedores ambulantes en la Ciudad es...

	0-Neutral	1- Firmemente en desacuerdo	2	3	4	5- Firmemente en acuerdo
mas opciones para el consumidor (ej. aumentar las opciones de comida y mercancía)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
oportunidades empresariales (ej. una manera económica de comenzar una empresa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
activación del espacio público (ej. traer a los clientes a un área específica)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
valor cultural (ej. alimentos y mercancía culturalmente relevante)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
seguridad en los alimentos (ej. proveer opciones alternas en áreas donde los alimentos son escasos)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2: En su opinión, la preocupación de tener vendedores ambulantes en la Ciudad es...

	0-Neutral	1- Firmemente en desacuerdo	2	3	4	5- Firmemente en acuerdo
cuestiones de seguridad de los vendedores ambulantes (ej. respuesta publica sobre los vendedores ambulantes)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
seguridad publica (ej. amontonamiento en las banquetas/en vecindades)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
presencia de los vendedores ambulantes en áreas residenciales (ej. horas hábiles de operación, ruido, impactos de estacionamiento)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
presencia de vendedores ambulantes cerca de negocios establecidos (ej. restaurantes y tiendas minoristas que sufren los impactos)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
protocolo de salud (ej. mantener los alimentos seguros con sanidad, temperatura, manejo y almacenamiento apropiados)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
seguridad de los alimentos (ej. no enfermarse de enfermedades causadas por los alimentos)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
la accesibilidad al derecho-de-paso (ej. carriola, silla de ruedas, la utilización de la banqueta por el peatón)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
limpieza (ej. basura, desechos de alimentos, restos dejados en la acera por los vendedores ambulantes y sus clientes)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**3:** ¿Cuál es su opinión sobre la venta ambulante?

- Apoyo la venta ambulante y no tengo inquietudes.
- Apoyo la venta ambulante y tengo algunas inquietudes.
- Me opongo a la venta ambulante.
- No tengo opinión sobre la venta ambulante.
- No me siento cómodo compartiendo mi opinión.

**4:** Comparta cualquier beneficio, oportunidad y/o inquietud adicional asociados con la venta ambulante, que no esté enumerado arriba. *Respuesta por escrito- Opcional*

## Frecuencia, Ubicación y Tipo de Vendedores Ambulantes

**5:** ¿Qué tan a menudo ha visto a los vendedores ambulantes en Long Beach?

- |  |   |
|--|---|
| <input type="radio"/> Diariamente                      | <input type="radio"/> I have never seen a sidewalk vendor.    |
| <input type="radio"/> Por lo menos una vez a la semana | <input type="radio"/> Nunca he visto a un vendedor ambulante. |
| <input type="radio"/> Por lo menos una vez por mes     |   |
| <input type="radio"/> Por lo menos una vez al año      |   |

**6:** ¿Qué tipo de vendedores ambulantes ha visto? *Seleccione todo lo que aplique.*

- Alimentos: Alimentos empacados, no perecederos (ej. frutas enteras, papas fritas, refrescos, dulces)
- Alimentos: Alimentos empacados, perecederos (ej. abarrotes, pescados enteros, helados)
- Alimentos: Alimentos no empacados, no perecederos (ej. churros/pretzels pre-elaborados,
- Alimentos: Alimentos no empacados, perecederos (ej. servicio de comidas, helado de chorro, frutas cortadas, carritos de tacos/hotdogs
- Mercancías (ej. ropa, almohadas, teléfonos celulares/servicios para teléfonos celulares)
- Servicios (ej. masajes, cortes de pelo, preparación de impuestos)

**7:** ¿A qué hora del día ha visto a los vendedores ambulantes? *Seleccione todo lo que aplique.*

- |   |   |
|---|---|
| <input type="checkbox"/> 6 a.m. – 10 a.m. | <input type="checkbox"/> 6 p.m. – 10 p.m. |
| <input type="checkbox"/> 10 a.m. – 2 p.m. | <input type="checkbox"/> 10 p.m. – 2 a.m. |
| <input type="checkbox"/> 2 p.m. – 6 p.m.  |   |

**8:** ¿En cuáles áreas de la ciudad ve usted vendedores ambulantes? *Seleccione todo lo que aplique.*

- En las áreas residenciales
- Por las áreas escolares
- Por la playa/en la playa
- En los parques
- En los centros comerciales
- Cerca de instituciones religiosas
- Enfrente de negocios
- Otro: \_\_\_\_\_

**9:** En su opinión, ¿hay áreas en la ciudad en las que los vendedores ambulantes deberían limitarse? *Seleccione todo lo que aplique.*

- En las áreas residenciales
- Por las áreas escolares
- Por la playa/en la playa
- En los parques
- En los centros comerciales
- Cerca de instituciones religiosas
- Enfrente de negocios
- Ninguna
- Otro: \_\_\_\_\_

**10:** En su opinión, ¿hay áreas en la ciudad en las que los vendedores ambulantes deberían animarse? *Seleccione todo lo que aplique.*

- En las áreas residenciales
- Por las áreas escolares
- Por la playa/en la playa
- En los parques
- En los centros comerciales
- Cerca de instituciones religiosas
- Enfrente de negocios
- Ninguna
- Otro: \_\_\_\_\_

**11:** ¿Qué tan familiarizado está usted con las recientes leyes estatales que impactan la venta ambulante?

	1 – No estoy familiarizado	2 – Ligeramente Familiarizado	3 – Algo familiarizado	4 – Moderadamente familiarizado	5- Extremamente familiarizado
<b>SB 946 (2018) – Ley de Venta Ambulante Segura</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>SB 972 (2022) – Actualización del Código Minorista de California</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**12:** Describa el tipo de venta ambulante que usted ve en la Ciudad y dónde ve que está ubicada. *Ejemplo: Vendedores ambulantes de comida en mi vecindario residencial, venta de raspados de hielo.*

## Estadísticas demográficas

**13:** ¿Cuál es el idioma que Ud. más practica en el hogar? What language do you speak most at home? *Seleccione todo lo que aplique.*

- |                                    |                                      |
|------------------------------------|--------------------------------------|
| <input type="checkbox"/> Inglés    | <input type="checkbox"/> Tagalo      |
| <input type="checkbox"/> Camboyano | <input type="checkbox"/> Otro: _____ |
| <input type="checkbox"/> Español   |                                      |

**14:** ¿Como describiría su etnicidad? *Seleccione todo lo que aplique.*

- |  |   |
|--|---|
| <input type="checkbox"/> Asiático  | <input type="checkbox"/> Nativo Americano/Nativo de Alaska/Indígena |
| <input type="checkbox"/> Afrodescendiente/Afroamericano                            | <input type="checkbox"/> Nativo Hawaiano/Isleño del Pacífico        |
| <input type="checkbox"/> Camboyano   | <input type="checkbox"/> Anglosajón                                 |
| <input type="checkbox"/> Filipino  | <input type="checkbox"/> Prefiero no responder                      |
| <input type="checkbox"/> Hispano/Latino/Latinx                                     | <input type="checkbox"/> Otro: _____                                |
| <input type="checkbox"/> Del Medio Oriente/Del Sureste de Asia/De África del Norte |   |

**15:** ¿Cuál es su grupo de edad?

- |  |   |
|--|---|
| <input type="radio"/> Menor de 18 años | <input type="radio"/> 50 – 59               |
| <input type="radio"/> 18 – 29          | <input type="radio"/> 60 años o más         |
| <input type="radio"/> 30 – 39          | <input type="radio"/> Prefiero no responder |
| <input type="radio"/> 40 – 49          |   |

**16:** ¿Cuál es su ingreso anual?

- |   |   |
|---|---|
| <input type="radio"/> Menos de \$15 000   | <input type="radio"/> \$50 000 - \$74 999 |
| <input type="radio"/> \$15 000 - \$34 999 | <input type="radio"/> \$75 000 - \$99 999 |
| <input type="radio"/> \$35 000 - \$49 999 | <input type="radio"/> \$100 000 o más     |

**17:** Incluyéndose a usted, ¿cuántas personas viven en su hogar?

- Una
- Dos
- Tres
- Cuatro
- Cinco
- Otro: \_\_\_\_\_

**18:** ¿Se identifica como alguien que cuenta con una discapacidad permanente?

- Si
- No
- Prefiero no responder

**19:** Es esta discapacidad: *Seleccione todo lo que aplique.*

- |   |  |
|---|--|
| <input type="checkbox"/> Visión leve/ceguera            | <input type="checkbox"/> Salud Mental          |
| <input type="checkbox"/> Dificultades auditivas/sordera | <input type="checkbox"/> Prefiero no responder |
| <input type="checkbox"/> Cognitivo                      | <input type="checkbox"/> Otro: _____           |
| <input type="checkbox"/> Física                         |  |

**20:** ¿Cuál es su relación con la Ciudad de Long Beach? *Seleccione todo lo que aplique.*

- Vivo en Long Beach.
- Vivo fuera de Long Beach.
- Soy un vendedor ambulante que vende comida.
- Soy un vendedor ambulante que vende mercancías.
- Soy un vendedor ambulante que vende servicios que no son comida.
- Yo le compro a los vendedores ambulantes.
- Estoy relacionado a un vendedor ambulante.
- Mi empresa compite con los vendedores ambulantes.
- Yo soy propietario de una empresa que no incluye a los vendedores ambulantes en Long Beach.
- Yo asisto a la escuela en Long Beach.
- Yo trabajo en Long Beach.
- Yo soy un residente de Long Beach el cual no se identifica con ninguna de las categorías previamente mencionadas.
- Visito Long Beach, pero no vivo en Long Beach ni tengo una afiliación directa con los vendedores ambulantes.

### Demografía basada en la residencia

#### Residentes de Long Beach

Llenar #21 y #22.

**21:** Yo vivo en...

- Distrito 1
- Distrito 2
- Distrito 3
- Distrito 4
- Distrito 5
- Distrito 6
- Distrito 7
- Distrito 8
- Distrito 9
- No estoy seguro/a.

#### Residentes de Otras Ciudades

Llenar # 23.

**23:** ¿Qué tan a menudo visita Long Beach?

- Casi todos los días/cada día
- Una vez a la semana o mas
- Una vez al mes o mas
- Por lo menos seis veces por año
- Por lo menos una vez al año

**22:** ¿Cuál es su código postal?

---



## Comentarios adicionales

**24:** Comparta cualquier comentario adicional sobre ventas ambulantes. *Respuesta por escrito-Opcional*

**25.** ¿Cómo se enteró sobre la encuesta? *Seleccione todo lo que aplique.*

- |   |  |
|---|--|
| <input type="checkbox"/> Evento comunitario                                     | <input type="checkbox"/> Cartel/Volante en una organización basada en la comunidad |
| <input type="checkbox"/> Por amigos y/o familia                                 | <input type="checkbox"/> Redes sociales – Instagram                                |
| <input type="checkbox"/> Por tarjeta mandada por correo                         | <input type="checkbox"/> Redes sociales – Facebook                                 |
| <input type="checkbox"/> Medios de noticias                                     | <input type="checkbox"/> Redes sociales– Twitter                                   |
| <input type="checkbox"/> Cartel/Volante en una Biblioteca Pública de Long Beach | <input type="checkbox"/> Otro: _____   |

## Manténgase conectado con el proceso de ventas ambulantes

Llene esta sección si usted está interesado en seguir participando en el proceso de regulación de ventas ambulantes. Los miembros interesados de la comunidad y personas interesadas recibirán información sobre las futuras reuniones comunitarias, las fechas de reuniones del Concejo Municipal que tengan en la agenda las ventas en la acera, y otras oportunidades de participación. Para tener acceso a una forma alternativa de compartir su información de contacto, llene el formulario de interés en <https://bit.ly/clbfoodvendor>

**26:** Nombre Completo *Incluya su primer nombre y apellido.*

**27:** Número telefónico

**28:** Correo electrónico



# ការស្នងមតិចំពោះការលក់ដូរនៅតាមចិញ្ចើមផ្លូវ

ការស្នងមតិការលក់ដូរនៅតាមចិញ្ចើមផ្លូវមានជាភាសាអង់គ្លេស, អេស្ប៉ាញ, ខ្មែរ, និងតាកាឡុក។

ទម្រង់តាមក្រដាសនៃការស្នងមតិការលក់ដូរតាមចិញ្ចើមផ្លូវមានជាភាសាអង់គ្លេស, អេស្ប៉ាញ, ខ្មែរ និងតាកាឡុក គឺមាននៅតាមបណ្តាញយសាធារណៈទាំងដប់ពីររបស់ទីក្រុងឡងប៊ិច

ទម្រង់តាមអនឡាញនៃការស្នងមតិការលក់ដូរតាមចិញ្ចើមផ្លូវមាននៅតាមអ៊ីនធឺណិតជាភាសាអង់គ្លេស, អេស្ប៉ាញ, ខ្មែរ, និងតាកាឡុក លើគេហទំព័រ [longbeach.gov/sidewalkvending](http://longbeach.gov/sidewalkvending).

ទីក្រុងឡងប៊ិចកំពុងផ្តួចផ្តើមកិច្ចខិតខំប្រឹងប្រែងផ្សព្វផ្សាយរបស់ខ្លួន ដើម្បីទទួលបាននូវការផ្តល់យោបល់ស្តីពីការលក់ដូរតាមចិញ្ចើមផ្លូវ។

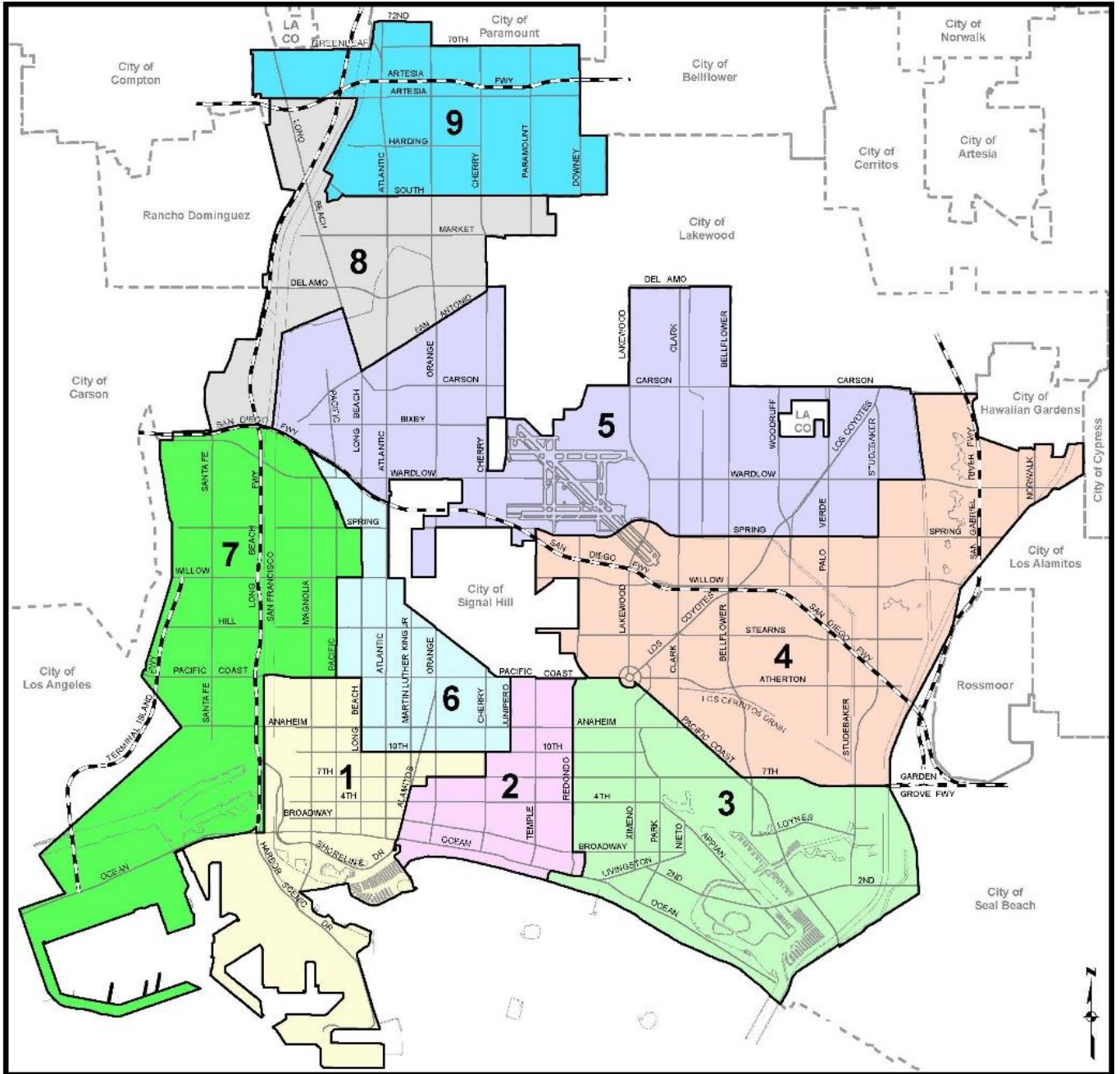
បច្ចុប្បន្ននេះ, អាជីវករលក់ដូរតាមចិញ្ចើមផ្លូវកំពុងប្រតិបត្តិការនៅទូទាំងទីក្រុងដែលលក់ អាហារ, ទំនិញ, និងសេវាកម្មមិនមែនជាអាហារជាច្រើនប្រភេទ។ បុគ្គលិកទីក្រុងកំពុងប្រមូល ទស្សនៈរបស់សហគមន៍ ដើម្បីប្រាប់អំពីការបង្កើតនូវច្បាប់ និងបទប្បញ្ញត្តិ។

ដើម្បីយល់កាន់តែច្បាស់ពីចំណាប់អារម្មណ៍, ឱកាស, និងកង្វល់ផ្សេងៗអំពីការលក់ដូរនៅតាមចិញ្ចើមផ្លូវ, ទីក្រុងឡងប៊ិចកំពុងស្វែងរកនូវមតិយោបល់របស់អ្នក។ ការស្នងមតិខាងក្រោមនេះ គឺអនាមិក លុះត្រាតែអ្នកជ្រើសរើសចែករំលែកព័ត៌មានទំនាក់ទំនងរបស់អ្នក។

ការស្នងមតិអំពីការលក់ដូរតាមចិញ្ចើមផ្លូវ  
នឹងសួរសំណួរអំពីគំនិតរបស់អ្នកអំពីការលក់ដូរនៅតាមចិញ្ចើមផ្លូវ  
ដែលរួមបញ្ចូលនូវភាពញឹកញាប់ និងប្រភេទនៃការលក់ដូរ  
ដែលបានឃើញនៅក្នុងទីក្រុងឡងប៊ិច។ សំណួរអំពីប្រជាសាស្ត្រក៏ត្រូវបានរួមបញ្ចូលផងដែរ  
ដើម្បីស្វែងយល់ថាតើអ្នកណាកំពុងធ្វើការស្នងមតិ។

យើងសូមអញ្ជើញអ្នកឱ្យបញ្ជូនចម្លើយរបស់អ្នក ត្រឹមថ្ងៃអាទិត្យ ទី 18 ខែធ្នូ ឆ្នាំ 2022។

សម្រាប់សំណួរឬបន្ថែម សូមទូរស័ព្ទទៅលេខ (562) 570-6211 ឬអ៊ីម៉ែលទៅកាន់ [lbbiz@longbeach.gov](mailto:lbbiz@longbeach.gov) ដែលមានប្រធានបទ "ការលក់ដូរតាមចិញ្ចើមផ្លូវ - Sidewalk Vending" ។



ផែនទីក្រុមប្រឹក្សាទីក្រុងឡងប៊ិច សម្រាប់សំណួរទី 21។

**១ សួរ: អំពីការលក់ដូរតាមចិញ្ចើមផ្លូវ**

សូមដាក់ចំណាត់ថ្នាក់លើចំណុចដូចខាងក្រោម ដោយដាក់ពីលេខ ១-៥ ក្នុងន័យថាលេខ ១ បញ្ជាក់ថាអ្នកមិនយល់ស្របទាល់តែសោះ និងលេខ ៥ បញ្ជាក់ថាអ្នកយល់ស្របទាំងស្រុង។ បើអ្នកមិនដឹង ឬមិនមានចម្លើយ សូមជ្រើសរើសយកលេខ ០ សម្រាប់ភាពនៅកណ្តាល។

1: តាមគំនិតរបស់អ្នក, អត្ថប្រយោជន៍នៃការលក់ចិញ្ចើមផ្លូវនៅក្នុងទីក្រុងគឺ...

	០-កណ្តាល	1-មិនយល់ស្របទាល់តែសោះ	2	3	4	5-យល់ស្របទាំងស្រុង
ជម្រើសបន្ថែមទៀតសម្រាប់អតិថិជន (ឧទាហរណ៍ ជម្រើសបន្ថែមសម្រាប់មុខម្ហូប និងរបស់របរដាក់លក់)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ឱកាសប្រកបមុខរបរ (ឧទាហរណ៍ មធ្យោបាយធុរកិច្ចដើម្បីបើកមុខរបរមួយបាន)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ការធ្វើឱ្យមានដំណើរការនៅតាមកន្លែងសាធារណៈ (ឧ. ការនាំអតិថិជនទៅកាន់តំបន់ជាក់លាក់មួយ)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
គុណតម្លៃវប្បធម៌ (ឧទាហរណ៍ មុខម្ហូបដែលពាក់ព័ន្ធ និងឥវ៉ាន់ដាក់លក់)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
សន្តិសុខស្បៀង (ឧ. ផ្តល់ជម្រើសជំនួសនៅក្នុងតំបន់ខ្វះខាត/ឱ្យតម្លៃអាហារ)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2: តាមការយល់ឃើញរបស់អ្នក, កង្វល់ចំពោះការលក់ដូរនៅតាមចិញ្ចើមផ្លូវក្នុងទីក្រុង គឺ...

	០-កណ្តាល	1-មិនយល់ស្របទាល់តែសោះ	2	3	4	5-យល់ស្របទាំងស្រុង
សុវត្ថិភាពអ្នកលក់ដូរ (ឧទាហរណ៍ ការឆ្លើយតបរបស់សាធារណជន ទៅនឹងអ្នកលក់ដូរតាមចិញ្ចើមផ្លូវ)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
សុវត្ថិភាពសាធារណៈ (ឧទាហរណ៍ ភាពចង្អៀតតាមចិញ្ចើមផ្លូវ/ក្នុងភូមិ)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
វត្តមាននៃការលក់ដូរតាមចិញ្ចើមផ្លូវក្នុងតំបន់គេហដ្ឋានរបស់នៅ (ឧទាហរណ៍ ម៉ោងបើកលក់ សំឡេងរំខាន ផលប៉ះពាល់នៃការចតរថយន្ត)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
វត្តមាននៃការលក់នៅជិតភៀកៗគ្នា (ឧ. ផលប៉ះពាល់នានា ដែលគោរពនឹងនូវនិងហាងលក់រាយជួបប្រទះ)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ពិធីសារសុខភាព (ឧ. ការរក្សាសុវត្ថិភាពអាហារ ដូចជាមានអនាម័យត្រឹមត្រូវ, សុវត្ថិភាព, ការគ្រប់គ្រង និងការរក្សាទុក)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
សុវត្ថិភាពអាហារ (ឧ. មិនធ្លាក់ខ្លួនឈឺដោយសារជំងឺកើតឡើងដោយអាហារ)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
លទ្ធភាពប្រើប្រាស់សិទ្ធិអាទិភាពលើដងផ្លូវ (ឧទាហរណ៍ ការប្រើប្រាស់ចិញ្ចើមផ្លូវរបស់រទេះដឹកទារក កៅអីកង់ និងអ្នកថ្លើរជើង)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ភាពស្អាតស្អំ (ឧ. សំរាម, កាកសំណល់អាហារ, កំទេចកំទីដែលទុកចោលដោយអ្នកលក់ដូរតាមចិញ្ចើមផ្លូវ និងអតិថិជន)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3: តើអ្នកយល់យ៉ាងណាដែរ ចំពោះការលក់ដូរតាមចិញ្ចើមផ្លូវ?

- ខ្ញុំគាំទ្រការលក់ដូរតាមចិញ្ចើមផ្លូវ ហើយគ្មានកង្វល់អ្វីនោះទេ។
- ខ្ញុំគាំទ្រការលក់ដូរតាមចិញ្ចើមផ្លូវ ហើយមានកង្វល់ខ្លះៗ
- ខ្ញុំប្រឆាំងនឹងការលក់ដូរតាមចិញ្ចើមផ្លូវ។
- ញឹកញាប់យោបល់ ចំពោះការលក់ដូរតាមចិញ្ចើមផ្លូវទេ។
- ខ្ញុំគ្មានអារម្មណ៍សុខស្រួលក្នុងការចែករំលែកយោបល់របស់ខ្ញុំទេ។

4: ចែករំលែកអត្ថប្រយោជន៍, ឱកាស, និង/ឬកង្វល់បន្ថែមណាមួយ ដែលទាក់ទងនឹងការលក់ដូរតាមចិញ្ចើមផ្លូវ ដែលមិនមានក្នុងបញ្ជីខាងលើ។ ចម្លើយជាលាយលក្ខណ៍អក្សរ បើអ្នកចង់សរសេរ។

**ភាពញឹកញាប់ ទីតាំង និងប្រភេទនៃការលក់ដូរតាមចិញ្ចើមផ្លូវ**

5: អ្នកឃើញអ្នកលក់ដូរតាមចិញ្ចើមផ្លូវញឹកញាប់ប៉ុន្មាននៅក្រុងឡុងប៊ិច?

- រាល់ថ្ងៃ
- យ៉ាងហោចណាស់ម្តងក្នុងមួយសប្តាហ៍
- យ៉ាងហោចណាស់ម្តងក្នុងមួយខែ
- យ៉ាងហោចណាស់ម្តងក្នុងមួយឆ្នាំ
- ញឹកញាប់ដែលឃើញអ្នកលក់ដូរតាមចិញ្ចើមផ្លូវទេ។

6: តើអ្នកឃើញអ្នកលក់ដូរតាមចិញ្ចើមផ្លូវប្រភេទណា? សូមជ្រើសរើសចម្លើយទាំងឡាយណាដែលសមស្រប។

- អាហារ: អាហារដែលរេចខ្ទប់, អាហារដែលមិនអាចរលួយ (ឧ. ផ្លែឈើទាំងមូល, ឈើប្រេង, ស្លា, ស្ព័រត្រាប់)
- អាហារ: អាហារដែលរេចខ្ទប់, អាហារដែលមិនអាចរលួយ (ឧ. គ្រឿងទេស, គ្រីទាំងមូល, កាវេម)
- អាហារ: អាហារដែលមិនរេចខ្ទប់, អាហារដែលមិនអាចរលួយ (ឧ. churro/pretzel, កាហ្វេ)
- អាហារ: អាហារដែលមិនរេចខ្ទប់, អាហារដែលអាចរលួយ (ឧ. ការផ្តល់ម្ហូបអាហារតាមព្រឹត្តិការណ៍/កម្មវិធី, អាហារសម្រន់, ផ្លែឈើកាត់, រទេះតាកូ/សាច់ក្រកហតដក)
- ទំនិញ (ឧ. សំលៀកបំពាក់, ខ្នើយ, ទូរស័ព្ទ/សេវាទូរស័ព្ទ)
- សេវាកម្ម (ឧ. ម៉ាស្សា, កាត់សក់, រៀបចំពន្ធដារ)

7: តើអ្នកឃើញអ្នកលក់ដូរតាមចិញ្ចើមផ្លូវនោះនៅម៉ោងប៉ុន្មាន? សូមជ្រើសរើសចម្លើយទាំងឡាយណាដែលសមស្រប។

- 6 ព្រឹក - 10 ព្រឹក
- 10 ព្រឹក - 2 ល្ងាច
- 2 ល្ងាច - 6 ល្ងាច
- 6 ល្ងាច - 10 ល្ងាច
- 10 ល្ងាច - 2 ព្រឹក

8: តើអ្នកឃើញអ្នកលក់ដូរតាមចិញ្ចើមផ្លូវ នៅតំបន់ណាខ្លះក្នុងទីក្រុង? ជ្រើសរើសចម្លើយទាំងឡាយណាដែលសមស្រប។

- នៅម្តុំផ្ទះអ្នកភូមិ
- ក្បែរសាលារៀន
- ក្បែរឆ្នេរ/នៅលើឆ្នេរ
- នៅក្នុងឧទ្យាន
- ក្នុងមជ្ឈមណ្ឌលហាងទំនិញ
- ក្បែរកន្លែងសាសនា
- នៅមុខអគារហាង
- ផ្សេងទៀត: \_\_\_\_\_

9: តាមគំនិតរបស់អ្នក, តើមានតំបន់ណាខ្លះក្នុងទីក្រុង ដែលត្រូវបានដាក់កម្រិតចំពោះអ្នកលក់ដូរតាមចិញ្ចើមផ្លូវ? សូមជ្រើសរើសចម្លើយទាំងឡាយណាដែលសមស្រប។

- នៅម្តុំផ្ទះអ្នកភូមិ
- ក្បែរសាលារៀន
- ក្បែរឆ្នេរ/នៅលើឆ្នេរ
- នៅក្នុងឧទ្យាន
- ក្នុងមជ្ឈមណ្ឌលហាងទំនិញ
- ក្បែរកន្លែងសាសនា
- នៅមុខអគារហាង
- គ្មាន
- ផ្សេងទៀត: \_\_\_\_\_

10: តាមគំនិតរបស់អ្នក, តើមានតំបន់ណាខ្លះនៅក្នុងទីក្រុង ដែលត្រូវបានលើកទឹកចិត្តចំពោះអ្នកលក់ដូរតាមចិញ្ចើមផ្លូវ? សូមជ្រើសរើសចម្លើយទាំងឡាយណាដែលសមស្រប។

- នៅម្តុំផ្ទះអ្នកភូមិ
- ក្បែរសាលារៀន
- ក្បែរឆ្នេរ/នៅលើឆ្នេរ
- នៅក្នុងឧទ្យាន
- ក្នុងមជ្ឈមណ្ឌលហាងទំនិញ
- ក្បែរកន្លែងសាសនា
- នៅមុខអគារហាង
- គ្មាន
- ផ្សេងទៀត: \_\_\_\_\_

11: តើអ្នកដឹងច្បាប់រដ្ឋថ្មីនេះ ដែលមានប៉ះពាល់ដល់ការលក់ដូរតាមចិញ្ចើមផ្លូវ ដោយរបៀបណាដែរឬទេ?

	1 - មិន ដឹងទាល់តែ សោះ	2 - ដឹងបន្តិចបន្តួច	3 - ដឹងខ្លះ ៗ	4 - ដឹងល្អម ៗ	5 - ដឹងខ្លាំងណាស់
SB 946 (2018) - ច្បាប់លក់ដូរតាមចិញ្ចើមផ្លូវដោយសុវត្ថិភាព	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SB 972 (2022) - ការធ្វើបច្ចុប្បន្នភាពបទបញ្ញត្តិការលក់រាយរបស់រដ្ឋកាលី ហ្វ័រញ៉ា	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12: ពិពណ៌នាអំពីប្រភេទនៃការលក់ដូរតាមចិញ្ចើមផ្លូវ ដែលអ្នកឃើញនៅក្នុងទីក្រុង និងកន្លែងដែលអ្នកឃើញទីតាំងរបស់វា។ ឧទាហរណ៍: ការលក់ដូរម្ហូបអាហារ នៅក្នុងភូមិឋានរបស់ខ្ញុំ ការលក់ទឹកកកល្អស។

**ប្រជាសាស្ត្រ**

**13: តើភាសាអ្វីដែលអ្នកនិយាយច្រើនបំផុតនៅផ្ទះ? សូមជ្រើសរើសចម្លើយទាំងឡាយណាដែលសមស្រប។**

- អង់គ្លេស
- ខ្មែរ
- អេស្ប៉ាញ
- តាហ្គាឡុក
- ផ្សេងទៀត: \_\_\_\_\_

**14: តើអ្នកពិពណ៌នាយ៉ាងដូចម្តេចអំពីជាតិពន្ធរបស់អ្នក? សូមជ្រើសរើសចម្លើយទាំងឡាយណាដែលសមស្រប។**

- អាស៊ី
- ជនជាតិស្បែកខ្មៅ/ជនជាតិ
- ជនជាតិខ្មែរ
- ជនជាតិហ្វីលីពីន
- ជនជាតិអេស្ប៉ានិក/ឡាទីណូ
- មជ្ឈិមបូព៌ា / អាស៊ីនិរតី / អាហ្វ្រិកខាងជើង
- ជនជាតិដើមអាមេរិក/ជនជាតិដើមអាឡាស្កា/ជនជាតិដើមភាគតិច
- ជនជាតិដើមហាវ៉ៃ/អ្នកដេនកោះប៉ាស៊ីហ្វិក
- ជនជាតិស្បែកស
- មិនចង់ឆ្លើយ
- ផ្សេងទៀត: \_\_\_\_\_

**15: តើអ្នកស្ថិតក្នុងក្រុមវ័យមួយណា?**

- អាយុក្រោម 18 ឆ្នាំ
- 18 – 29
- 30 – 39
- 40 – 49
- 50 – 59
- អាយុ 60 ឬចាស់ជាង
- មិនចង់ឆ្លើយ

**16: តើអ្នកមានប្រាក់ចំណូលប៉ុន្មានប្រចាំឆ្នាំ?**

- តិចជាង 15,000 ដុល្លារ
- \$15,000 - \$34,999
- \$35,000 - \$49,999
- \$50,000 - \$74,999
- \$75,000 - \$99,999
- \$100,000 ឬច្រើនជាង

**17: តើមានមនុស្សប៉ុន្មាននាក់ រស់នៅក្នុងផ្ទះរបស់អ្នក រួមទាំងខ្លួនអ្នកផងដែរ?**

- មួយ
- ពីរ
- បី
- បួន
- ប្រាំ
- ផ្សេងទៀត: \_\_\_\_\_

**18: តើអ្នកពិពណ៌នាខ្លួនអ្នកថាជាមនុស្សពិការជាអចិន្ត្រៃយ៍?**

- បាទ/ចាស
- អត់ទេ
- មិនចង់ឆ្លើយ

19: តើខាងក្រោមនេះគឺជាពិការភាព៖ សូមជ្រើសរើសចម្លើយទាំងឡាយណាដែលសមស្រប។

- អន់ត្តក/ខ្វាក់
- បញ្ហាសុខភាពផ្លូវចិត្ត
- ធ្ងន់ត្រចៀក/ប្លង់
- មិនចង់ឆ្លើយ
- ខ្សោយការចងចាំ
- ផ្សេងទៀត: \_\_\_\_\_
- បញ្ហាកាយសម្បទា

20: តើអ្នកមានទំនាក់ទំនងជាមួយទីក្រុងឡងប៊ិច ក្នុងនាមជាអ្វី? សូមជ្រើសរើសចម្លើយទាំងឡាយណាដែលសមស្រប។

- ខ្ញុំរស់នៅ ក្នុងទីក្រុងឡងប៊ិច។
- ខ្ញុំរស់នៅ ក្រៅទីក្រុងឡងប៊ិច។
- ញ៉ុជាអ្នកលក់ដូរអាហារតាមចិញ្ចើមផ្លូវ។
- ញ៉ុជាអ្នកលក់ដូរលក់ទំនិញតាមចិញ្ចើមផ្លូវ។
- ញ៉ុជាអ្នកលក់ដូរសេវាមិនមែនជាអាហារតាមចិញ្ចើមផ្លូវ។
- ខ្ញុំទិញអីពិការលក់ដូរតាមចិញ្ចើមផ្លូវ។
- ខ្ញុំជាប់សាច់ឈាមជាមួយអ្នកលក់ដូរតាមចិញ្ចើមផ្លូវ។
- មុខរបរបស់ខ្ញុំប្រកួតប្រជែងគ្នាជាមួយនឹងអ្នកលក់តាមចិញ្ចើមផ្លូវ។
- ញ៉ុមានអាជីវកម្មមួយ ដែលមិនមែនជាអាហារលក់ដូរតាមចិញ្ចើមផ្លូវ ក្នុងក្រុងឡងប៊ិច។
- ខ្ញុំទៅរៀននៅសាលាក្នុងក្រុងឡងប៊ិច។
- ខ្ញុំធ្វើការក្នុងក្រុងឡងប៊ិច។
- ញ៉ុជាអ្នករស់នៅក្នុងក្រុងឡងប៊ិច ដែលមិនត្រូវនឹងក្រុមណាមួយខាងលើ។
- ខ្ញុំទៅលេងទីក្រុងឡងប៊ិច ប៉ុន្តែមិនធ្វើការ ឬរស់នៅទីក្រុងឡងប៊ិចទេ ហើយខ្ញុំក៏មិនមានទំនាក់ទំនងដោយផ្ទាល់ជាមួយអ្នកលក់ដូរតាមចិញ្ចើមផ្លូវនោះដែរ។

**ប្រជាសាស្ត្រដោយផ្នែកលើទឹកនៃរស់នៅ**

<b>ប្រជាពលរដ្ឋទីក្រុងឡងប៊ិច</b> បំពេញ #21 និង #22 ។	<b>មិនមែនជាប្រជាពលរដ្ឋទីក្រុងឡងប៊ិចទេ</b> បំពេញ #23 ។
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|---|--|
| <p><b>21: ខ្ញុំរស់នៅក្នុង</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> សង្កាត់លេខ ១</li> <li><input type="radio"/> សង្កាត់លេខ ២</li> <li><input type="radio"/> សង្កាត់លេខ ៣</li> <li><input type="radio"/> សង្កាត់លេខ ៤</li> <li><input type="radio"/> សង្កាត់លេខ ៥</li> <li><input type="radio"/> សង្កាត់លេខ ៦</li> <li><input type="radio"/> សង្កាត់លេខ ៧</li> <li><input type="radio"/> សង្កាត់លេខ ៨</li> <li><input type="radio"/> សង្កាត់លេខ ៩</li> <li><input type="radio"/> ខ្ញុំមិនច្បាស់ទេ។</li> </ul> | <p><b>23: តើអ្នកមកលេងក្រុងឡងប៊ិចញឹកញាប់ប៉ុន្មាន?</b></p> <ul style="list-style-type: none"> <li><input type="radio"/> ស្ទើរតែរាល់ថ្ងៃ/រាល់ថ្ងៃ</li> <li><input type="radio"/> ម្តង ឬច្រើនដងក្នុងមួយសប្តាហ៍</li> <li><input type="radio"/> ម្តង ឬច្រើនដងក្នុងមួយសប្តាហ៍</li> <li><input type="radio"/> យ៉ាងហោចណាស់៦ដងក្នុងមួយឆ្នាំ</li> <li><input type="radio"/> យ៉ាងហោចណាស់ម្តងក្នុងមួយឆ្នាំ</li> </ul> |
| <p><b>22: តើស្ស៊ីបកូដរបស់អ្នកលេខប៉ុន្មាន?</b></p>   |  |



**យោបល់បន្ថែម**

**24:** ចែករំលែកមតិយោបល់បន្ថែម ស្តីអំពីការលក់ដូរតាមចិញ្ចើមផ្លូវ។ ចម្លើយជាលាយលក្ខណ៍អក្សរ បើអ្នកចង់សរសេរ។

**25.** តើអ្នកបានឮពីការស្ទង់មតិដោយរបៀបណា? សូមជ្រើសរើសចម្លើយទាំងឡាយណាដែលសមស្រប។

- |  |   |
|--|---|
| <input type="checkbox"/> ព្រឹត្តិការណ៍សហគមន៍                               | <input type="checkbox"/> ប៉ុស្តិ៍ស្នើ/ខិត្តប័ណ្ណនៅអង្គការដែលមានមូលដ្ឋាន នៅតាមសហគមន៍ |
| <input type="checkbox"/> ពិមិត្តភក្តិ និង/ឬក្រុមគ្រួសារ                    | <input type="checkbox"/> ប្រព័ន្ធផ្សព្វផ្សាយសង្គម - អ៊ិនស្តាក្រាម                   |
| <input type="checkbox"/> ប៉ុស្តិ៍កាតប្រៃសណីយ៍                              | <input type="checkbox"/> ប្រព័ន្ធផ្សព្វផ្សាយសង្គម - ហ្វេសប៊ុក                       |
| <input type="checkbox"/> សារព័ត៌មាន  | <input type="checkbox"/> ប្រព័ន្ធផ្សព្វផ្សាយសង្គម - ធ្វីតធ័រ                        |
| <input type="checkbox"/> ប៉ុស្តិ៍ស្នើ/ខិត្តប័ណ្ណនៅបណ្ណាល័យសាធារណៈទ្រុងប៊ិច | <input type="checkbox"/> ផ្សេងទៀត: _____  |

**រក្សាទំនាក់ទំនងជាមួយដំណើរការនៃការលក់ដូរតាមចិញ្ចើមផ្លូវ**

បំពេញផ្នែកនេះ  
 ប្រសិនបើអ្នកចាប់អារម្មណ៍ក្នុងការបន្តរចូលរួមជាមួយដំណើរការបទប្បញ្ញត្តិនៃការលក់ដូរតាមចិញ្ចើមផ្លូវនេះ។ សមាជិកសហគមន៍ដែលមានចំណាប់អារម្មណ៍ និងអ្នកពាក់ព័ន្ធទាំងឡាយនឹងទទួលបានព័ត៌មានអំពីកិច្ចប្រជុំសហគមន៍, កាលបរិច្ឆេទប្រជុំក្រុមប្រឹក្សាក្រុង, និងការលក់ដូរចិញ្ចើមផ្លូវនៅលើរបៀបវារៈ និងឱកាសចូលរួមផ្សេងទៀត នាពេលអនាគត។ ដើម្បីចូលដំណើរការវិធីជំនួសនៃការចែករំលែកព័ត៌មានទំនាក់ទំនងរបស់អ្នក, សូមបំពេញទម្រង់ចំណាប់អារម្មណ៍តាមគេហទំព័រ <https://bit.ly/clbfoodvendor>

**26:** ឈ្មោះពេញ ដោយប្រាប់នាមខ្លួន និងក្រកូល

**27:** លេខទូរស័ព្ទ

**28:** អ៊ីម៉ែល



# Survey sa Pagtinda sa Sidewalk

*Ang Survey sa Pagtinda sa Sidewalk ay mayroon sa Ingles, Espanyol, Khmer at Tagalog.*

*May bersyon sa papel ang Survey sa Pagtinda sa Sidewalk sa Ingles, Espanyol, Khmer at Tagalog sa lahat ng labindalawang Aklatang Pampubliko ng Long Beach*

*Ang bersyon na online ng Survey ng Pagtinda sa Sidewalk ay mayroon sa Ingles, Espanyol, Khmer at Tagalog sa [longbeach.gov/sidewalkvending](https://longbeach.gov/sidewalkvending).*

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Ang Lungsod ng Long Beach ay sisimulan ang mga pagsisikap sa pag-outreach para matanggap mula sa opinyon ng komunidad tungkol sa pagtitinda sa sidewalk.

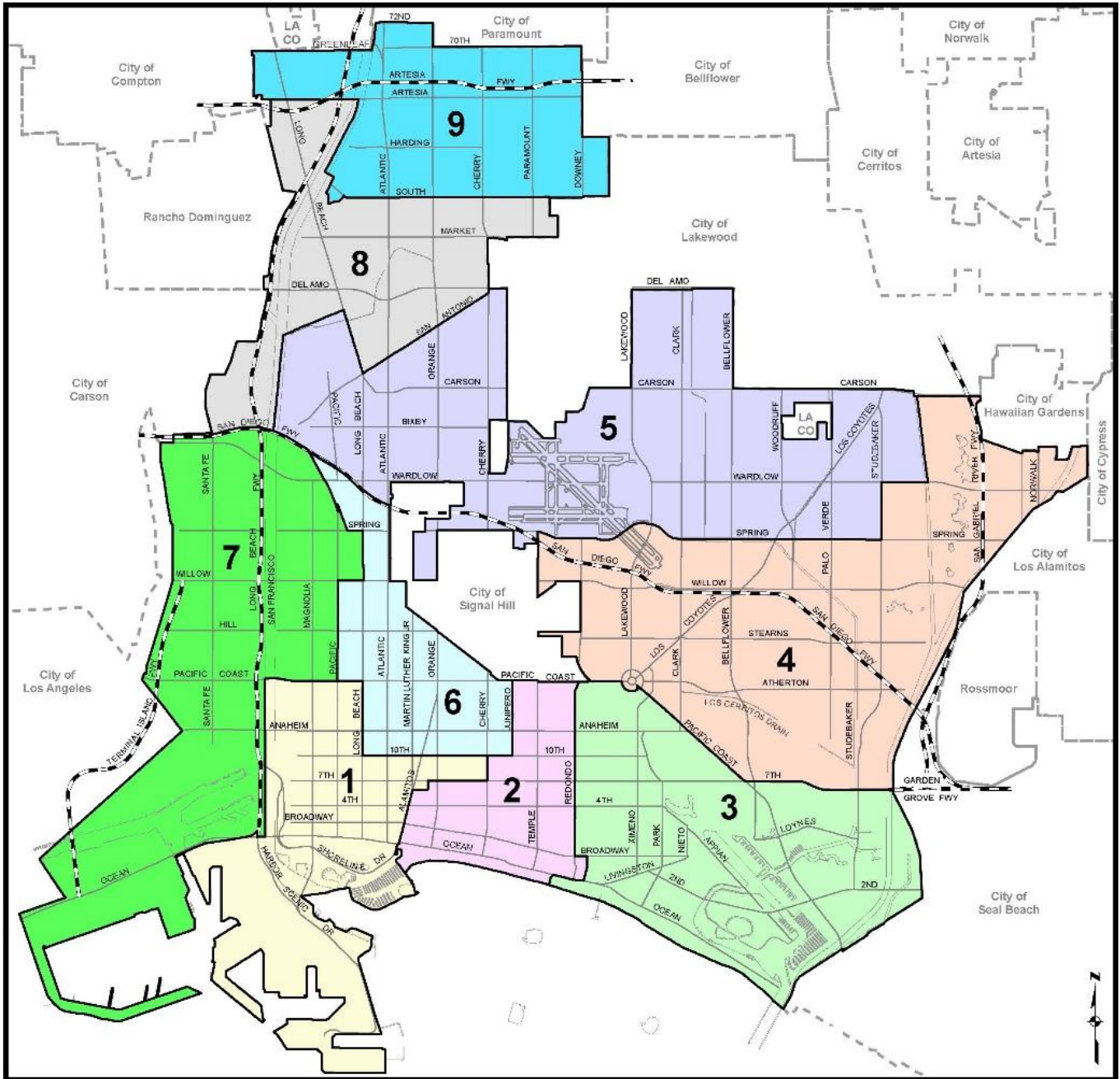
Sa kasalukuyan, ang mga nagtitinda sa sidewalk ay nagpapatakbo ng negosyo sa buong Lungsod na nagtitinda ng iba't ibang pagkain, paninda at ibang pang serbisyo na di kaugnay sa pagkain. Ang tauhan ng Lungsod ay naglilikom ng pananaw ng komunidad para maipalam ang pagbuo ng mga batayan at regulasyon.

Para mas mabuti pang maunawaan ang interes, oportunidad at mga pag-aalala sa mga pagtinda sa sidewalk, hininingi ng Lungsod ng Long Beach ang inyong opinyon. Ang susunod na survey ay walang pangalan maliban na lamang kung gusto niyong ipamahagi ang iyong impormasyon ng kontak.

Kasama sa Survey ng Pagtinda sa Sidewalk ang mga tanong tungkol sa inyong mga naiisip sa pagtitinda sa sidewalk kasama ang kadalasan at tipo ng mga pagtitinda sa Long Beach. Para maunawaan kung sino ang kumukuha ng survey, mga tanong na demograpiko ay kasama din.

Inanyayahan ka namin na isumit ang iyong sagot sa Lingo, ika-18 ng Disyembre 2022.

Para sa karagdagang mga tanong, tumawag sa 570-6211 o mag email [lbiz@longbeach.gov](mailto:lbiz@longbeach.gov) at ilagay sa subject line "Sidewalk Vending".



Mapa ng distrito ng Konseho ng Lungsod ng Long Beach para sa tanong bilang 21.

## Pananaw sa Pagbebenta sa Bangketa

Pakiranggo ang mga sumusunod na pahayag sa scale na 1-5, kung saan ang 1 ay nagpapahiwatig na lubos kang hindi sumasang-ayon at ang 5 ay nagpapahiwatig na lubos kang sumasang-ayon. Kung hindi mo alam o wala kang gusto, maaari mong piliin ang 0 para sa neutral.

1: Sa iyong opinyon, ang benepisyo ng pagtinda sa sidewalk ay...

	0- Neutral	1- Lubos na Hindi Sumasang- ayon	2	3	4	5- Lubos na Sumasang- ayon
higit na pagpipilian ng consumer (hal. mas maraming opsyon para sa pagkain at merchandise)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
mga oportunidad ng pagnenegosyo (hal. murang paraan sa pagsisimula ng negosyo)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
pagpagalaw ng isang lugar na publiko (hal. Mga iba pang opsyon sa lugar na wala masyadong pagkain))	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
halaga sa kultura (hal. pagkain at merchandise na mahalaga sa kultura)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
pagkakaroon ng pagkain (hal. Pagbigay ng mga alternatibong opsyon sa mga lugar na may kakulangan sa pagkain)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2: Sa iyong opinyon, ang pag-aalala sa pagkakaroon ng mga pagtitinda sa sidewalk sa Lungsod ay...

	0- Neutral	1- Lubos na Hindi Sumasang- ayon	2	3	4	5- Lubos na Sumasang- ayon
kaligtasan ng nagbebenta (hal. reaksyon ng publiko tungkol sa mga nagbebenta sa bangketa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
kaligtasan ng publiko (hal. pagsisiksikan sa mga bangketa/kapitbahayan)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
pagkakaroon ng pagbebenta sa mga residential na lugar (hal. mga oras ng operasyon, ingay, mga epekto ng pagparada)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ang pagkakaroon ng mga nagtitinda sa mga kalapit na mga pwesto (hal. Mga restawran at mga tindahan na nakakaranas ng epekto)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
protocol ng kalusugan (hal. Pagpanatiling ligtas ng pagkain tulad ng mga wastong kalinisan, temperatura, pag-asikaso at pagtatabi)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
kaligtasan ng pagkain (hal. Hindi nagkakasakit mula sa mga karamdaman sanhi ng pagkain)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
pagkakaroon ng access sa right-of-way (hal. stroller, wheelchair, at paggamit ng mga tumatawid ng bangketa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
kalinisan (hal. Basura, patapong pagkain, mga kalat na inwan sa sidewalk ng mga tindero/a at mga kostomer)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**3:** Ano ang iyong opinyon tungkol sa pagtitinda sa sidewalk?

- Sinusuportahan ko ang mga nagtitinda sa sidewalk at wala akong pag-aalala.
- Sinusuportahan ko ang mga nagtitinda sa sidewalk at mayroon akong pag-aalala.
- Hindi ako sang-ayon sa sa pagtitinda sa sidewalk.
- Wala akong opinyon sa pagtitinda sa sidewalk.
- Hindi ako komportable sa pagbahagi ng opinyon.

**4:** Magpabahagi ng karagdagang benepisyo, mga oportunidad at/o mga pag-aalala kaugnay sa mga pagtitinda sa sidewalk, na di nakalista sa itaas. *Opsyonal na write-in na sagot.*

### Kadalasan, Lokasyon at Uri ng Pagbebenta sa Bangketa

**5:** Gaano mo kadalas makita ang mga nagbebenta sa bangketa sa Long Beach?

- Araw-araw
- Hindi bababa sa isang beses sa isang linggo
- Hindi bababa sa isang beses sa isang buwan
- Hindi bababa sa isang beses sa isang taon
- Hindi pa ako nakakita ng nagtitinda sa bangketa kailanman.

**6:** Anong uri ng pagbebenta sa bangketa ang nakikita mo? *Piliin ang lahat ng naaangkop.*

- Pagkain: Mga nakapakete, hindi na papanis na pagkain (hal. Mga prutas, chips, soda, at mga kendi).
- Pagkain: Mga pagkain na hindi nakapakete, mga napapanis (hal. Groceries, isda, ice cream)
- Pagkain: Mga pagkain na hindi nakapakete, mga napapanis (hal. Gawa ng churros/pretzel, kape)
- Pagkain: Mga pagkain na hindi nakapakete, mga napapanis (hal. Catering, soft-serve, hiwang prutas, taco/kariton ng hotdog)
- Paninda (hal. Damit, unan, cell phone/serbisyo ng cell phone)
- Serbisyo (hal. Masahe, paggupit ng buhok, pagprepara ng buwis)

**7:** Anong oras sa araw mo nakikita ang mga nagbebenta sa bangketa? *Piliin ang lahat ng naaangkop.*

- 6 a.m. – 10 a.m.
- 10 a.m. – 2 p.m.
- 2 p.m. – 6 p.m.
- 6 p.m. – 10 p.m.
- 10 p.m. – 2 a.m.

**8:** Saang mga lugar ng Lungsod na nakikita ang mga nagtitinda sa sidewalk? *Piliin ang lahat ng naaangkop.*

- Sa mga residensyal na lugar
- Sa paligid ng mga paaralan
- Sa paligid ng baybayin/sa baybayin
- Sa mga parke
- Sa mga shopping center
- Malapit sa mga relihiyosong institusyon
- Sa harap ng mga negosyong
- Iba: \_\_\_\_\_

**9:** Sa iyong opinyon, may mga lugar ba sa Lungsod kung saan dapat limitado ang mga sidewalk vendors? *Piliin ang lahat ng naaangkop.*

- Sa mga residensyal na lugar
- Sa paligid ng mga paaralan
- Sa paligid ng baybayin/sa baybayin
- Sa mga parke
- Sa mga shopping center
- Malapit sa mga relihiyosong institusyon
- Sa harap ng mga negosyong
- Wala sa itaas
- Iba: \_\_\_\_\_

**10:** Sa iyong opinyon, may mga lugar ba sa Lungsod kung saan dapat hikayatin ang mga sidewalk vendors? *Piliin ang lahat ng naaangkop.*

- Sa mga residensyal na lugar
- Sa paligid ng mga paaralan
- Sa paligid ng baybayin/sa baybayin
- Sa mga parke
- Sa mga shopping center
- Malapit sa mga relihiyosong institusyon
- Sa harap ng mga negosyong
- Wala sa itaas
- Iba: \_\_\_\_\_

**11:** Gaano ka kapamilyar sa mga pinakabagong epekto ng batas ng estado para sa pagtitinda sa sidewalk?

	1 - Hindi pamilyar	2 -Pamilyar ng kaunti	3 - Medyo pamilyar	4 - Katamatamang pamilyar	5 - Pamilyar na pamilyar
<b>SB 946 (2018) - Batas ng Ligtas na Pagtinda sa Sidewalk</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>SB 972 (2022) - Binagong Kodigo sa Retail ng California</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**12:** Isalarawan ang tipo ng sidewalk na pagtitinda na nakikita mo sa Lungsod at saan mo ito nakita. *Halimbawa: Pagbebenta ng pagkain sa aking residensyal na kapitbahayan, nagbebenta ng shaved ice.*

## Demograpiko

**13:** Anong wika ang kadalasan mong ginagamit sa tahanan? *Piliin ang lahat ng naaangkop.*

- Ingles
- Tagalog
- Khmer
- Iba: \_\_\_\_\_
- Espanyol

**14:** Paano mo nilalarawan ang iyong lahi? *Piliin ang lahat ng naaangkop.*

- Asian
- Katutubong Amerikano/Katutubong Taga Alaska / Katutubo
- Itim o Aprikanong Amerikano
- Katutubong Taga-Hawaii/Taga Isla Pasipiko
- Cambodian
- Puti
- Filipino
- Pinipiling hindi sumagot
- Hispano/ Latino/Latinx
- Iba: \_\_\_\_\_
- Taga gitnang silangan/Asyanong taga Timog Kanluran/Norte Aprikanong

**15:** Ano ang iyong grupo ng edad?

- mas bata sa 18
- 50 – 59
- 18 – 29
- 60 o mas matanda
- 30 – 39
- Pinipiling hindi sumagot
- 40 – 49

**16:** Magkano ang iyong taunang kita?

- Kulang sa \$15,000
- \$50,000 - \$74,999
- \$15,000 - \$34,999
- \$75,000 - \$99,999
- \$35,000 - \$49,999
- \$100,000 o mahigit pa

**17:** Kasama ang iyong sarili, ilang ang nakatira sa iyong tahanan?

- Isa
- Dalawa
- Tatlo
- Apat
- Lima
- Iba: \_\_\_\_\_

**18:** Tinuturing mo ba ang iyong sarili bilang may permanenteng kapansanan?

- Oo
- Hindi
- Pinipiling hindi sumagot

**19:** Ito ba ay kapansanang: *Piliin ang lahat ng naaangkop.*

- |   |   |
|---|---|
| <input type="checkbox"/> Malabo ang mata/pagkabulag | <input type="checkbox"/> Kalusugang Pangkaisipan  |
| <input type="checkbox"/> Hirap makarinig/pagkabingi | <input type="checkbox"/> Pinipiling hindi sumagot |
| <input type="checkbox"/> Cognitive                  | <input type="checkbox"/> Iba: _____               |
| <input type="checkbox"/> Pisikal                    |   |

**20:** Ano ang iyong relasyon sa Long Beach? *Piliin ang lahat ng naaangkop.*

- Nakatira ako sa Long Beach I live outside of Long Beach.
- Nakatira ako sa labas ng Long Beach
- Sidewalk vendor ako na nagtitinda ng pagkain.
- Sidewalk vendor ako na nagtitinda ng mga paninda.
- Sidewalk vendor ako na nagtitinda ng mga serbisyo.
- Bumibili ako sa mga nagbebenta sa bangketa.
- May relasyon ako sa nagbebenta sa bangketa.
- Nakikipagkumpetensya ang aking negosyo sa mga nagbebenta sa bangketa
- Mayroon akong negosyo bukod sa pagbebenta sa bangketa sa Long Beach
- Pumapasok ako sa paaralan sa Long Beach.
- Nagtatrabaho ako sa Long Beach.
- Ako ay residente ng Long Beach na hindi tumutugma sa alinman sa mga kategorya sa taas.  
Bumibisita ako sa Long Beach, pero hindi nagtatrabaho sa Long Beach o wala akong kinalaman sa mga sidewalk vendors.

### Demograpiko Base sa Lugar ng Residensya

#### Mga Residente ng Long Beach

Kumpletuhin ang #21 at #22.

**21:** Nakatira ako sa..

- Distrito 1
- Distrito 2
- Distrito 3
- Distrito 4
- Distrito 5
- Distrito 6
- Distrito 7
- Distrito 8
- Distrito 9
- Di ako sigurado.

#### Mga Hindi Residente ng Long Beach

Kumpletuhin ang #23.

**23:** Gaano ka kadalas bumisita sa Long Beach?

- Halos araw-araw/araw-araw
- Isang beses sa isang linggo o higit pa
- Isang beses sa isang buwan o higit pa
- Hindi bababa sa anim na beses bawat taon
- Hindi bababa sa isang beses sa isang taon

**22:** Ano ang iyong zip code?

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## Karagdagang Mga Komento

**24:** Ipamahagi ang karagdagang mga komento sa pagtitinda sa sidewalk. *Opsyonal na write-in na sagot.*

**25.** Paano mo nalaman ang survey na ito? *Piliin ang lahat ng naaangkop.*

- |  |  |
|--|--|
| <input type="checkbox"/> Isang kagangapan sa komunidad           | <input type="checkbox"/> Poster/Handout sa Organisasyon ng Komunidad |
| <input type="checkbox"/> Mula sa mga kaibigian at/o kapamilya    | <input type="checkbox"/> Social Media – Instagram                    |
| <input type="checkbox"/> Pinadalang postcard                     | <input type="checkbox"/> Social Media – Facebook                     |
| <input type="checkbox"/> Balita mula sa media                    | <input type="checkbox"/> Social Media – Twitter                      |
| <input type="checkbox"/> Poster/Handout sa Aklatan ng Long Beach | <input type="checkbox"/> Iba: _____                                  |

## Maging konektado sa proseso ng Pagtitinda sa Sidewalk

Kompletohin ang seksyon na ito kung ikaw ay interesado sa pagiging kalahok sa proseso ng regulasyon ng pagtinda sa sidewalk. Mga miyembro ng komunidad na interesado at mga stakeholders ay makakatanggap ng mga impormasyon sa mga hinaharap na mga miting ng komunidad, petsa ng mga miting ng Konseho ng Lungsod kung saan ang pagtinda sa sidewalk ay ang paksa at iba pang mga oportunidad ng pakikilahok. Para ma-access ang isang alternatibong paraan para mapahagi ang iyong impormasyon, kumpletohin ang form ng interes sa <https://bit.ly/clbfoodvendor>

**26:** Buong Pangalan *Isama ang pangalan at apelyido.*

**27:** Numero ng Telepono

**28:** Email

## ATTACHMENT B2: SIDEWALK VENDING SURVEY SAMPLE OF COMMENTS

**Comments shown were copied directly from the survey responses, they represent range of responses in opposition, support with some concerns and support with no concerns of sidewalk vending.**

- Would want to ensure that they are holding the proper permits, show evidence of required food safety courses, that they are not blocking sidewalk access and that the vendors are picking up trash or providing a trash can.
- I think sidewalk vending is a real problem and hope it is NOT approved in Long Beach. There are all the safety concerns listed above for the vendors, public, access to the sidewalk. I think food safety has to be the number one concern. There are food trucks, coop places, regular restaurant rental spaces, yes all of these cost more money, but are also regulated for health and safety concerns. I don't think we want Long Beach streets looking like other cities with sidewalk vending. I am very opposed to this.
- I love seeing & utilizing food vendors. I am in support but there does need to be some regulations. There should be regulations for cleanliness and an approved placement permitted, where it doesn't completely block a walkway.
- The system is not setup to allow streams of income for all, this will allow a subset to have that, and ultimately improve quality of life.
- As long as there is only one vendor at a particular location then I'm fine with that but I wouldn't want to see them lined up down the street. Food trucks in a particular area on a particular night are fun so maybe the vendors can eventually do something creative like that. They are often operating at times/places where typical businesses are closed. They fill an important niche!
- I really hope the city does not allow excessive sidewalk vending. It seems to be more and more and unregulated. I think if it has to be in the city, it should be in very limited designated areas and there should be an easy number to call in pop-up vendors outside of the designated areas to have them shut down quickly.
- My concern is the protection of sidewalk vendors. Too many times has it occurred in Long Beach where they have been physically, verbally, emotionally and mentally assaulted by racist White people and black people as it occurred on Burnett and Long Beach Blvd. No action was ever taken by the city against the assaulters.
- Makes Long Beach look like a third world country. Robs established businesses of clientele. Creates health risk, congestion and blight. Lowers the quality of life. Ban it.
- The pendulum has gone too far. Unlimited access to sidewalks with minimal food safety controls (like preparing food in home kitchens and storing carts in residential garages) at the expense of everyone else is overkill. Balance is what's needed, not carte blanche.
- My greatest concern is the presence of vendors in residential areas where there are no other commercial activities (eg, Bixby Road areas that are between the major commercial streets, such as Cherry, Atlantic, Long Beach Blvd.) I'm less concerned about vendors along streets that are already business areas (eg, Wardlow, Carson, and the major north-south streets).

### ATTACHMENT B3: SIDEWALK VENDING FOCUS GROUP QUESTIONS

1. Question 1: What would you want to see from sidewalk vendors? What would you want sidewalk vending to look like? What does it look like now and what would you rather it looks like?
  - a. *Supplemental Prompt:* Well, what does it looks like can be the physical, policy, or process?
2. Question 2: Are there benefits/drawbacks.... (adjust depending on group)?
  - a. *Supplemental Prompt:* We want to know as what you view it as.
3. Question 3: There are sidewalk vendors providing non-food or merchandise related services. Are there any services that should be provided by sidewalk vendors? Are there services that shouldn't be provided by sidewalk vendors?
  - a. *Supplemental Prompt:* Describing services that are currently seen throughout Long Beach.
4. Question 4: Let's talk about sidewalk vendor **footprint size** and density. Do you have any thoughts on how much space a sidewalk vendor should use/may need and are there any thoughts on how close together they should be?
5. Question 5 In terms of education and resource available, what can the City provide throughout the development process?



# Sidewalk Vending Community Meeting

## Sidewalk Vending Survey Preliminary Analysis and Potential Areas of Regulation

January 2023

**DISCLAIMER:** The following presentation was given at a community meeting requesting feedback to proposed regulations surrounding Sidewalk Vending.

To learn more about regulations currently in place, please visit [longbeach.gov/sidewalkvending](https://longbeach.gov/sidewalkvending)

# Sidewalk Vendor Survey

## Overview

- Open for Five Weeks
  - Friday, November 11, 2022 – Sunday, December 18, 2022
- Survey available in English, Spanish, Khmer, and Tagalog
  - Online at [longbeach.gov/sidewalkvending](https://longbeach.gov/sidewalkvending)
  - Hard copy at all Long Beach Public Libraries
- Audience
  - Anyone that lives, works, studies, or visits Long Beach



**CITY OF LONG BEACH**

We want to hear from you!

**Participate in the Sidewalk Vending Survey!**

Complete survey at [longbeach.gov/sidewalkvending](https://longbeach.gov/sidewalkvending)

**SURVEY CLOSES ON DECEMBER 18**



# Sidewalk Vending Survey

## Community Engagement

- Internal Coordination
  - **City Attorney's Office**
  - **City Manager's Office**
  - Development Services
  - Economic Development
  - **Financial Management**
  - Fire Department
  - **Health and Human Services**
  - Long Beach Public Library
  - Long Beach Utilities
  - Parks, Recreation, and Marine
  - Police Department
  - **Public Works**

# Sidewalk Vending Survey

## Community Engagement

- Promotion
  - Mayor and City Council Communications
  - City of Long Beach Press Release
  - Go Long Beach Newsletter
  - Long Beach Utilities Bill Special Message
  - Posters/Handouts at Long Beach Public Libraries
  - Posters/Handouts at Local Community Based Organizations
  - Social Media Posting on Facebook, Twitter, and Instagram on City-related accounts
  - City Staff Canvassing
- News Media
  - Print media and video coverage of sidewalk vending survey
  - Residents posting on Reddit, NextDoor, and other information sharing platforms.



**CITY OF LONG BEACH**  
UTILITY SERVICES  
POST OFFICE BOX 630  
LONG BEACH, CA 90842-0001



CUSTOMER SERVICE: (562) 570-5700  
PAY BY PHONE: (833) 408-8405  
[WWW.LONGBEACH.GOV/UTILITYBILLING](http://WWW.LONGBEACH.GOV/UTILITYBILLING)

**ACCOUNT INFORMATION**

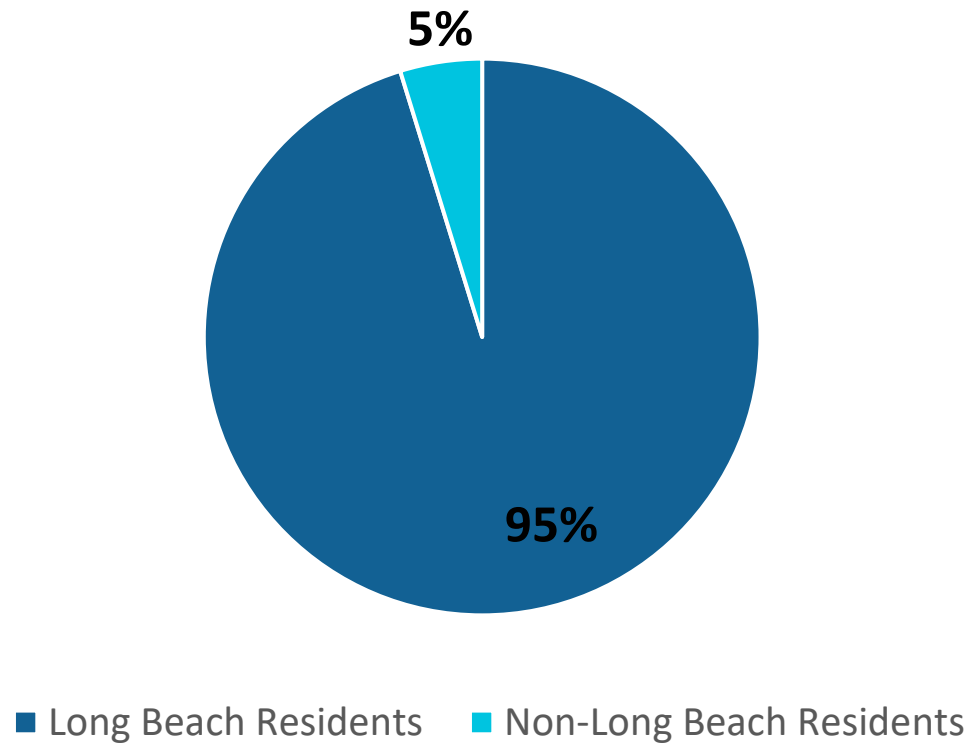
**SPECIAL MESSAGE**

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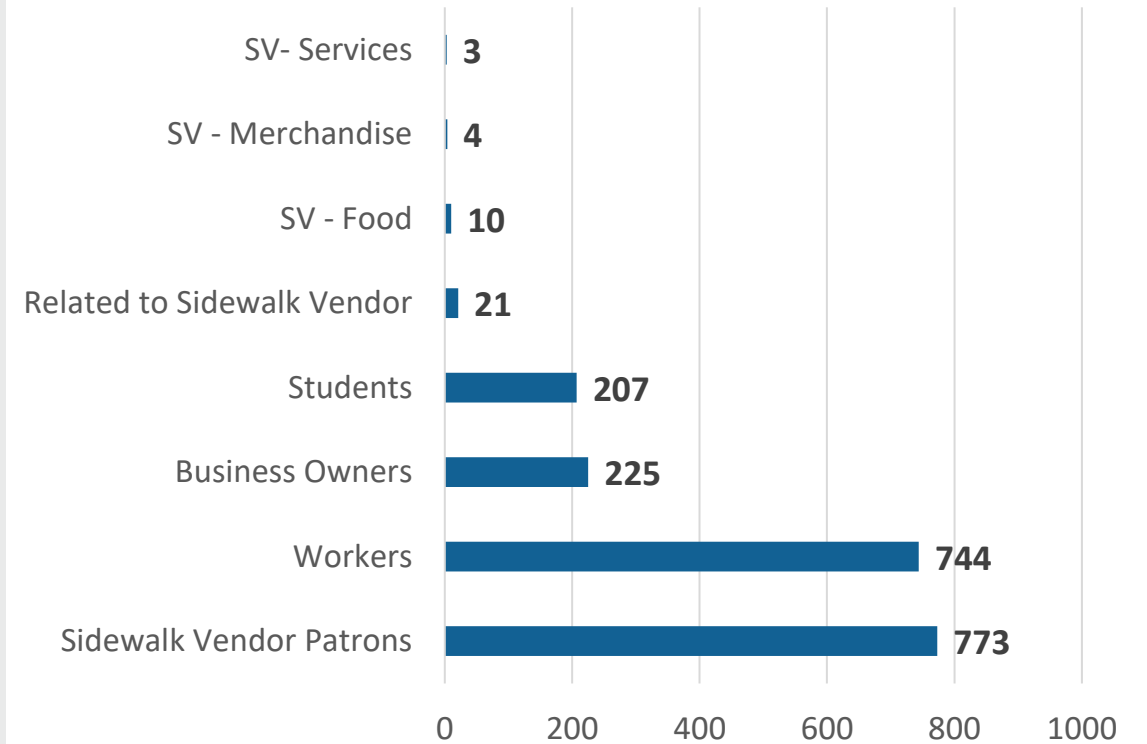
HELP INFORM THE DEVELOPMENT OF THE RULES AND REGULATIONS FOR SIDEWALK VENDING. GO TO [LONGBEACH.GOV/SIDEWALKVENDING](http://LONGBEACH.GOV/SIDEWALKVENDING) TO COMPLETE THE SURVEY AND FOR MORE INFORMATION. SURVEY CLOSSES ON DECEMBER 18.

# Total Respondents – 2,312

## Total Number of Respondents



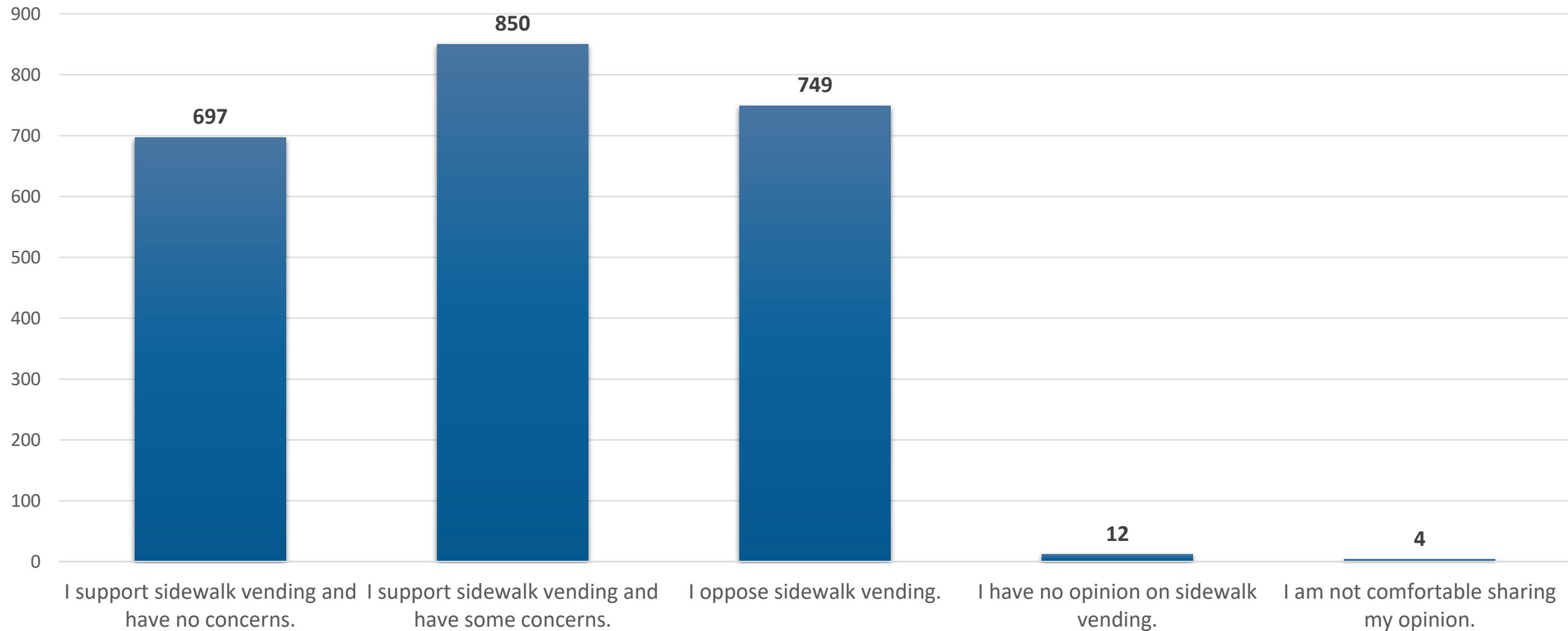
## Long Beach Connection





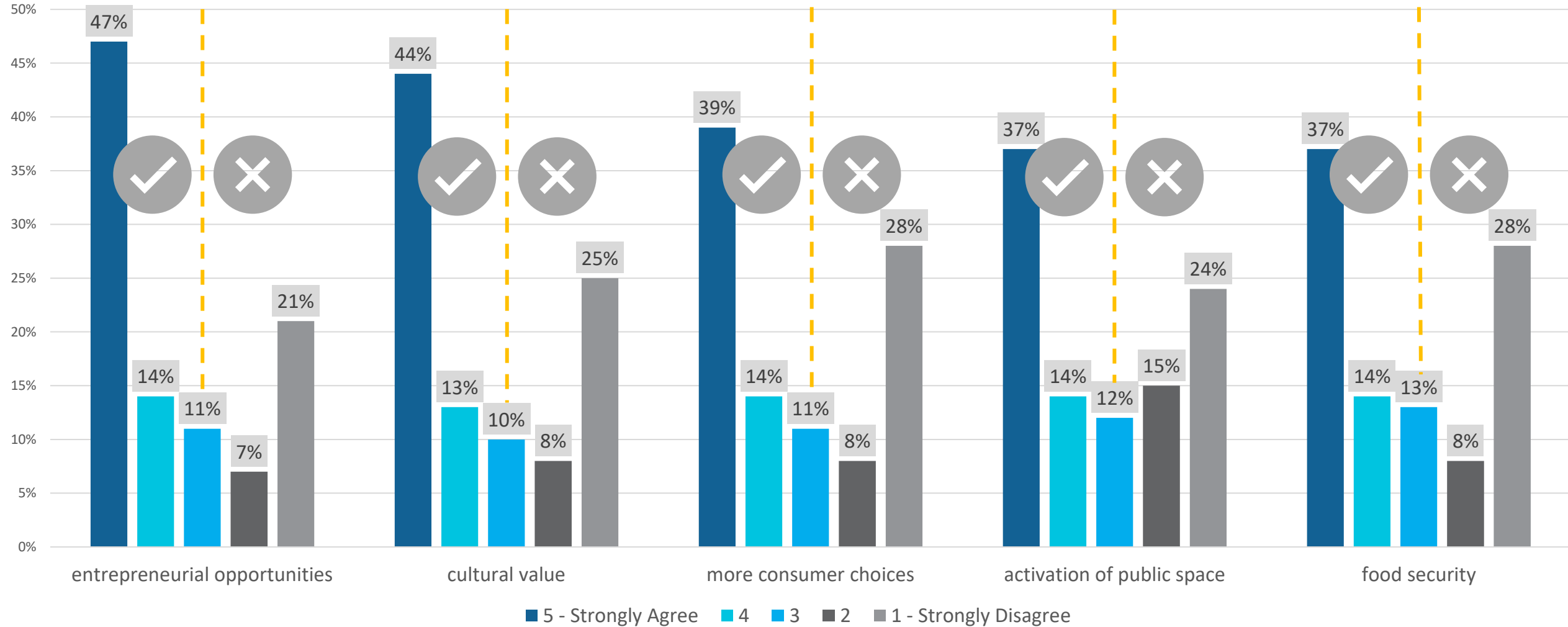
# Opinion of Sidewalk Vending

## Opinion on Sidewalk Vending



# Benefits of Sidewalk Vending

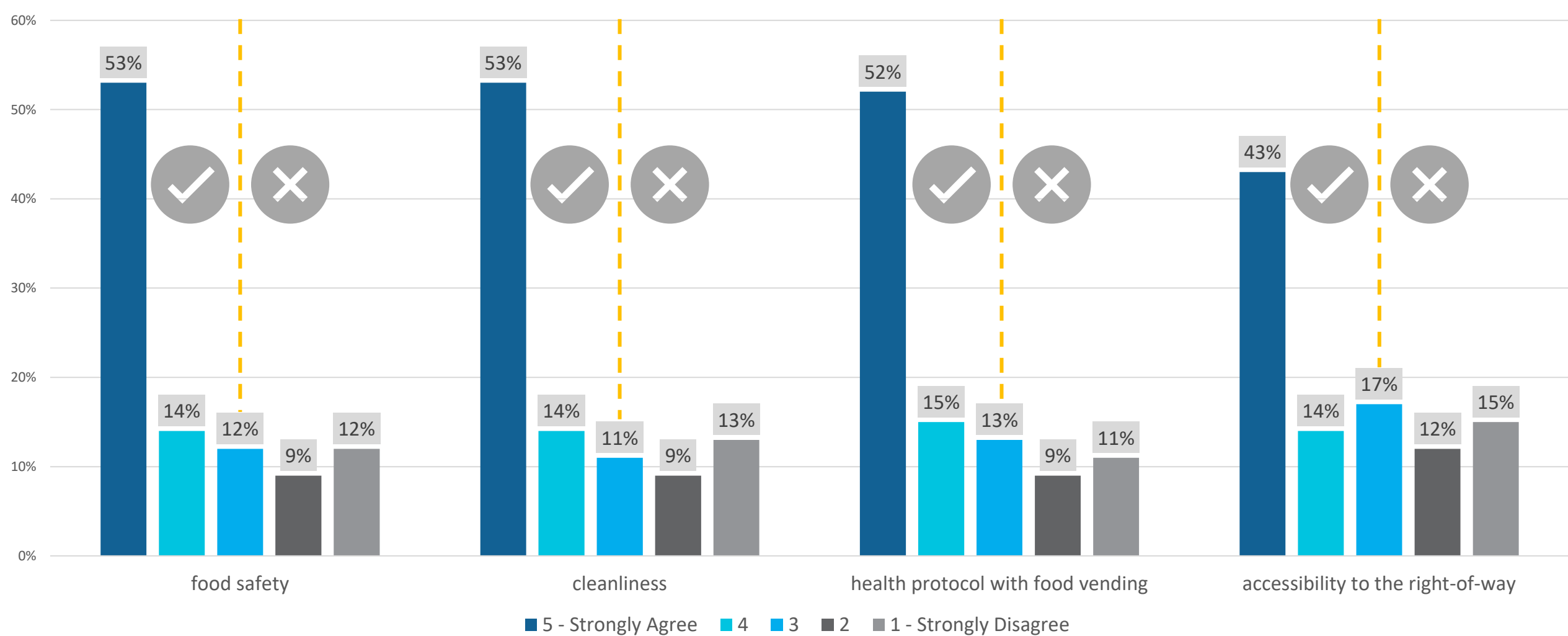
## Benefits of Sidewalk Vending



**Designated Area**  
**Education**  
**Entrepreneurial Opportunities**  
**Equity**  
**Positive Perception**  
**Permit**

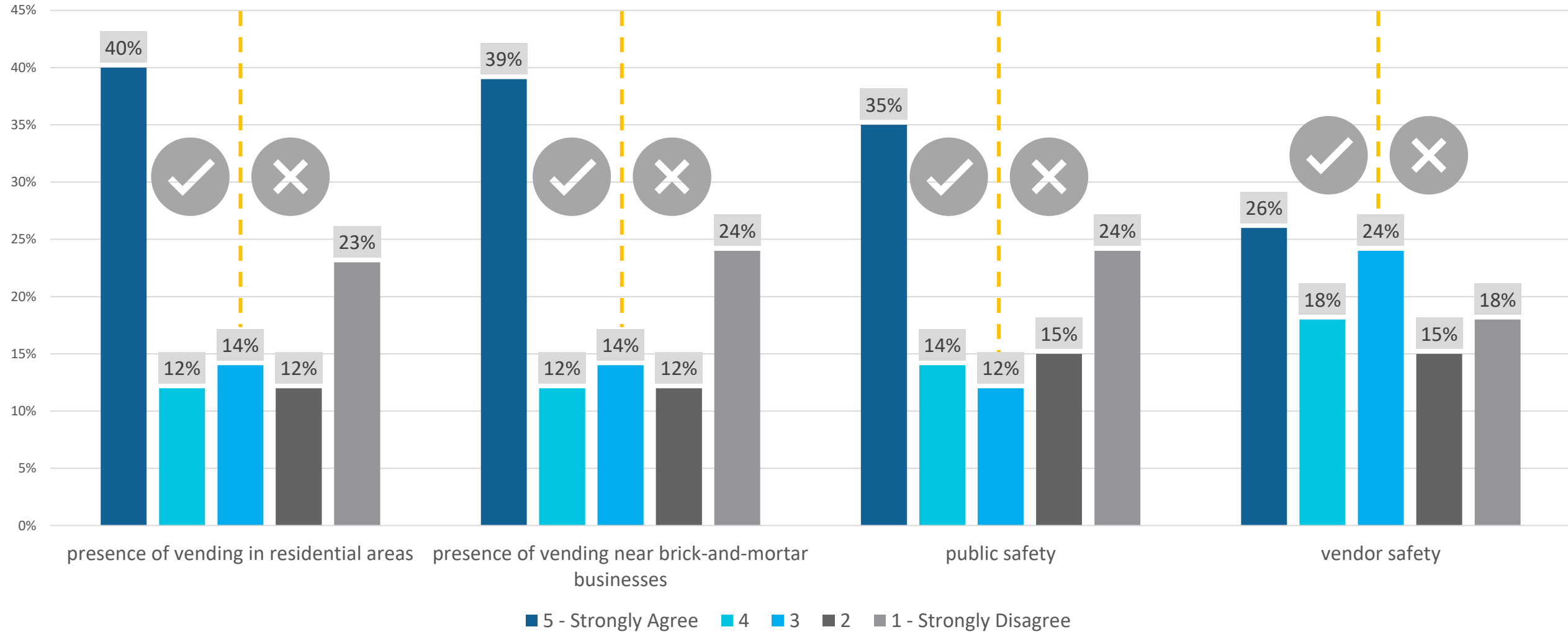
# Concerns with Sidewalk Vending

## Concerns with Sidewalk Vending (1 of 2)



# Concerns with Sidewalk Vending

## Concerns with Sidewalk Vending (2 of 2)



## The Americans With Disabilities Act (ADA)

Competition

Equity

Health

Negative Perception

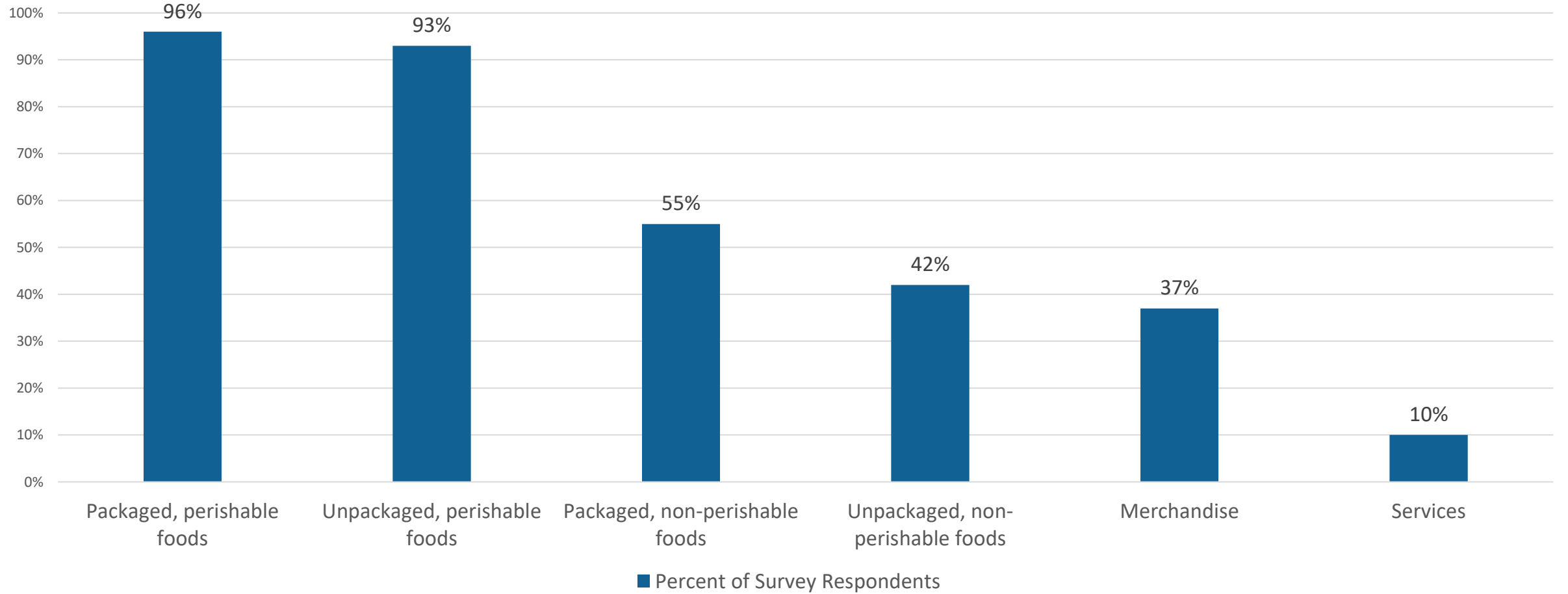
Parking

Public Safety

Rules and Regulations

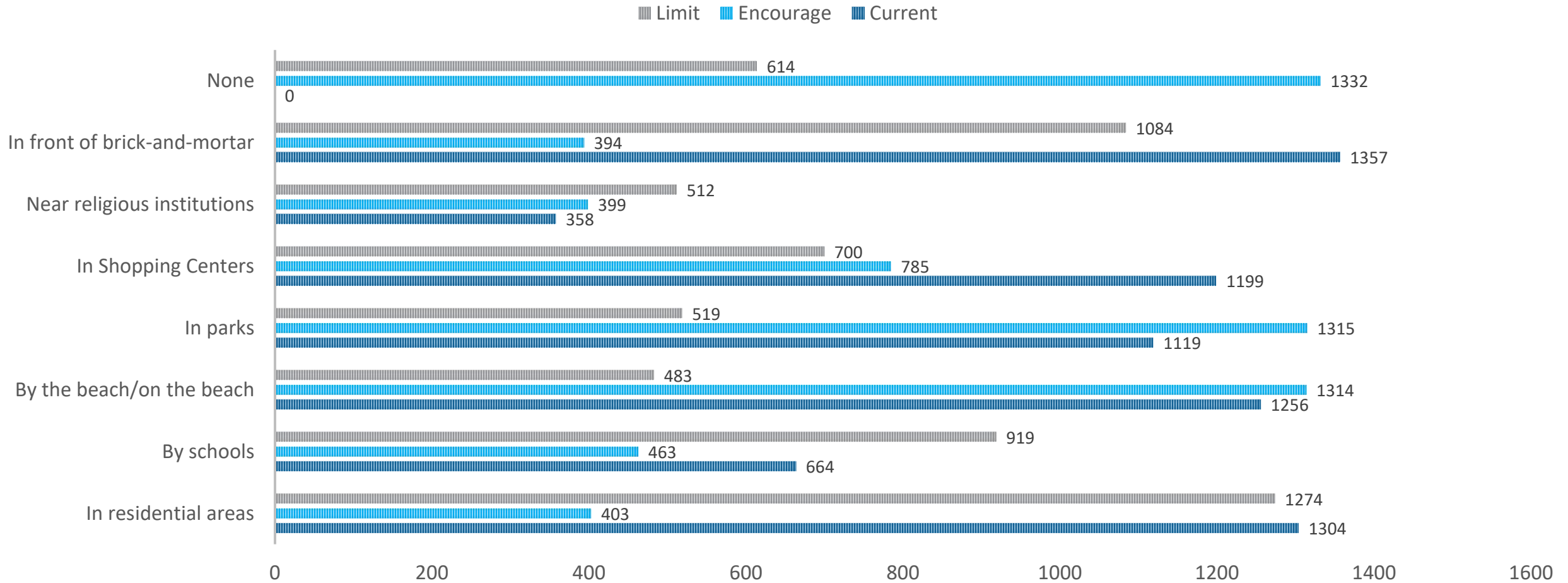
# Type of Sidewalk Vending

## Type of Sidewalk Vending Currently Seen in Long Beach



# Current Location with Areas of where to Limit and Encourage

## LOCATIONS OF SIDEWALK VENDING





# Sidewalk Vending Community Engagement Impact

## Complementary Stats

- Continued Engagement
  - Environmental Health Bureau hosted a Health Permit workshop in December '22 attended by 60+ people.
  - Over 1,200 individuals signed up to receive regular updates on Sidewalk Vending.
  - Seven focus groups were hosted with sidewalk vendors, residents, business owners, and community-based organizations throughout December '22 – January '23.
- Survey Promotion
  - 6,953 unique page views to Long Beach Sidewalk Vending website.
  - 127,887 Long Beach Utilities' Users received a special message on their bill.
    - 18,899 of which have paperless billing.

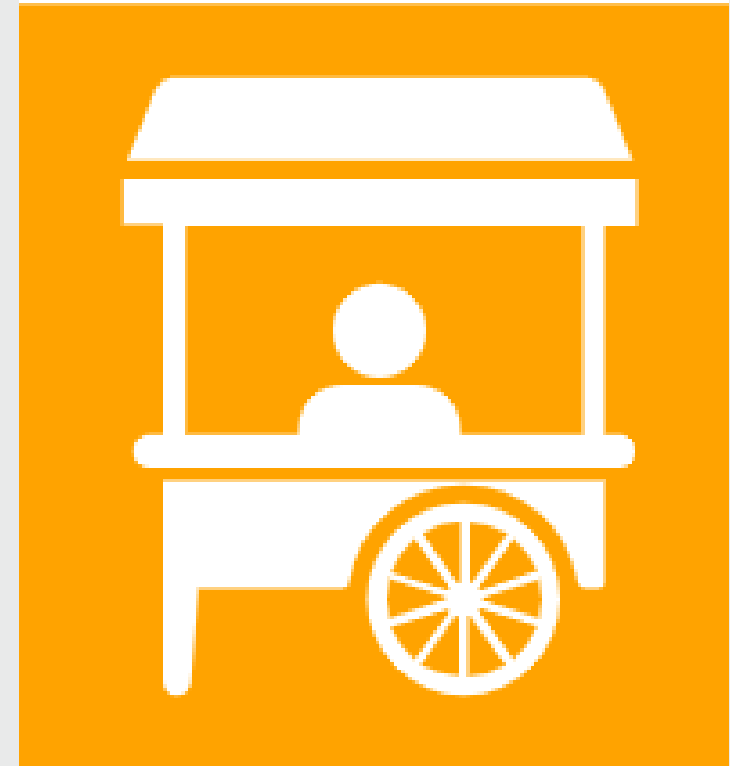
# Sidewalk Vending Regulation Development

**The City is working towards establishing regulations that address the needs and concerns of sidewalk vendors, residents, business owners, and other stakeholders.**

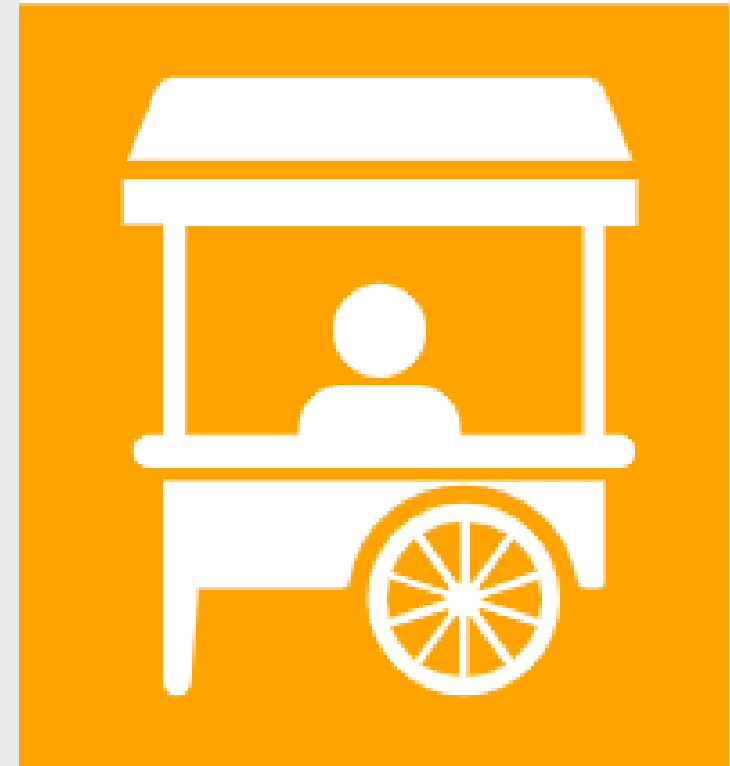
- Outreach
- Best practices
- SB 946 limitations
- Est. early 2023 Council Consideration

# SB 946 – Safe Sidewalk Vending Act

- Changed the law to legalize sidewalk vendors selling food or merchandise on public sidewalks and other pedestrian pathways
- The City is limited by SB 946 in the types of regulations it may impose on food and merchandise sidewalk vendors
- Regulations must be for health, safety, or welfare reasons



- Revised CA Retail Food Code
- New Chapter 11.7 - Compact Mobile Food Operation (CMFO)
- Limited Food Preparation Revised
  - Expands food operations
- Reduced structural requirements and model standard plans



# Impact of SB 946 – Safe Sidewalk Vending Act

## Under SB 946, cities may:

- Require permit or license.
- Limit the hours of operation in a manner that is not unduly restrictive.
- Prohibit stationary sidewalk vending in residential areas in areas zoned exclusively residential. (Roaming sidewalk vendors cannot be prohibited in areas zoned exclusively residential.)
- Prohibit sidewalk vending near permitted farmers' markets, swap meets, and temporary special permit areas.
- Require sanitary conditions.
- Require vendors to comply with the Americans Disability Act.
- Request certain information about the business' operations.
- Restrict any vending other than food or merchandise.

# Impact of SB 946 – Safe Sidewalk Vending Act

## Under SB 946, cities may not:

- Require sidewalk vendors to operate in a specific area or within certain parts of the public right-of-way, unless the local authority is restricting vending to protect the community's health, safety, or welfare or as designated by SB 946.
- Require vendors to ask permission from businesses or anyone besides the government.
- Prohibit stationary sidewalk vendors from operating in public parks, unless the park has a concession agreement, or the park is restricting vending to protect the community's health, safety, or welfare.
- Restrict the number of sidewalk vendors, unless the city must restrict the number of vendors to protect the community's health, safety, or welfare.
- Adopting additional requirements regulating the time, place, and manner of sidewalk vending unless the requirements are directly related to objective health, safety, or welfare concerns.

# Potential Areas of Regulation

## Vendor Types

- Food and beverage (included in SB 946)
- Merchandise (included in SB 946)
- Services

## Operating requirements such as:

- No vending to customers in moving vehicles
- Comply with Noise Ordinance
- Clean up trash and maintain adequate trash containers in or on the conveyance or location
- No tables and chairs for customers
- Size/footprint of set up

# Potential Areas of Regulation

## Location considerations such as:

- **Distance requirements** such as:
  - Maintain ADA access
  - Distance between vendors to allow for adequate passage and queuing
  - Distance from driveways, crosswalks, fire escapes, fire hydrants, entrances and exits (including emergency exits), ATMs, parking meters, etc. to ensure access
  - Distance from schools, libraries, park/beach concessions, and permitted events
- **Roaming vendors generally allowed on pedestrian pathways in residential areas, commercial areas, parks and beaches**
- **Stationary vendors generally allowed on pedestrian pathways in commercial areas and parks/beaches** with certain requirements but **not in areas zoned exclusively for residential**
- **No sidewalk vending in environmentally sensitive areas with protected habitats** (e.g., El Dorado Nature Center and wetlands areas) **and in leased public spaces** (e.g., Golf Courses and Rancho Los Cerritos)



# Potential Areas of Regulation

## Operating hours such as:

- **Residential:** No later than 8:00 pm or sunset, whichever is least restrictive
- **Commercial:** No later than 10:00 pm or the operating hours imposed on other businesses on the same block, whichever is least restrictive
- **Parks/beaches:** No later than the closing time of the park/beach or sunset where there is no designated closing time

## Permits and licenses such as:

- Food and beverage vendors **must obtain and display a Long Beach Health Permit** at all times unless exempt
- All vendors **must obtain and display a business license** at all times

## Other non-regulatory efforts:

- Education and outreach on **vendor safety**

# Who to Contact

## Regarding Health Safety Concerns or to Obtain a Health Permit

- **Health and Human Services Department: Environmental Health**
  - (562) 570-4132
  - [www.longbeach.gov/eh](http://www.longbeach.gov/eh)
  - [EnvironmentalHealth@longbeach.gov](mailto:EnvironmentalHealth@longbeach.gov)
  - 2525 Grand Ave Rm. 220 Long Beach, CA 90815
- Long Beach Health Dept. is committed to assisting those interested in becoming a food vendor and obtaining a health permit. Please contact the Health Dept. for any health permit related questions.

## Regarding General Questions or to Obtain a Business License

- **Financial Management Department: Business Licensing**
  - (562) 570-6211
  - [www.longbeach.gov/businesslicense](http://www.longbeach.gov/businesslicense)
  - [lbbiz@longbeach.gov](mailto:lbbiz@longbeach.gov)
  - 411 W Ocean Blvd, 2nd Fl. Long Beach, CA 90802

# Discussion – Community Agreements

## Open and Respectful Discussion

- Take space, make space
- Eloquence isn't necessary
- Open and respectful
- Respect differences

**What feedback and reflections do you have related to the preliminary analysis of the sidewalk vending survey? Is there anything missing?**

**What feedback and reflections do you have related to the potential areas of regulation? Is there anything missing?**



**Thank you!**

For more information or to sign up to receive updates on this effort, visit:  
[longbeach.gov/sidewalkvending](https://longbeach.gov/sidewalkvending)

**Daniel Ramirez, Food Truck and Sidewalk Vending Coordinator, Public Works**

**Brenda Soriano-Villa, Management Assistant, City Manager's Office**

**Katy Nomura, Deputy City Manager, City Manager's Office**



# Reunión comunitaria sobre la venta ambulante

Análisis preliminar de la encuesta sobre la venta ambulante y áreas potenciales de regulación

**Enero de 2023**

**DESCARGO DE RESPONSABILIDAD:** La siguiente presentación se dio en una reunión comunitaria solicitando comentarios sobre las regulaciones propuestas relacionadas con la venta ambulante.

Para aprender más sobre las regulaciones que están vigentes actualmente, visite [longbeach.gov/sidewalkvending](https://longbeach.gov/sidewalkvending)

# Encuesta sobre vendedores ambulantes

## Visión general

- Abierta durante cinco semanas
  - Viernes 11 de noviembre de 2022 - domingo 18 de diciembre de 2022
- Esta encuesta está disponible en inglés, español, jemer y tagalo
  - En línea en [longbeach.gov/sidewalkvending](https://longbeach.gov/sidewalkvending)
  - Copia impresa en todas las bibliotecas públicas de Long Beach
- Público
  - Cualquier persona que viva o estudie en Long Beach o que esté de visita



**¡Queremos escuchar de usted!**

**¡Participe en la Encuesta de Vendedores Ambulantes!**

Para llenar la encuesta, visite [longbeach.gov/sidewalkvending](https://longbeach.gov/sidewalkvending)

**LA ENCUESTA CIERRA EL 18 DE DICIEMBRE**



## Participación de la comunidad

- Coordinación interna
  - **Oficina del Abogado de la Ciudad**
  - **Oficina del Gerente de la Ciudad**
  - Servicios de Desarrollo
  - Desarrollo Económico
  - **Administración Financiera**
  - Departamento de Bomberos
  - **Salud y Servicios Humanos**
  - Biblioteca Pública de Long Beach
  - Servicios Públicos de Long Beach
  - Parques, Recreación y Marina
  - Departamento de Policía
  - **Obras Públicas**

# Encuesta sobre vendedores ambulantes

## Participación de la comunidad

- Promoción
  - Comunicaciones del Alcalde y el Concejo de la Ciudad
  - Boletín de prensa de la Ciudad de Long Beach
  - Boletín Go Long Beach
  - Mensaje especial en la factura de los servicios públicos de Long Beach
  - Carteles/material impreso en las Bibliotecas Públicas de Long Beach
  - Carteles/material impreso en organizaciones locales basadas en la comunidad
  - Publicaciones en redes sociales, en Facebook, Twitter e Instagram en cuentas relacionadas con la Ciudad
  - Visitas casa por casa del personal de la Ciudad
- Medios de noticias
  - Medios impresos y cobertura de video de la encuesta de venta ambulante
  - Residentes que publican en Reddit, NextDoor y otras plataformas para compartir información.



**CIUDAD DE LONG BEACH**  
SERVICIOS PÚBLICOS  
POST OFFICE BOX 630  
LONG BEACH, CA 90842-0001



SERVICIO AL CLIENTE: (562) 570-5700  
PAGO TELEFÓNICO: (833) 408-8405  
[WWW.LONGBEACH.GOV/UTILITYBILLING](http://WWW.LONGBEACH.GOV/UTILITYBILLING)

**INFORMACIÓN DE CUENTA**

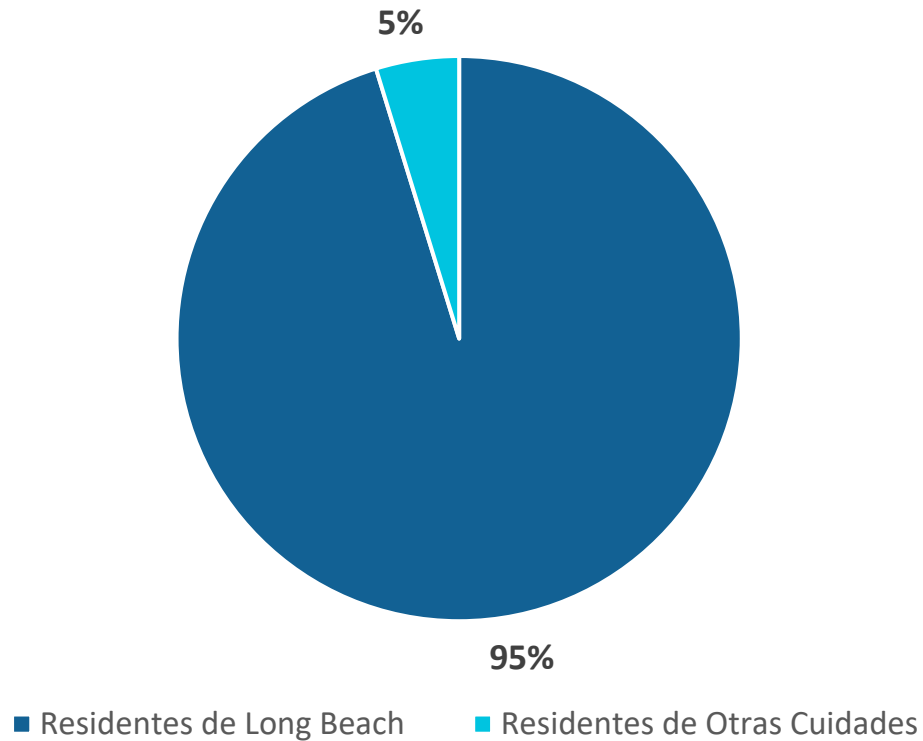
**MENSAJE ESPECIAL**

AYUDE A ORIENTAR EL DESARROLLO DE LAS REGLAS Y REGULACIONES PARA LA VENTA AMBULANTE. VAYA A [LONGBEACH.GOV/SIDEWALKVENDING](http://LONGBEACH.GOV/SIDEWALKVENDING) PARA LLENAR LA ENCUESTA Y PARA OBTENER MÁS INFORMACIÓN. LA ENCUESTA TERMINA EL 18 DE DICIEMBRE.

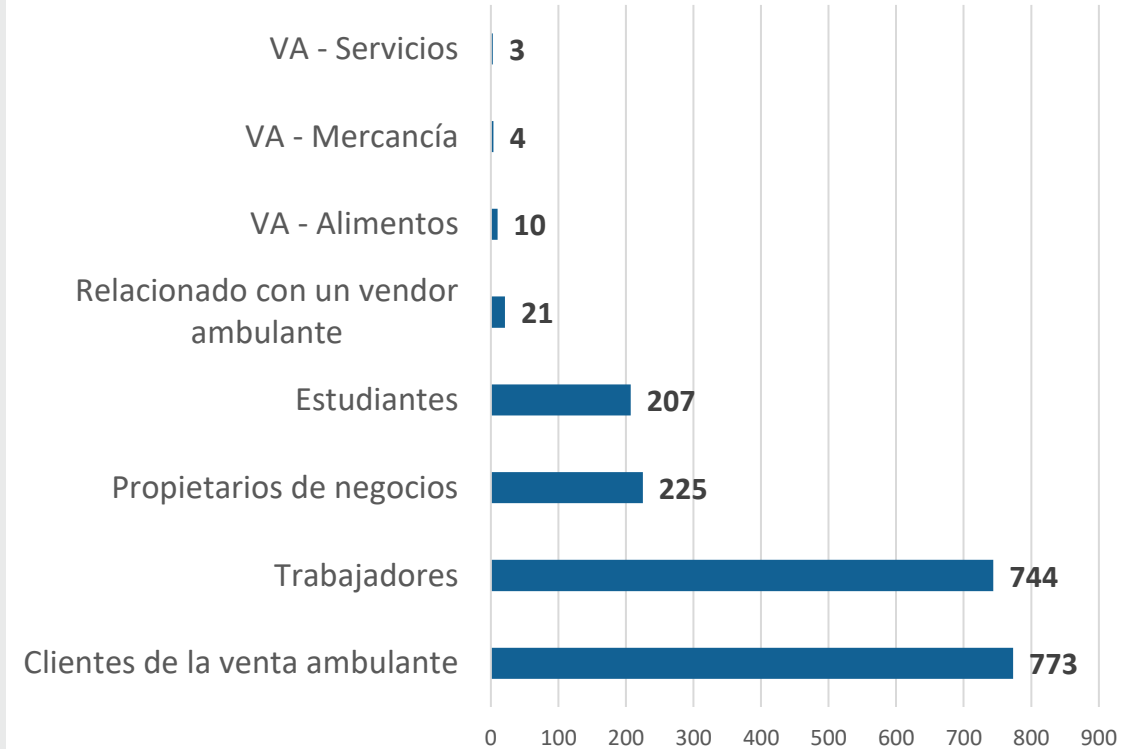


# Respuestas totales - 2312

## Número total de respondedores

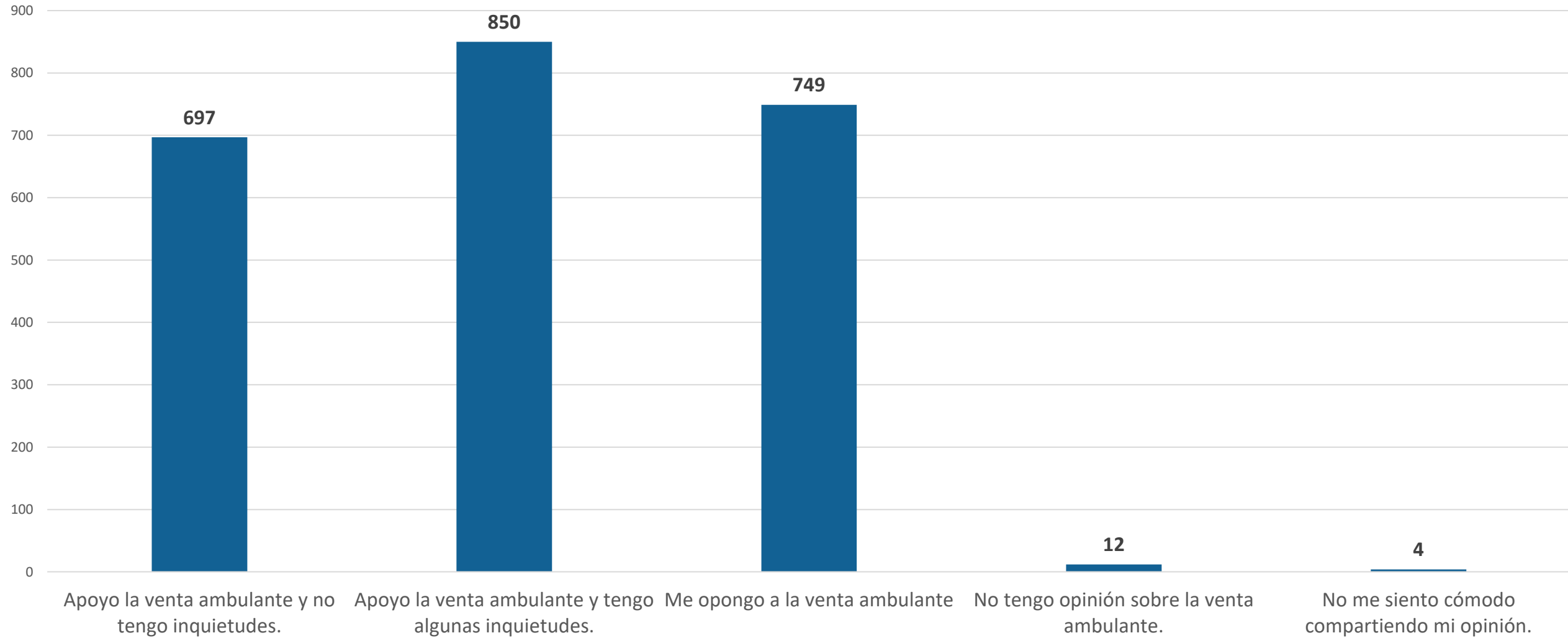


## Conexión con Long Beach



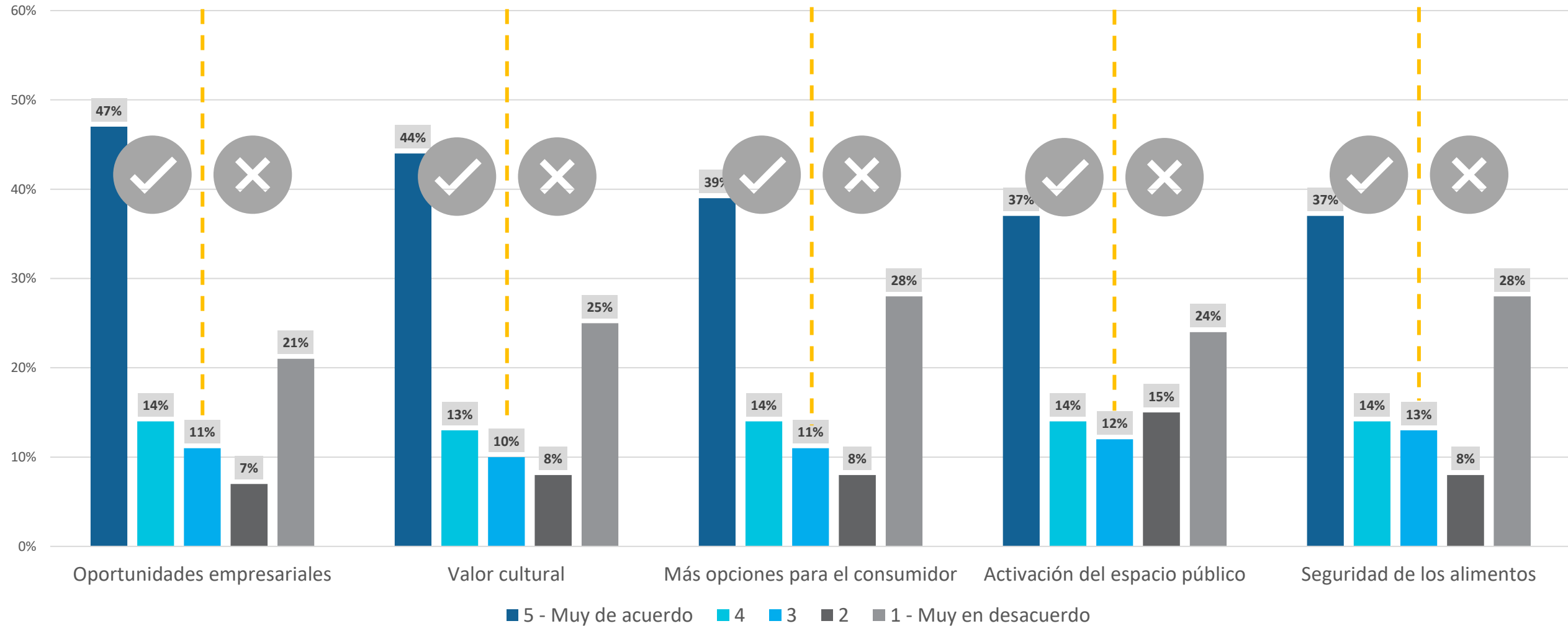
# Opinión sobre venta ambulante

Opinión sobre venta ambulante



# Beneficios de la venta ambulante

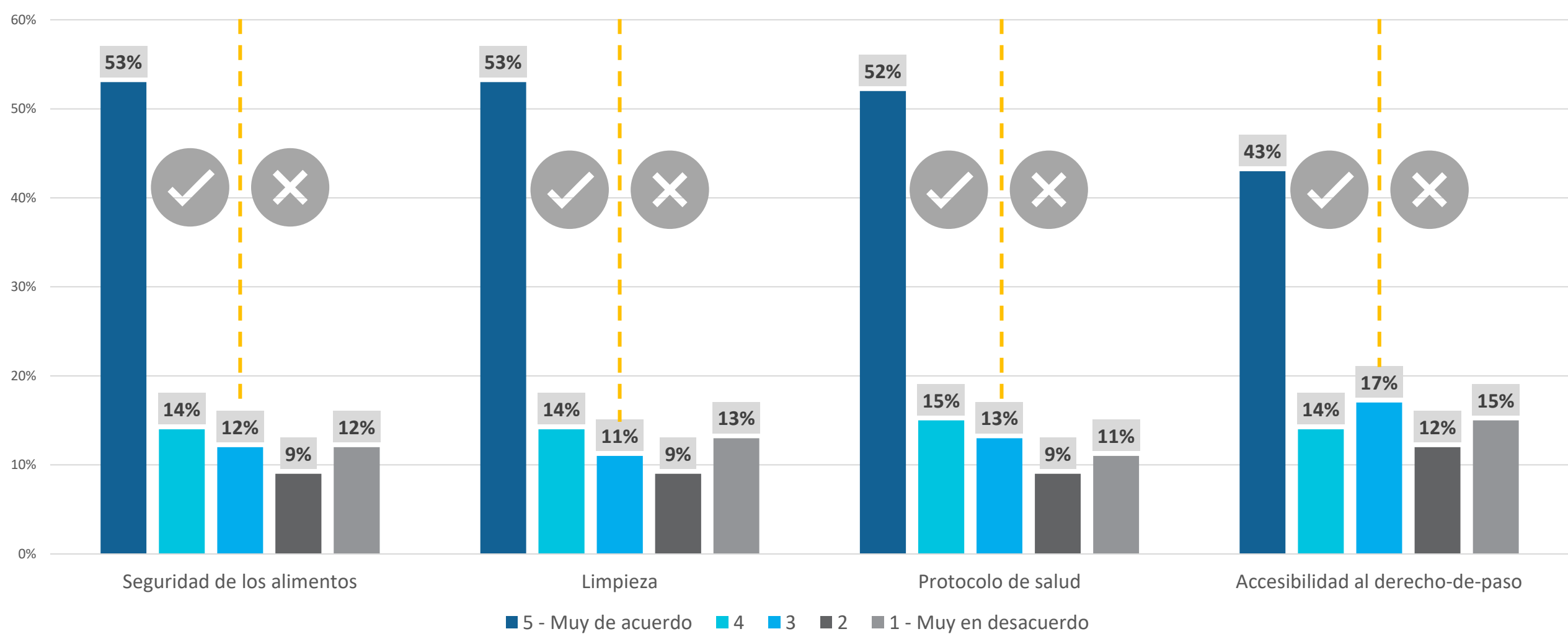
## Beneficios de la venta ambulante



**Área designada**  
**Educación**  
**Oportunidades empresariales**  
**Equidad**  
**Percepción positiva**  
**Permiso**

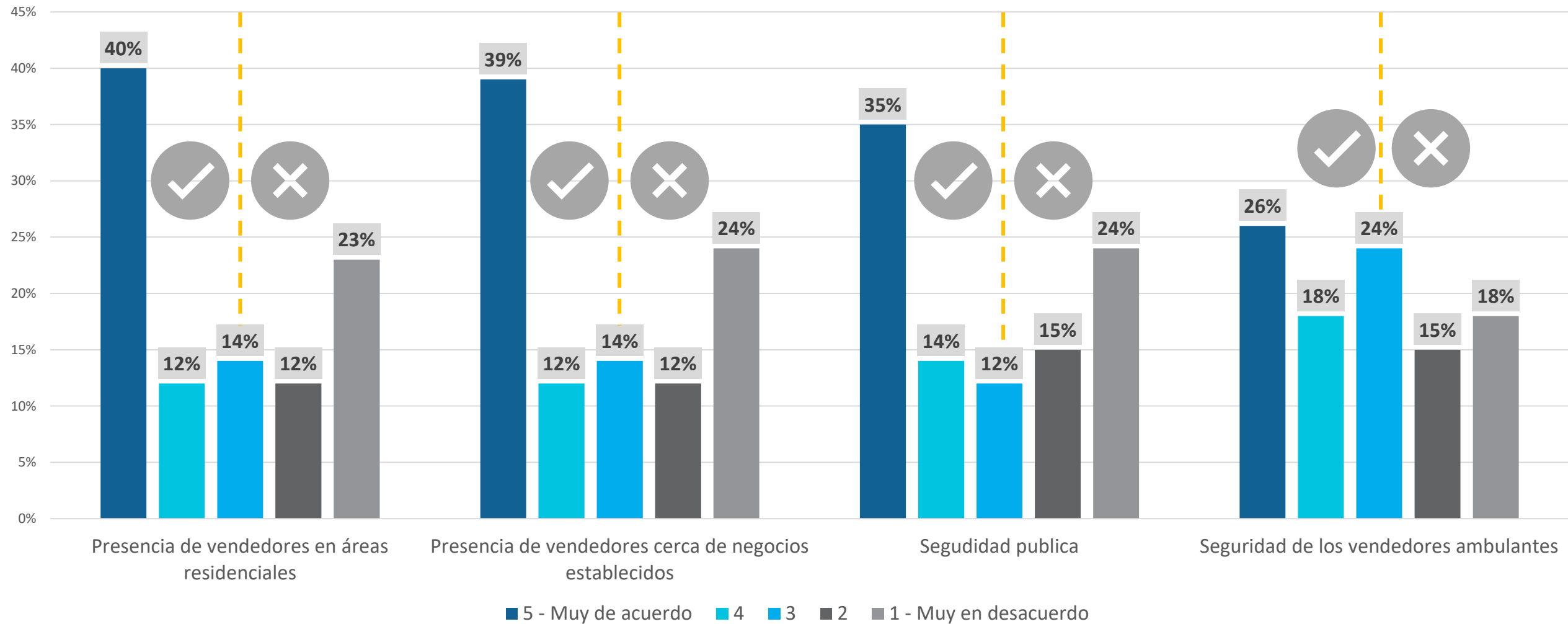
# Inquietudes sobre la venta ambulante

## Inquietudes sobre la venta ambulante (1 de 2)



# Inquietudes sobre la venta ambulante

## Inquietudes sobre la venta ambulante (2 de 2)



## La Ley de Estadounidenses con Discapacidades

(Americans with Disabilities Act, ADA)

Competencia

Equidad

Salud

Percepción negativa

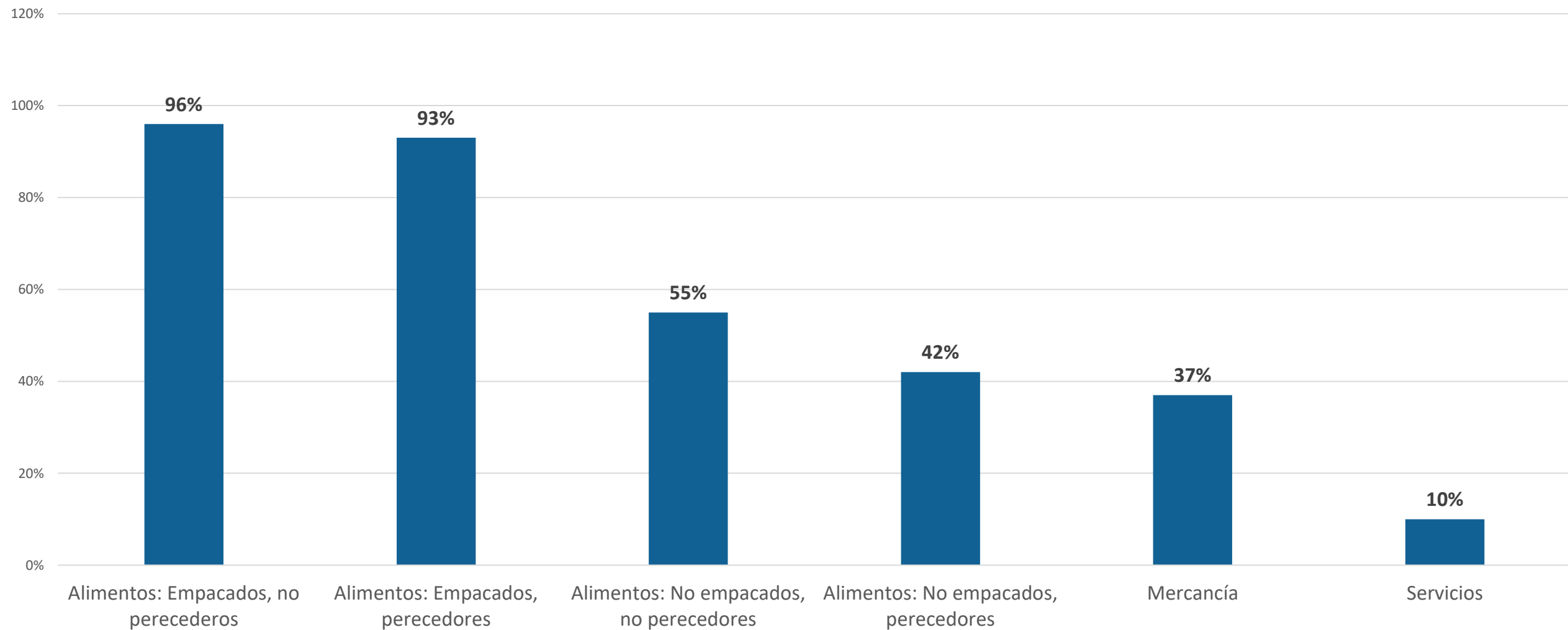
Estacionamiento

Seguridad pública

Reglas y regulaciones

# Tipo de venta ambulante

Tipo de venta ambulante que se ve actualmente en Long Beach

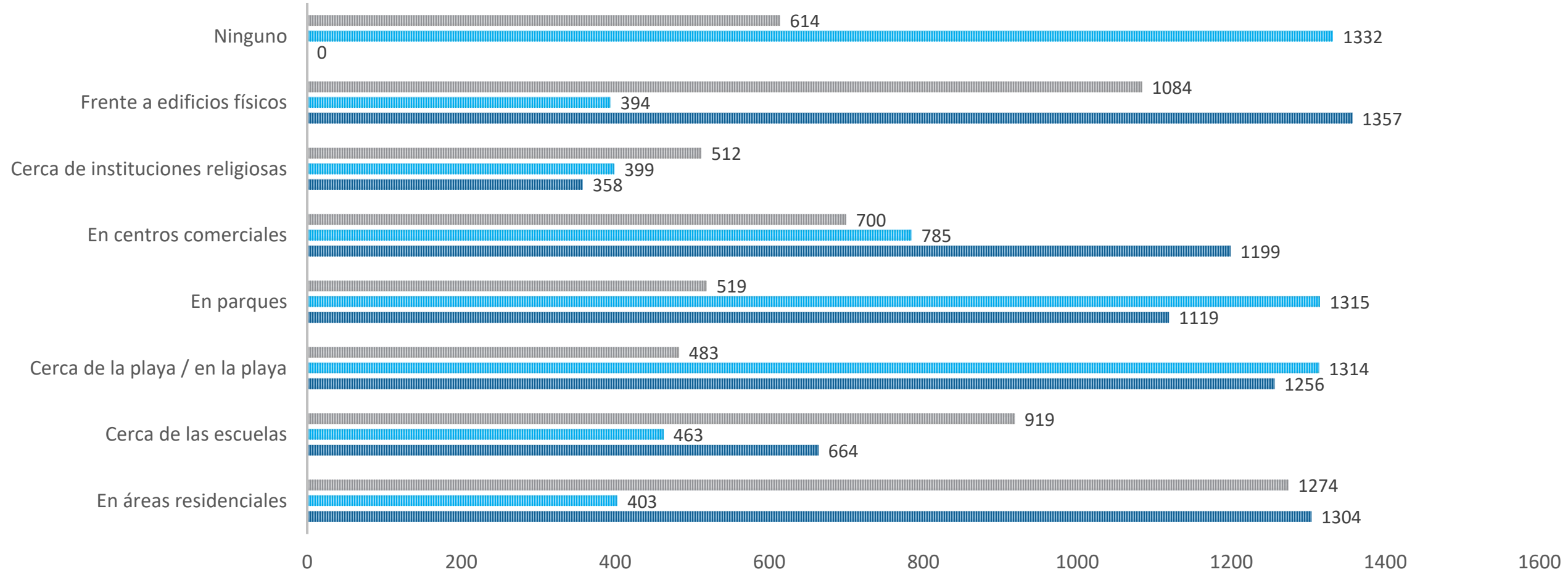




# Ubicaciones actuales con áreas en donde limitar y estimular

## UBICACIONES DE LA VENTA AMBULANTE

■ Limitar ■ Estimular ■ Actual



## Estadísticas complementarias

- Participación continua
  - La Oficina de Salud Ambiental organizó un taller de Permisos de Salud en diciembre de 2022, al que asistieron más de 60 personas.
  - Más de 1,200 personas firmaron para recibir actualizaciones regulares sobre la venta ambulante.
  - Se organizaron siete grupos de enfoque con vendedores ambulantes, residentes, propietarios de negocios y organizaciones basadas en la comunidad entre diciembre de 2022 y enero de 2023.
- Promoción de la encuesta
  - 6,953 vistas únicas a la página del sitio web de Venta ambulante de Long Beach.
  - 127,887 usuarios de servicios públicos de Long Beach recibieron un mensaje especial en su factura.
    - 18,899 de ellos tienen facturación sin papel.

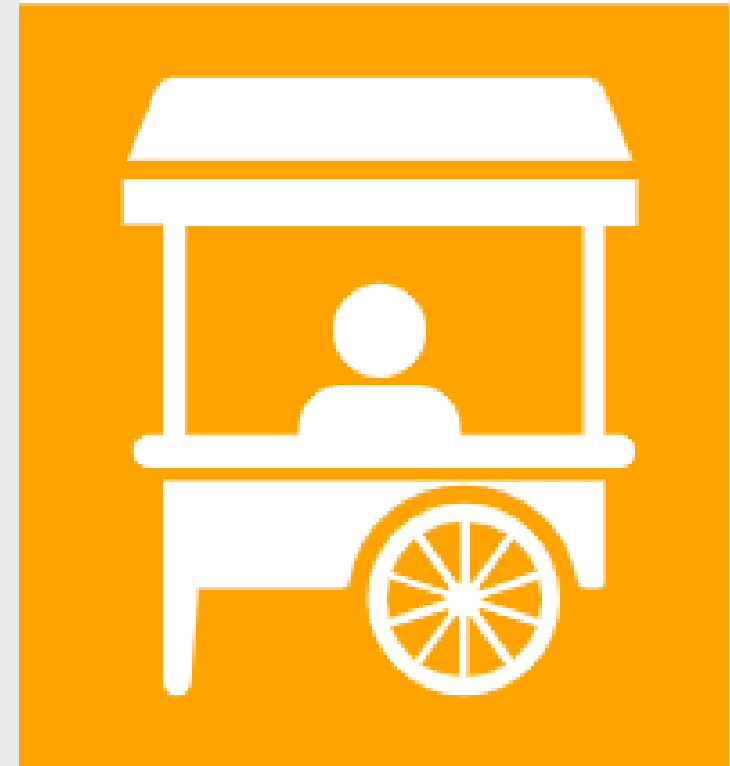
# Desarrollo de la regulación de venta ambulante

**La Ciudad está trabajando para establecer regulaciones que atiendan las necesidades y las inquietudes de los vendedores ambulantes, los residentes, los propietarios de negocios y otras personas interesadas.**

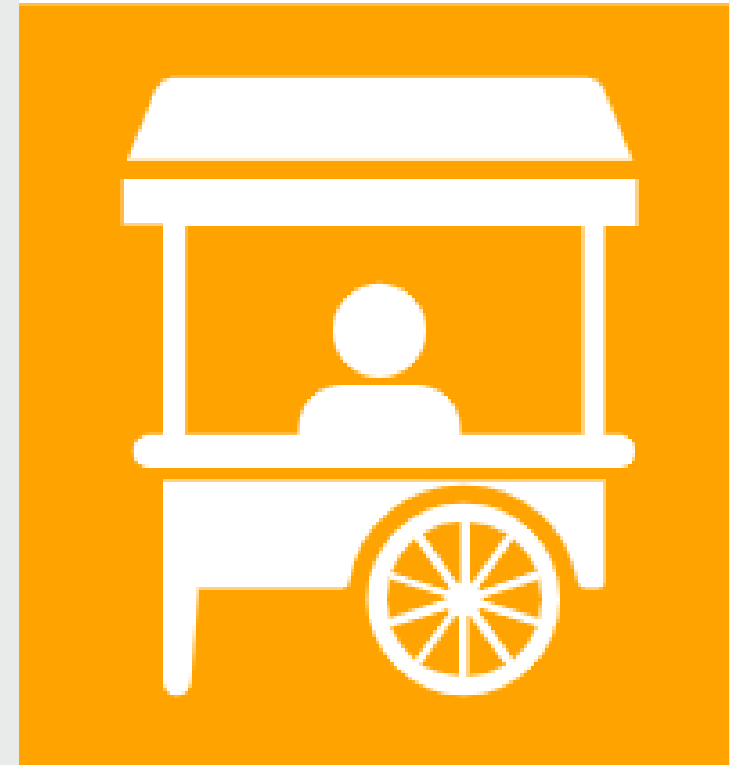
- Alcance
- Mejores prácticas
- Limitaciones de SB 946
- Consideración estimada del Consejo a principios de 2023

# SB 946 - Ley de Venta Ambulante Segura

- Se cambió la ley para legalizar a los vendedores ambulantes que venden alimentos o mercancía en las aceras públicas y otros caminos para peatones
- La Ciudad está limitada por SB 946 en los tipos de regulaciones que puede imponer a los vendedores ambulantes de alimentos y mercancías
- Las regulaciones deben ser por razones de salud, seguridad o bienestar



- Código revisado de venta de alimentos al menudeo de CA
- Nuevo capítulo 11.7 - Operación compacta móvil de alimentos (Compact Mobile Food Operation, CMFO)
- Preparación limitada de alimentos revisada
  - Expande las operaciones de alimentos
- Redujo los requisitos estructurales y los planes estándar del modelo



# Impacto de SB 946 - Ley de Venta Ambulante Segura

## Bajo SB 946, las ciudades pueden:

- Exigir permiso o licencia.
- Limitar las horas de operación de una manera que no es excesivamente restrictiva.
- Prohibir la venta ambulante estacionaria en áreas residenciales, en áreas zonificadas exclusivamente como residenciales. (Los vendedores ambulantes que están en movimiento no pueden prohibirse en áreas zonificadas exclusivamente como residenciales).
- Prohibir la venta ambulante cerca de mercados de granjeros permitidos, mercados al aire libre y áreas con permiso especial temporal.
- Exigir condiciones sanitarias.
- Exigir que los vendedores cumplan con la Ley para Estadounidenses con Discapacidades.
- Solicitar cierta información sobre las operaciones del negocio.
- Restringir cualquier venta además de comida y mercancía.

# Impacto de SB 946 - Ley de Venta Ambulante Segura

## Bajo SB 946, las ciudades no pueden:

- Exigir a los vendedores ambulantes que operen en un área específica o dentro de ciertas partes del derecho de vía público, a menos que la autoridad local esté restringiendo la venta para proteger la salud, seguridad o bienestar comunitarios o según lo determine SB 946.
- Exigir a los vendedores que pidan permiso de negocios o cualquiera además del gobierno.
- Prohibir a vendedores ambulantes estacionarios operar en parques públicos, a menos que el parque tenga un acuerdo de concesión, o el parque esté restringiendo la venta para proteger la salud, seguridad o bienestar de la comunidad.
- Restringir el número de vendedores ambulantes, a menos que la ciudad deba restringir el número de vendedores para proteger la salud, seguridad o bienestar de la comunidad.
- Adoptar requisitos adicionales que regulen el tiempo, lugar y forma de la venta ambulante a menos que los requisitos estén directamente relacionados con inquietudes objetivas de salud, seguridad o bienestar.

# Áreas potenciales de regulación

## Tipos de vendedores

- Alimentos y bebidas (incluidos en SB 946)
- Mercancía (incluida en SB 946)
- Servicios

## Requisitos de operación tales como:

- No vender a clientes en vehículos en movimiento
- Cumplir con las ordenanzas del ruido
- Limpiar la basura y mantener contenedores de basura adecuados dentro o en el transporte o ubicación
- No se permiten mesas ni sillas para los clientes
- Tamaño/superficie ocupada por la instalación



# Áreas potenciales de regulación

## Consideraciones de ubicación tales como:

- **Requisitos de distancia** tales como:
  - Mantener acceso ADA
  - Distancia entre vendedores para permitir un paso y formación de filas adecuados
  - Distancia de entradas vehiculares, cruces peatonales, escapes de incendios, hidrantes para incendios, entradas y salidas (incluyendo salidas de emergencia), ATM, parquímetros, etc., para asegurar el acceso.
  - Distancia de escuelas, bibliotecas, concesiones de parques/playas, y eventos permitidos.
- **A los vendedores en movimiento se les permite estar en caminos peatonales en áreas residenciales, áreas comerciales, parques y playas**
- **A los vendedores estacionarios generalmente se les permite estar en caminos peatonales de áreas comerciales y parques/playas con ciertos requisitos pero no en las áreas zonificadas exclusivamente como residenciales**
- **Ningún vendedor ambulante en áreas con sensibilidad ambiental con hábitats protegidos (p. ej. El Dorado Nature Center y áreas de humedales) y en espacios públicos alquilados (p. ej., campos de golf y Rancho Los Cerritos**

# Áreas potenciales de regulación

## Horas de operación tales como:

- **Residencial:** A más tardar a las 8:00 p. m. o al atardecer, lo que sea menos restrictivo
- **Comercial:** A más tardar a las 10:00 p. m. o el horario de operación al que se obliga a otros negocios en la misma cuadra, lo que sea menos restrictivo
- **Parques/playas:** No más tarde que la hora de cierre del parque/playa o el atardecer cuando no haya una hora designada de cierre

## Permisos y licencias tales como:

- Los vendedores de comidas y bebidas **deben obtener y mostrar un Permiso de salud de Long Beach** en todo momento a menos que estén exentos
- Todos los vendedores **deben obtener y mostrar una licencia comercial** en todo momento

## Otros esfuerzos no regulatorios:

- Educación y alcance sobre **seguridad de los vendedores**

# A quién contactar

## Respecto a inquietudes sobre seguridad y salud o para obtener un permiso de salud

- **Departamento de Salud y Servicios Humanos: Salud ambiental**
  - (562) 570-4132
  - [www.longbeach.gov/eh](http://www.longbeach.gov/eh)
  - [EnvironmentalHealth@longbeach.gov](mailto:EnvironmentalHealth@longbeach.gov)
  - 2525 Grand Ave Rm. 220 Long Beach, CA 90815
- El Departamento de Salud de Long Beach está comprometido a ayudar a las personas interesadas en volverse un vendedor de alimentos y obtener un permiso de salud. Contacte al Departamento de Salud si tiene preguntas sobre cualquier permiso relacionado con salud.

## Respecto a preguntas generales o para obtener una licencia comercial

- **Departamento de Administración Financiera: Licencias comerciales**
  - (562) 570-6211
  - [www.longbeach.gov/businesslicense](http://www.longbeach.gov/businesslicense)
  - [lbbiz@longbeach.gov](mailto:lbbiz@longbeach.gov)
  - 411 W Ocean Blvd, 2nd Fl. Long Beach, CA 90802

## Discusión abierta y respetuosa

- Tome espacio, haga espacio
- La elocuencia no es necesaria
- Abierto y respetuoso
- Respete las diferencias

**¿Qué comentario y reflexiones tiene usted en relación con el análisis preliminar de la encuesta sobre venta ambulante? ¿Hace falta alguna cosa?**

**¿Qué comentario y reflexiones tiene relacionadas con las áreas potenciales de regulación? ¿Hace falta alguna cosa?**



## ¡Muchas gracias!

Para obtener más información o para inscribirse para recibir actualizaciones sobre este esfuerzo, visite: [longbeach.gov/sidewalkvending](https://longbeach.gov/sidewalkvending)

**Daniel Ramirez, Coordinador de camiones de venta de comida y venta ambulante, Obras Públicas**

**Brenda Soriano-Villa, Asistente Administrativa, Oficina del Gestor de la Ciudad**

**Katy Nomura, Subgerente de la Ciudad, Oficina del Gestor de la Ciudad**

## Attachment B5: Sidewalk Vending Community Meeting Notes

### Executive Summary

1. There were some basic concerns about the formatting and clarity of the survey.
2. Many of the business owners who participated expressed their concerns with the Sidewalk Vendors (SV) and business equity as they perceived the possibility of SV not being subject to the same regulations as brick-and-mortar restaurants in terms of safety, wellness, insurance requirements (Worker's Comp and Liability), hand washing, restrooms, the cost of annual permits, tax collection, and the inspections process from the Health Department (surprise inspections). Many of the business owners who participated in the conversations expressed their desire to hold the SV to the same standards as regular business owners for business equity purposes.
3. Many of the participants expressed their concerns on accessibility, ADA access compliance and the possibility of street vendors possibly blocking the right of way into brick-and-mortar businesses, fire hydrants, etc.
4. A small segment of the participants expressed their concerns with the enforcement of City's rules and regulations, pointing out that Long Beach banned polystyrene containers for local restaurants, but SVs still use them. A smaller sample also mentioned they had seen street vendors selling liquor without the appropriate license.
5. A moderate number of the participants expresses their concerns for the wellness, safety, and health of both the street vendors and their customers. The participants cited the use of cash from the sellers which makes them a target for crimes. The same number of participants also expressed their concerns with the street vendors setting up shop very close to schools where according to them the SVs reduced accessibility, blocked traffic, and impacted the health of the children.
6. A small segment of the participants expressed their desire to have some type of business guidance/training for SVs so they can better understand how to transition into more formal business models with the appropriate funding, permits, licenses, etc.
7. A moderate number of the participants expressed their concerns about large companies setting up shops and passing them as individual businesses representing them as SV's, while they could possibly be part of larger businesses. The same group suggested a limit on the number of permits/licenses to each individual SV.
8. A small segment of the participants expressed their concerns about the possibility of indentured servants being forced to operate as SV by organized crime.
9. A moderate number of participants suggested regulating business hours for SVs to ensure safety for the SVs and also to reduce nuisances from having SV's operating at all hours of the day.

### January 30, 2023: Virtual Presentation

- Appreciated the extensive data collection and multiple modes of engagement
- Inquired about the frequency of oversight/monitoring sidewalk vendors to make sure they are following current city protocols. Recommendation would include oversight/monitoring of where vendors are located across the City – maintaining an up-to-date map of vendor locations.
- Survey findings appear inconsistent with the sentiments/concerns of COBA (business improvement districts)

- Brick and mortar businesses are concerned about the lack of permitting requirements for street/sidewalk vendors
- Feedback for future data collection, allow people to identify what kind of stakeholder they are (i.e., business owner, property owner, neighbor, etc.)
- Some stakeholders were not aware of the survey/outreach that was conducted
- Questions regarding City's engagement of brick & mortar businesses, what feedback came from the survey and other means of engagement.
- Ensure that a health permit and business license be required for vendors
- Concerns for cleanliness of the area; accountability for maintenance of public right-of-way
- Considerations for Health Regulations (handwashing sink/facility, restroom requirements). Traditionally, restaurants are randomly inspected by a food inspector – e.g., temperature checks, etc. Businesses will be shut down if not in compliance. With such few enforcement officers, what does the oversight and enforcement of enforcement officers look like?
- Observation that when sidewalk vendors shut down, the public are not informed or notified of why – this gives the impression that there are no consequences for sidewalk vendors. Potential risk of reopening at another location and people could get sick.
- Similar to handwashing facility needs, questions/concerns for handling of money and food
- Topics of regulation: Not having chairs/tables for vendors (customers)
- Concern for the potential risk for illicit activity/monopolizing of street/sidewalk vendors. What controls/regulations should exist to ensure workers are not taken advantage of?
- Consideration for a tax to maintain the sidewalk where vendor operates (i.e., power washing)
- Required displacement of A, B, C rating (+2) – recommendation for clear posting
- Concerned about trash, frustration with not
- Concerned about experience for brick and mortars – especially in regards to fees and jumping through hoops. Feeling disappointed that nothing about the reality of brick and mortar experience being captured.
- Concerned about the process for opening brick and mortars in the city of long beach
- Expressed frustration with fees, health requirements for employees, work rules associated with operating a restaurant, equity in health standards between sidewalk vending and brick and mortar.
- Concerned that parking in existing parking stalls constitute theft – not paying for cleaning, waste, and negative cleanliness. Frustration with the survey – and concerned about pay rates for sidewalk vending employees. Concerned that it doesn't benefit City of Long Beach
- Desire to collect information from brick and mortar businesses as well
- Concerns about the environment (diesel engines, gasoline). Concern that diesel emissions, and grease
- Concerns about Styrofoam to-go containers, litter
- Concern that sidewalk vending is contributing to downtown restaurant business vacancies, and not just downtown
- Concern that there is an inequity between sidewalk vending and brick and mortars
- Expressed frustration with inequity for retailers – sidewalk vending and retail
- Frustrated with parklets, and the fact that retailers were left out.
- Express the want to encourage best practices with street vendors, looking to apply proper regulations
- Concern that there is a lack of enforcement by the city in regards to what is already happening
- Express the want to enforce parking, dumping – through fines



- Express concern that most of the operators are not Long Beach businesses, concerned that it is tied into human trafficking
- Concerned that the lack of enforcement over turnover negatively impacts community, especially emphasizing the economic value loss. Concern that taking a spot leads to a major economic loss to retail corridors (not just in meter revenue, but new visitors)
- Express - Is it possible to have a food truck area?
- Concerned about sidewalk vending frontrunning businesses
- Express interest in size regulation – the footprint of a vendor – ADA regulation is important
- Express interest in distance from door/disabled parking lot – making sure it is safe for wheelchair users
- Express interest in limiting certain areas for roving sidewalk vendors (I.e. beach, park)
- Express interest in mobile businesses, hoping to have place for people to park for several hours and then move on – even if it means paying a fee for several hours
- Express concern with sales tax, payroll tax, property tax
- Express concern with health permitting – how do you allow for the cooking of meat and checking with the health department?
- Express concern with the safety of inspectors, express concern that these are not mom & pop shops
- Express concern with safety threats from sidewalk vendors
- Expressed concern with unintended consequences of these state laws
- Concern that sidewalk vendors may be exploited
- Concern that ADA ramps are blocked by sidewalk vendors and support vehicles
- Concern that fire hydrants are blocked
- Concerned that no-parking signs are not being followed
- Express desire to enforce parking laws
- Express desire to enforce littering fines
- Express desire for health permitting and checked and followed through
- Express desire for licensing based on type of sidewalk vending
- Express desire to take a close look at above-board costs for holiday market and other types of permits/fees
- Breakdown Question regarding operating hours or locations of
- Proposal to restrict sidewalk vending in BIDs - Seconded, and third support
- Counterintuitive to work that has taken place to establish BIDs
- Definitely require a Health Permit and Business license
- Location-based licensing and health permit
- Enforcement arm needs to be substantial - after hours and weekend is a must
- Requirement to protect surfaces, proper disposal of grease
- Extend the ban on Styrofoam to-go containers to sidewalk vendors
- If a sidewalk vendor is hurting a business, ex: Smoking meat next to a vegan restaurant, a business owner should have the ability to request that the City remove the vendor as a welfare concern
- Require a Point of Sale System to somewhat track Taxes
- Annual report of sales tax portion revenue received from sidewalk vendors – Ultimately, is the city benefitting from sidewalk vendors
- Public facing map of permitted special events and sidewalk vendor distance requirements from them. n of type





- The ban on Styrofoam to-go containers has not been enforced, and it was originally envisioned that fines from the enforcement arm, would in turn fund the enforcement, hopefully this ordinance does not end the same. s of vendors and how many stands they own
- Comment: Beginning of presentation heavy focus on advantages rather than concerns
- Survey seemed limited, as a concern: walking in the city and the importance surrounding that the safety is not considered and needs to be regulated so its not dangerous. How and where they will take place in relation to the additional bicycles, and electric scooters.
- When we can hear about how we go about penalties with those that are violating regulations. Ex: cleanliness and trash how will these vendors get penalized? What is the plan on how they will work.
- Comment: Regulations are pointless if no one is imposing them, useless waste of time and energy if we have no monitoring. Additional monitoring will require staff time or money. The safety of public should be considered rather than just the safety of vendors and tax payers.
- Concern regarding busy vendors and dangers. Businesses have vendors that have to pay taxes, rent and it hurts business. Where can we find a balance to regulate the amount of people in a certain area. Businesses have very strict health codes, we would like to see them amongst vendors as we see them even with food trucks.
- Permits and paperwork for non US citizens
- Safety vendors and concern surrounding hostility towards vendors
- Vendor safety to be considered and somehow have some enforcement. How can we do this and keep vendors safe? Food safety, licensing, and Sales tax?
- Fair wages for the people working.
- More resources for enforcement.
- What about exhaust from cars contaminating food? brick-and-mortar restaurants.
- Enforcement concerns. Vendors do not start until after 5pm. Concerned about fines. Wants a tiered fine.
- Some vendors are serving alcohol without an ABC license.
- Concerned about sales tax and other fees brick and mortar businesses have to pay. Concerned about health requirements.
- Wants to encourage people to follow regulations. Including cleanliness.
- Who is responsible for injury in the ROW.
- Would like to get the police department involved with enforcement.
- Fines to brick and mortar businesses are not equal to fines to sidewalk dining.
- Why was health department able to shut down restaurants during covid but they can't do anything about sidewalk dining.
- Business owners want the same regulations they have imposed on sidewalk dining.
- Threats of violence between street vendors that are following the rules and those that are not.
- Can the police give out tickets for health or business department violations.
- Educating and assisting SVs on the process to obtain health permit. Educating the public on what exactly SB 946 is and how it promotes access for SVs to permits.
- Schools needs SV to provide meals, nutrition, public spaces.
- Provide more information to the bill itself, FAQ sheet, with any outgoing information.
- Providing the clear differences between SVs and brick and mortar for public.
- Clarity on CLB needs to provide a clear emphasis on limiting SVs from brick-and-mortar locations – who can sell what in front of where. Letting the customer decide what they want to buy and where they want to buy it from.



- Food deserts – no limits on when SV can operate in public.
- Question/concern about restricting SVs from Farmers Markets. Litigation in Los Angeles. what the current laws for sidewalk.
- Huge deal for me. Owns a business on 2nd st. Pays for workers comp, and all types of expenses. This makes me want to close my shop and open a roving shop. There are no regulations. No bathrooms, nothing. Don't agree with this at all. Long Beach can say no like some cities in OC do. Should be a vote by the citizens.
- Business owners on anaheim. Agree that the street vendors need regulation. Need to pay their dues. Unfair that they don't pay and the business owners do. No rent, no employee payment. The vendors will make the streets look more chaotic.
- It's not just rent and payroll. The street vendors are not paying sales taxes either. If the business owners need to close because street vendors are set up in front of their business, that will hurt the taxes the city collects.
- What about ADA? IF business owners are allowing taco trucks to park, they should also have to pay a fee to host them. Concerns about bathrooms, water, food storage, cross contamination
- The survey was confusing. Not against the vendors who have gone through the process with the city. The survey made it hard to understand whether it was asking about food carts or pop-ups. More concerned about the pop-up establishments. Want to support the entrepreneurs who do it the right way and can contribute to the neighborhood.
- Re-do the survey so the difference between mobile and non-mobile operations are more clear.
- Specify on the survey if you are against vendors overall, or just those who are not meeting the regulations.
- Restriction on the feet from another restaurant. Why are pop ups ok but taco trucks need to be 100 feet away from a restaurant.
- Concern about trash, oil, cleaning the street.
- How will parking be affected? Businesses hurt by loss of parking because the pop ups and vendors are taking the space.
- Fire regulations and pollution regulations. Health dept regulations.
- Impacts on the residents negative or positive. Limited near residents too many at the street
- 1 said Survey was fine
- 1 felt Survey was for vendors, results vs residents, making separate survey for vendors and one for residents
- No question how important the positive was vs the negative, too much focus on positive, nothing for negative questions, nothing of value to the community
- 1 Didn't see survey
- 2 Conflicting survey results, redo it
- What is the city doing to enforce? Is there a funding to enforce?
- Garage sales are enforced why are these unpermitted stands not?
- Same set up at most taco stands, is the city going after the owners of multiple stands?
- Using all sidewalk space, walk around the vendors, health and safety issues mechanical fridge and no food safety
- Can the city afford enforcement, should come from permits, support the enforcement, permitting process?
- Concerned resources/ if we can't enforce why are we allowing this to happen in our city?
- what is the plan to enforce, resources?
- Regulation on lighting



- Not every area is being addressed equally, they don't see vendors on 2nd street other affluent areas
- Common input was that the sample size was too small
- Some were saying that not enough people knew about the survey, and it was not broadcasted adequately
- Some were saying that they knew about the survey itself after the fact
- The overall focus of this room was on the implementation of regulations for sidewalk vending, primarily food
- Business owners were concerned about the equity of fees compared to brick-and-mortar business owners
- From non-business and business owners, supporters and opposers of sidewalk vending, they were all in support of bringing these operators into compliance
- Regulations of locations in compliance with all ADA etc. (other health and safety concerns)
- Survey questions were right on
- Number of actual sidewalk vendor surveys
- One on one outreach with vendors
- Is there a way to get connected with vendors?
- Live surveys for vendors in the field.
- How the answers were a little different between residents, business owners
- Differentiate food trucks and sidewalk vendors?
- Food safety data related to sidewalk vendors; it shows that it starts in stores.
- Foodborne illness data and where it originates
- Avoid stereotypes and educate about vendors and that they are actual business owners
- Survey came directly to email from the council member.
- Parking concerns
- Safety and cleanliness
- Avoid loitering for safety issues
- Hours of Operations should be considered for safety concerns
- Signage for the hours of operation
- Parking hours for food trucks or SWV whose location impacts parking for residents
- Residents are told not to park in the area where food trucks are setting up, the reverse should be the same.
- Roaming vendors, have some nuance with locations where it could be mixed use
- Regulated and enforced with staff and signage
- Leave room for conversation where there are wider sidewalks, if ADA access, or no impact on parking. The size may not necessarily may have an impact.
- Look at closely blocking access to schools, libraries, etc. There could be some positivity that comes from vendors in these areas, it could serve the community in a positive way
- Vendor shouldn't be treated like a liquor store near a school, vendors shouldn't be immediately perceived as dangerous.
- In parks and beaches, all locations are fair game if there is no permitted group.
- Be careful not to permitted groups to much power to keep vendors away or push them to far out from spaces they can legally be at
- The footprint or size of vendors should be flexible and related to the potential space where they will conduct business.
- Be open to nuance City of Long Beach when drafting the ordinance



- Ordinance should be careful with creating limits, one vendor's size might work in one area and
- Concerned for Health & Safety of patrons. If someone eats from a street vendor, is there a method for reporting or make known their concerns?
- Health is not a big concern. "Eat at your own risk"- You can see the food being prepared. If you don't like it, don't eat there or don't go back.
- Issue with enforcement. How to enforce regulations with "bad actors"? Health Department doesn't have the manpower to regulate all of the unpermitted vendors.
- Missing: Infrastructure. The city promotes walkability, biking, outdoor activities. How to best utilize outdoor spaces for all vendors, consumers, pedestrians, bikers, etc.
- Hours of operation: Hours are too restrictive. Tourists in downtown area or people in North LB who don't get home until late hours. Restrictive hours limits accessibility.
- Vendors in some areas promotes public safety, community and camaraderie. In an area that may not be well lit at night, food vendors provide lighting and community presence.
- Parking limitations. Trucks downtown take up a large portion of parking leaving little for people who are trying to patronize the downtown businesses. Will there be a limitation on how much parking will be allotted for vendors?
- Distance from schools and churches: vendors outside of schools provide more nutritious food than fast food, which still may be quite a distance from the school. Vendors outside of churches bring community together and is cost-effective for families who may not be able to afford dining out at a restaurant.
- Vendors in residential areas creates community between vendors and residents.
- Restroom access for vendors: will there be regulations
- Concerned about competition for brick and mortar facilities.
- Once implemented, how will vendors be informed? Will there be an education period or will the vendors be cited immediately
- Centralizing vendors to specific locations only will lead to accessibility issues for those in food deserts.
- A majority of the concerns were around brick-and-mortar businesses – safety concerns, cleanliness concerns, long lines, parking concerns (limited parking for other businesses and safety personnel).
- Accessibility issues and safety concerns around business corridors – open grill (concerns around fire and the safety concerns for people who are blind, influx of people in the street).
- How vendors affect brick and mortar businesses.
- Should be mandatory – health licenses, require vendors to comply with ADA
- Vending enforcement was also a key item of discussion – suggestions included violation fees such as parking fees.
- Add regulation – proof of people paying minimum wage.
- Data around folks getting ill as a result of street food.
- Participant expressed concerns on the regulations being too harsh, especially in downtown when there are many fire hydrants (etc.), density could be an undue burden. The main concern from the participant is over regulation.
- One of the participants expressed his desire to understand how health and safety is different between street vendors and regular restaurants...can the City elaborate on those differences?
- A participant expressed his concern that regular restaurants are heavily regulated while the street vendors may not have the same level of regulations. The participant advised operating hours are different for street vendors from regular restaurants.



- The same participant expressed his concerns that regular businesses have tax liabilities that street vendors don't have.
- Physical distance and restroom access.
- A participant advised he had concerns and requested for a better understanding on how the size of the street vendor operations may impact regulations, fees, permits, requirements. Participant has seen different size operations (small, medium, large). It would be nice to understand how that would impact policy and the costs associated with the permits.
- One participant expressed his concern on who is going to regulate the street vendors during the evening hour. He advised the health department won't do it because the Department has limited staffing. The same participant also advised regular restaurants get visits from the health department ever 3-6 months, but not the street vendors.
- One participant requested Council considers the equitable impact of policy on regular street vendors since the entry into the restaurant industry can vary depending on capital. The participant's concern as he mentioned, would be the impact on the working class severely since they face the largest burden entering into business.
- Another participant expressed his concerns about fairness vs. Equity. His concern was based on the fairness to brick and mortar businesses who applied for permits, comply with health, local rules, permits, etc., vs. The street vendors who don't. His main concern was on what's next on the regulation frontier? If we don't regulate street food vendors, What's next? Will we have clothing vendors in front of clothing stores?
- One of the participants suggested for better education on obtaining business loans for street vendors to start their own business. The participant advised It's not easy, but can be done.
- One of the participants advised/recognized the City is working on State parameters.
- One of the participants commented/highlighted the liability potential for the City when there are limits on parks that have concessions. How does that impact regular restaurants.
- One of the participants suggested it would be helpful to get the history on how current restaurant owners started their own business so regular brick and mortar restaurants can related to these new startups (street vend Suggests that survey should be posted publicly for longer time period to capture more responses
- Glad to see proactive feedback seeking via survey
- Recommends having data controls on future surveys – current survey allows people to answer many times and concerns that City has no ability to track who is answering what.
- Concerns that LB will become a place filled with tents like a swap meet, particularly in residential areas – compares to LA state of SV
- Concerns that brick-and-mortar businesses face more barriers to start up than SVs
- Concerns of regulation from a health and tax paying perspective
- Concerns about food safety (temperature, handwashing)
- Concerns of block sidewalks and accessibility for people who are disabled
- Concern for enforcement – how will this be paid for? Where will budget come from within City?
- How do we hold businesses/SVs not following the regulations, how do we hold them accountable? What is this process and how do we pay for it?
- Concerns about difference between public vs private space SVing enforcement
- How do we access SVs for enforcement of regulation?
- Recommends considering stores in place and involve them in the permitting process if possible for SVs
- Recommends requiring SVs to post business license like stores + food trucks
- Recommends regulation by neighborhoods/geographic zones to meet hyperlocal interests



- Worried about street vendors and what types of penalties will be incurred in any violations? How many inspectors will be engaged in law enforcement?
- What types of regulations currently exist for street vending?
- How many food carts can street vendors have? Concerns about business owners leaving out-of-town vendors and not paying taxes. Concerns about supplier safety and food handling safety,
- Will permits be restricted to Long Beach residents and/or out-of-town individuals?
- I want this to be available to Long Beach residents. Concerns about people outside the city occupied the number of assigned permits
- Will the city give permits based on how many cars or employees? Or both? Think that the maximum number of permits is two per residence.
- Will permissions be unlimited?
- Like food trucks, street vendors should be granted similar access.
- Carts should be designed to match the operation or food being sold.
- Concerns about calling the police at street vendors and sometimes walking pastones and feeling disturbed.
- Street vendors must receive permission to make them feel confident about their operation. Permits must be able to track how many cars, trucks, etc., are tied to the business.
- Concerns about the business owner monopolizing street vending. People should be given the opportunity to run their own business and have their own permission.
- Worried that restaurant business owners are getting involved in the process only to obstruct it.
- Will street vendors be required to store their carts in a special facility or can they take them home?
- Will street vendors be required to have an EIN number or social security number? Either one or the other? Or both?

#### January 26, 2023: In-Person Presentation at Martin Luther King Jr. Park

- The survey could be skewed because it was difficult to navigate for some.
- There is a concern about enforcement. There is a perception that the Health Department is not currently enforcing on food vendors and will not be able to enforce on food vendors.
- Permits should be owner-operator based; not multiple permits issued to one person.
- Opposed to Corporations being eligible for permits
- Vendor's should be required to have a CA Seller's Permit
- Customers prohibited form parking in adjacent business's parking lot
- 6'x3' Vendor Footprint
- Require a certain distance from marked scooter parking
- Unfair that park and beach concessions are protected but not regular businesses
- Require a sidewalk use permit
- Allow vendors to close later than businesses near them, maybe 10 or 11, as sidewalk vendors provide food options when other businesses are closed
- Provide economic incentives for brick-and-mortar businesses.
- Surprised by the 2/3 in favor of SWV with some or no concerns.
- Two members stated the survey was difficult to follow.
- Some members of the breakout group were confused by the wording of the questions.
- Surprised by the 2/3 in favor of SWV with some or no concerns (regarding the surray).
- Two members stated the survey was difficult to follow.
- Some members of the breakout group were confused by the wording of the questions.



- General theme for Hours is that they should be drafted wisely and consider the different areas affected.
- Hours of operations are unrealistic
- In some cases, the hours may need to be extended
- One member in the group prefers hours not be extended
- Hours should differentiate between Residential and Commercial areas)
- Footprint of Vendors
- Eddie – 10 X 10 feet is reasonable
- One person said 10 x 10 is too big and depends on where it is setting up.
- What will the space between vendors be?
- Will the types of spaces vendors are allowed in be identified?
- Examples of vendor types and their footprint was discussed
- Ice Cream Pushcart
- Taco Stands
- Vendors with cooking grills that extend too far should not be allowed.
- Ordinance should address the size of the vendor and how many vendors are allowed in an area.
- How many pop-up stands can an owner have in the city?
- The City of Lakewood has an ordinance or doesn't have this problem.
- City staff should study the city's processes
- Avoid residential areas
- Promote in the business districts
- Avoid locations near liquor stores
- No alcohol signs should be displayed
- Either by the vendors or by the city.
- Educate vendors on the ordinance when it is released. It should be easy for vendors to understand the new ordinance. City should focus on education of vendors and the public.
- City will need all hands-on deck approach during the first months of the
- Can signs be posted with hours of operation or displaying any information related to sidewalk vending?
- Can the ordinance restrict the number of permits in an area that are allotted?
- Can the ordinance choose where the vendors sell?
- NO ALCOHOL ALLOWED or Sold
- No loud music
- Can special events be created for vendors only in designated areas?
- How will the licensing process work? One license per cart?
- Will payroll taxes be assessed?
- Is a business license going to be needed?
- Not enough community input
- A similar meeting for food trucks would be appreciated. "Feeling left behind"
- For context, my group were all food truck owners under the impression that this meeting was going to cover them too.
- Concerns after after hours enforcement.
- Not enough Health Department presence to count on their enforcement
- high traffic areas like The Pike should be open to trucks/vendors but everyone needs to be regulated.
- Where can trucks go if everywhere has parking signs targeting weight and height restrictions?



- "Public Safety" "Public Welfare" etc. need concrete definitions and explanations to be fair
- Everyone should be allowed to compete
- There needs to be regulations but the City needs to make sure minorities are not targeted.
- Concerns about prejudicial behavior toward the street vendors based on race.
- Trucks/Carts are a diverse, low cost, efficient option that attracts tourists.
- Perceptions that anti-vending opposition is along racial/prejudicial lines
- The City needs to pass a law and actually enforce it. That means workers checking for permits, after hours inspections etc.
- Concerns over lack of enforcement were another common theme.
- The City should show how vendors are benefiting it's neighbor cities inside LA County.
- Carts should be commissaries like trucks (An at actual commissary).
- Who monitors the health permits?
- How will the city/health department handle the increase in street vendors?
- It does not seem that the city is inclusive of other cultures sidewalk vending (in terms of perception)
- Vending is taking place between 5pm-10pm; operating after business hours and weekends
- Concerns of reporting abilities during after hours
- Concerns of food safety (lack of sneeze guards), who is checking the sidewalks (interrupting ADA walkways)
- Concerns of blocking sidewalk traffic
- Concerns of zoning and commercial corridors coupled with "mark out" areas
- Concerns about vendors setting up in front of other permitted/licensed businesses. is it fair to the business?
- What kind of permit do you need for selling products, not food?
- Concerns about merchandise products such as phones and potential scam to steal people's identity/personal information
- What type of benchmarking was done? What have other cities done? What type of perception are we trying to give?
- Will another survey be issued?
- If the city going to allow/permit then the health dept should have a dedicated sidewalk vendor division/team
- Concerns about response/effectiveness between different neighborhoods
- Concerns about staffing levels
- Concerns about vendors moving location upon confiscation of equipment (ongoing issue)
- Are citizens able to call the police department to report vendors?
- Can we pivot to not go down the route of sidewalk vendors as a term?
- How are they being protected by local gangs?
- Concerns about propane tanks and safety of people walking by
- Could we do parameters around how the food is cooked?
- What areas did the survey take place?
- Zoning? These stands seem to be everywhere. Could the City enforce what areas they can be located in?
- Business Licenses. Are these vendors required to get City Business Licenses and Health Permits?
- Does the City have enough staff to oversee this problem?
- In other city's Human Trafficking has been found to be a problem, with workers? How is the City of Long Beach prepared to deal with this issue?





- The stands do not have three compartment sinks, restrooms, etc. How is this not a health violation?
- Traffic, safety, and health concerns with street vendors setting up shop near schools where the vendors can block traffic, sell unhealthy food, and carry cash which can attract criminals (Lincoln Elementary School).
- Hours of operation focused on food sidewalk vendors
- Residential: 8am – 8pm or sunset
- Vendors usually leave before sunset due to safety reasons
- Commercial: 8am – 10pm, 8am – 11pm
  - After 10pm being mindful of noise both by external speakers and noise level in packing up.
- Abide by similar rules that restaurants must follow related to noise
- Beach/Parks: 8am – 10pm, 8am – 11pm
- Vendors typically leave upon closing hours in these locations because their potential clients leave
- Restrictions on Proximity based on similar products for example a restaurant that sells tacos to a sidewalk vendor that sells tacos
- Sidewalk vendors should keep distance amongst each other for safety and pedestrian passage
- Permit
- Question on lack of clarity of LA County health permit versus City of Long Beach being valid within Long Beach?
- Attendees had differing comments on whether an LA County Health Permit works in Long Beach or not.
- Application assistance
- Work on promoting it by
- Sharing with Spanish news media
- Text banking
- Facebook pages
- Financial burden of complying with health code for restaurants versus sidewalk vendors that are not in compliance with health code
- Loss of business for restaurants
- Vendor safety related to an owner having multiple workers who vend and are dropped off in the City to sell and later picked up
- Protection for sidewalk vendor “employees” from sidewalk vendor “owner”
- Concerns for survey credibility related to turnout levels
- Concern for safety of SV workers and customers
- Suggests gathering department feedback on their role in SV regulation such as budget and resource usage (ie FD, PD, Health)
- Recommends processes in place for accountability about health concerns
- Ex. Who to call when person is ill after consuming SV food, figuring out who is permitted
- Concerns for worker and owner accountability to business responsibilities such as taxes, payroll, and workers compensation
- Concerns for sanitation such as grease and litter on sidewalks
- Recommends SV zones to help with tracking
- Recommends further exploration of other city regulations and their impact
- Suggests SV required to obtain and display permits and licensing



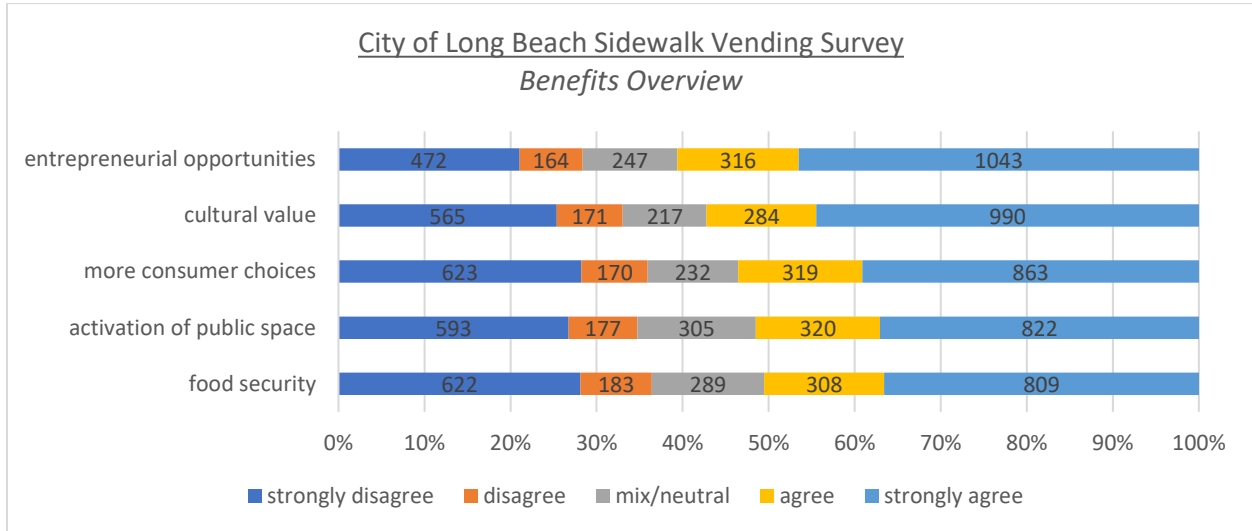
- Suggests Health department have more staff and resources to permit and inspect businesses including SVs
- Requests clarified timelines and decision path from City
- Recommends requirement that considers community impact such as operation hours, lighting, and noise
- Concerns for creating whole process that is so built out it isn't followed
- Recommends creating process to have contact info, permitting, and health dept. ratings available to public such as a QR code
- Concerns for how City will generate revenue (taxes, fees, cost of City services)
- Recommends identifying ways to have SVs invest in community such as business development orgs like DLBA
- Will there be a limit to the # of permits given?
- Recommends ways to have community and City support/reward SVs that are properly permitted
- i.e. List of permitted SVs for community events, using this as a tool to engage the community, etc.
- Suggests clarity and transparency when defining exemptions – limit subjectivity



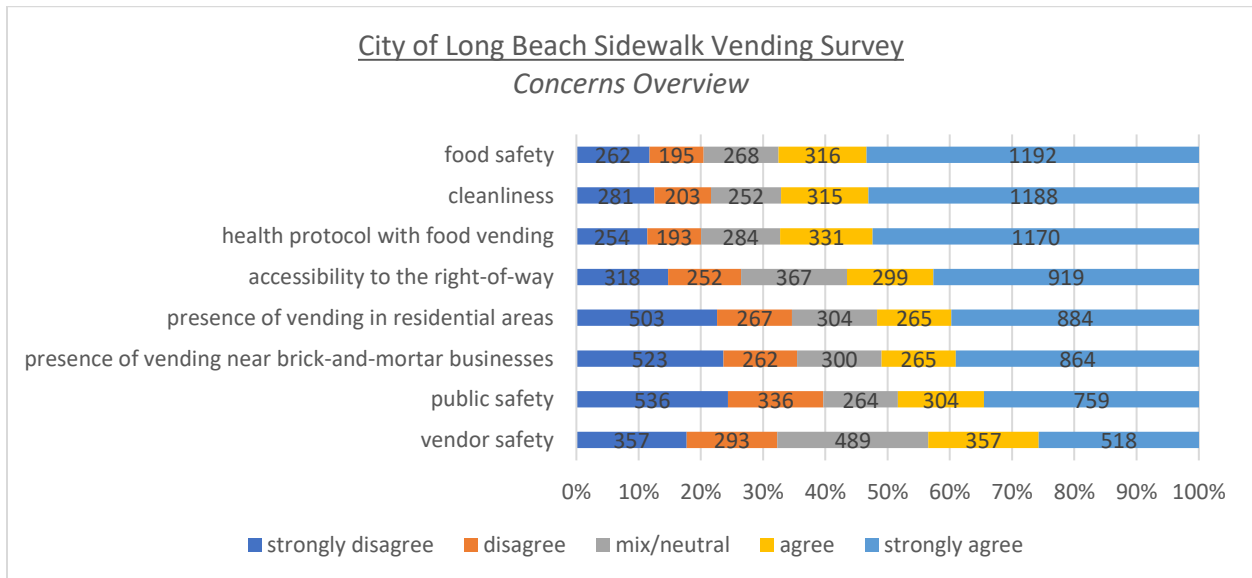
## Attachment B6: Sidewalk Vending Survey Graphs

### Graphs Represent Total Survey Respondents

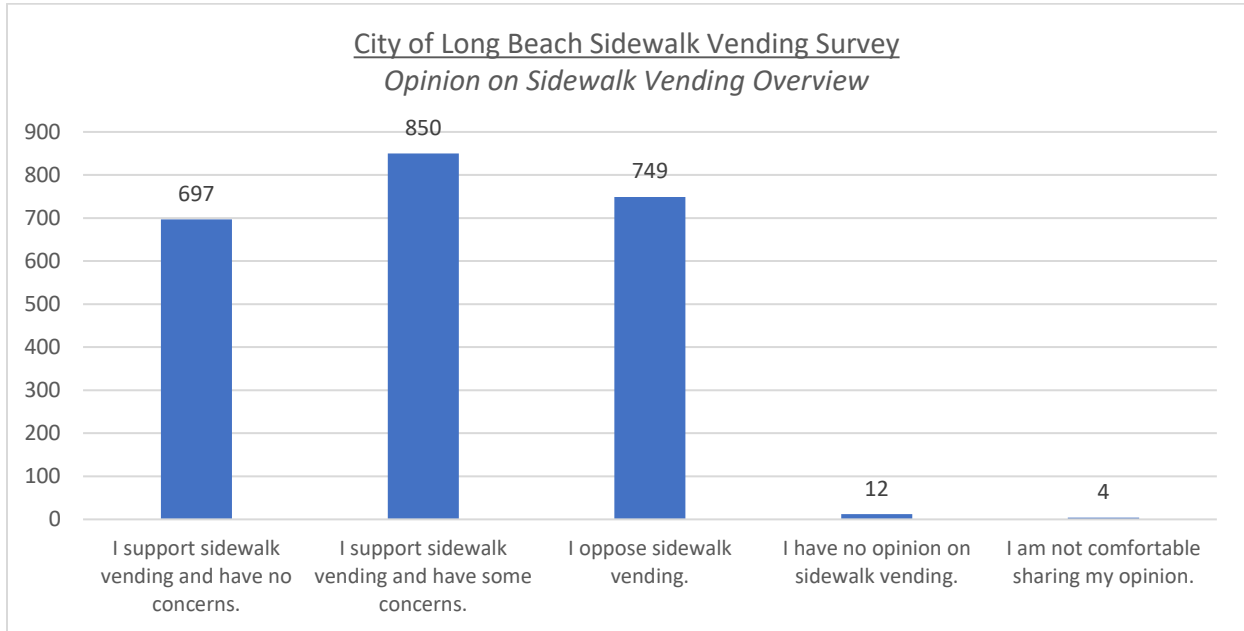
Question 1: In your opinion, the benefit of having sidewalk vending in the City is...



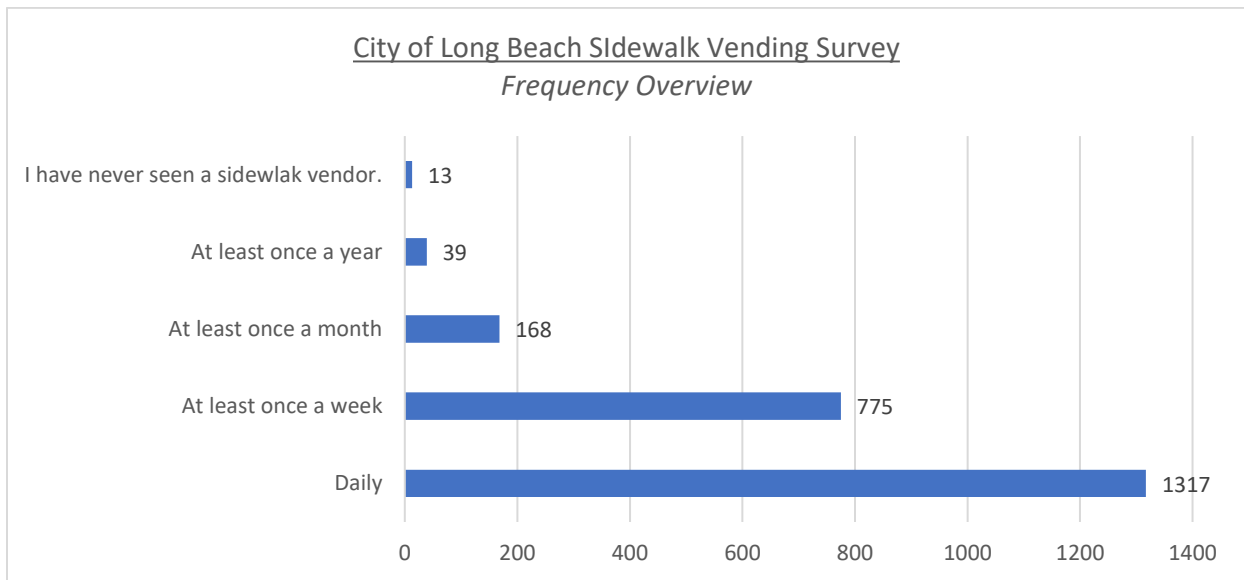
Question 2: In your opinion, the concern with having sidewalk vending in the City is...



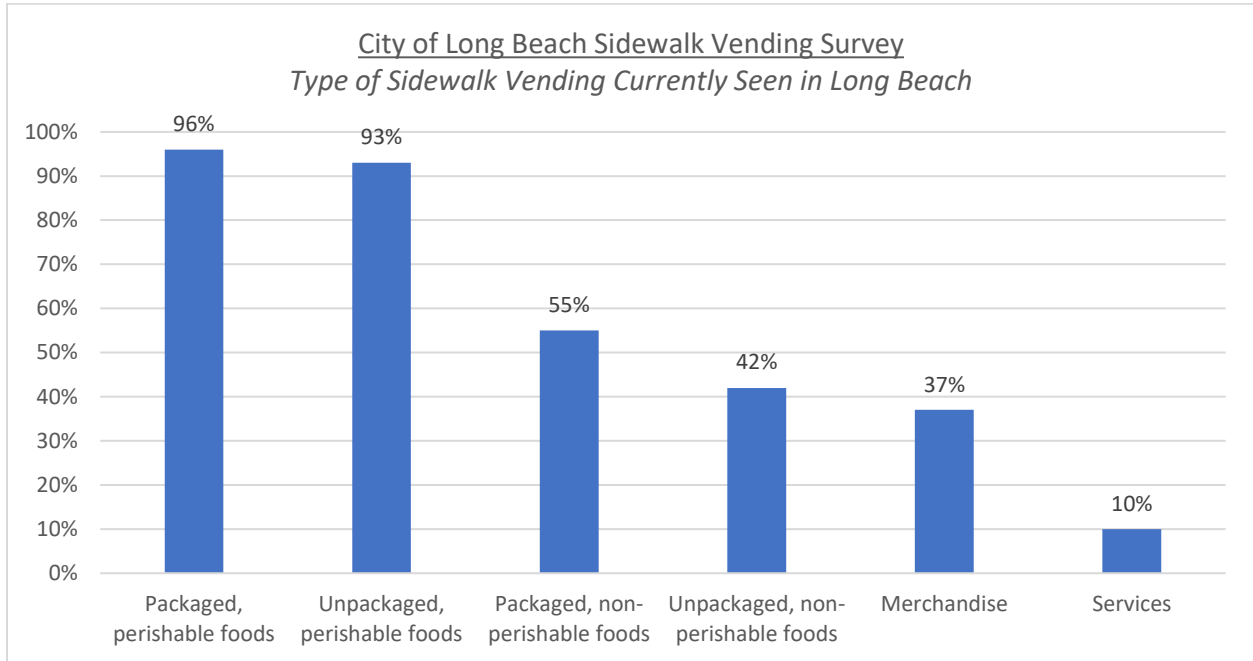
Question 3: What is your opinion of sidewalk vending?



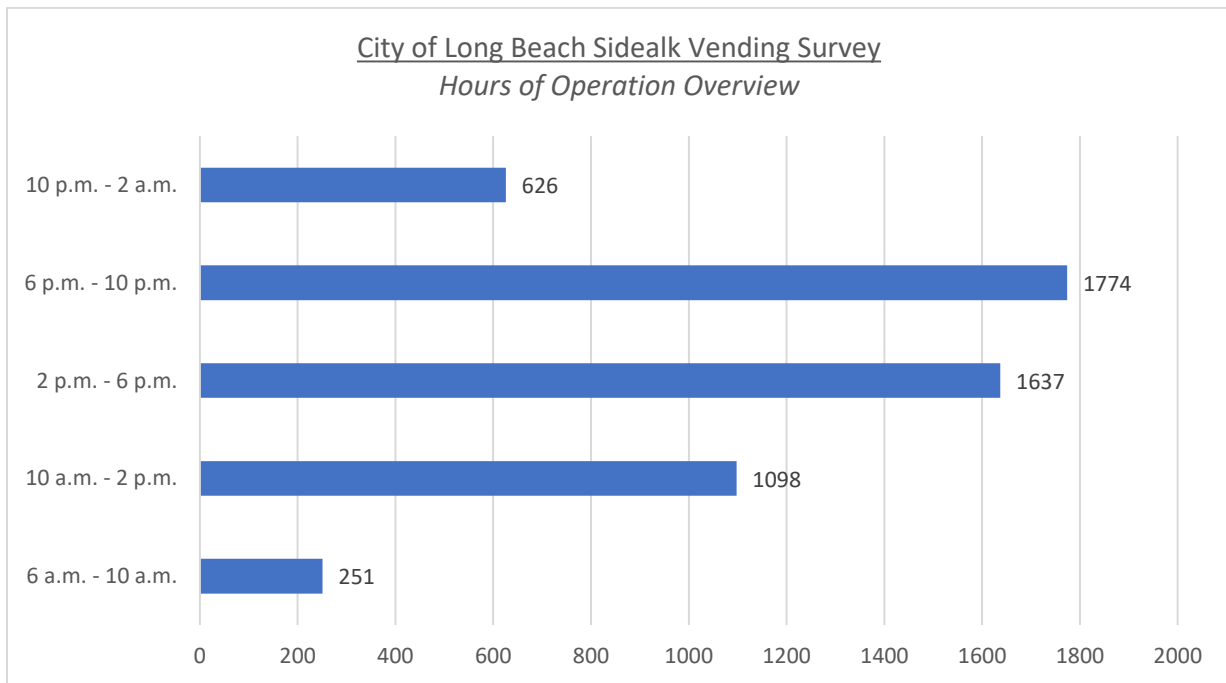
Question 5: How often do you see sidewalk vendors in Long Beach?



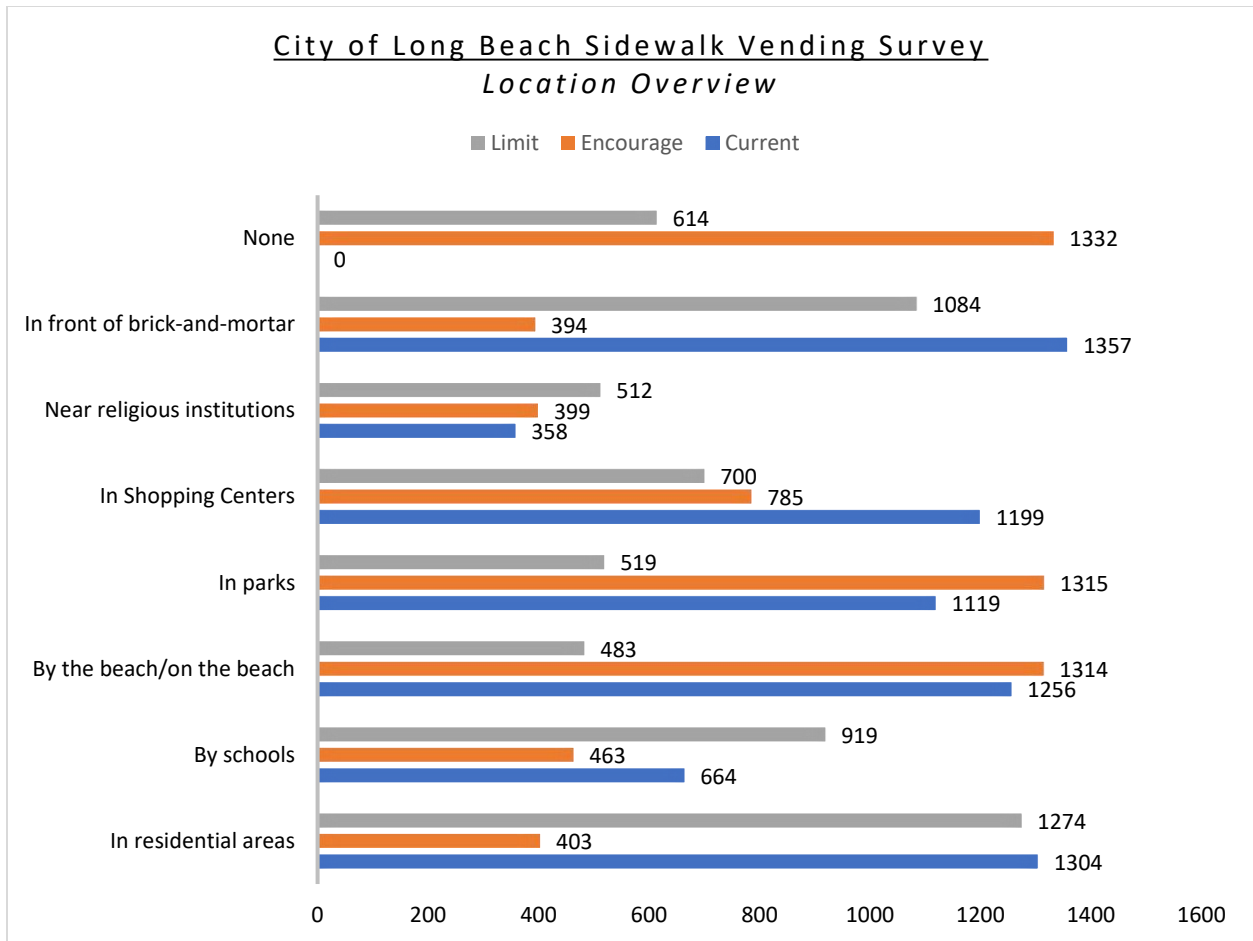
Question 6: What type of sidewalk vending do you see? Select all that apply.



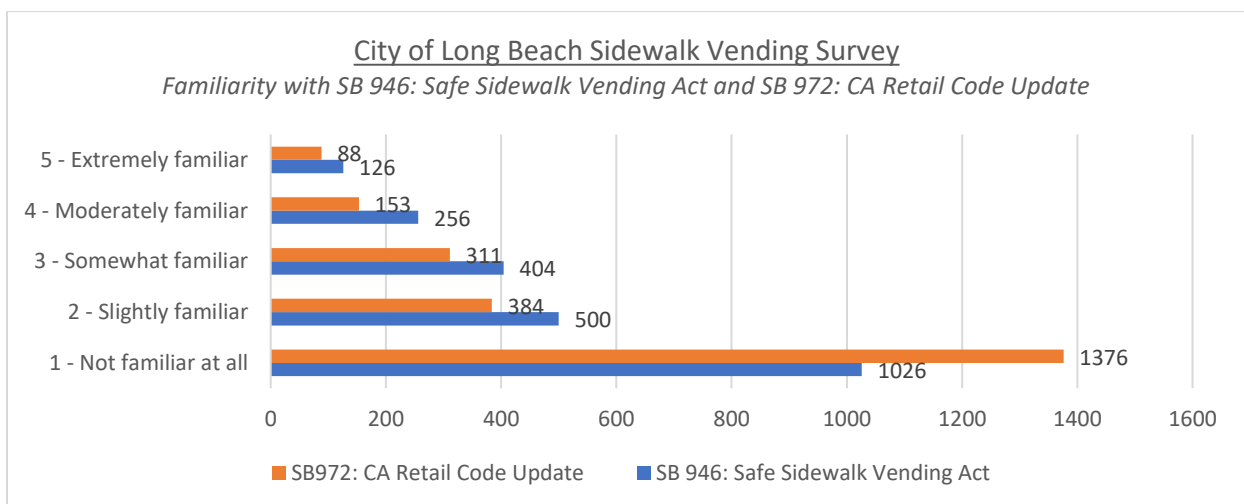
Question 7: What time of day do you see sidewalk vending? Select all that apply.



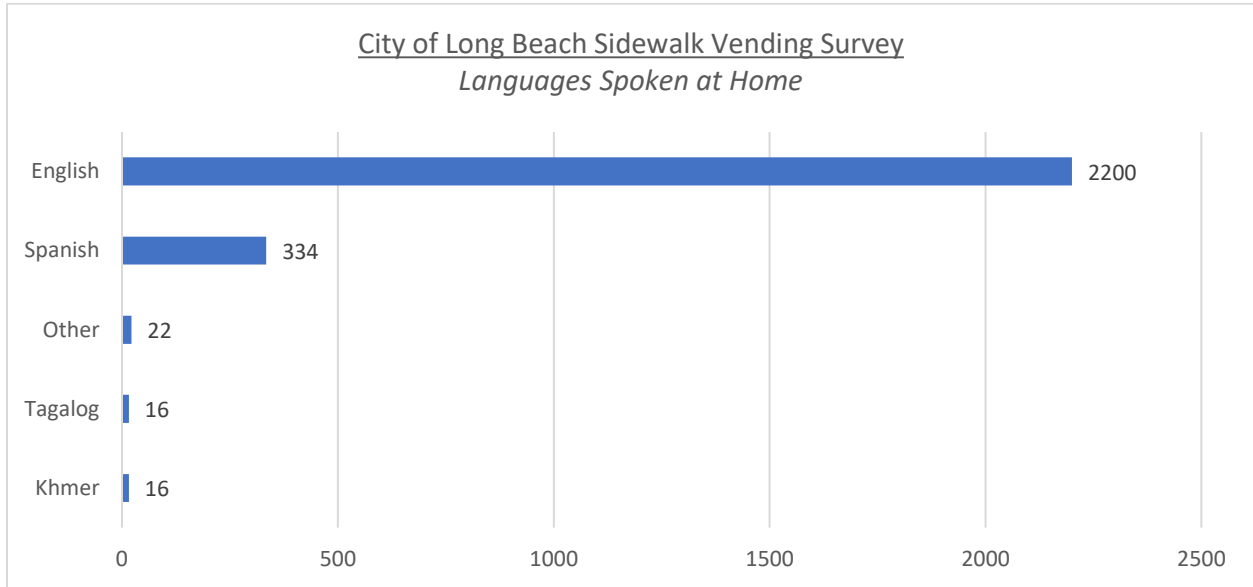
Question 8, 9, 10: In what areas of the City do you see sidewalk vendors? In your opinion, are there areas in the City where sidewalk vendors should be limited? In your opinion, are there areas in the City where sidewalk vendors should be included? Select all that apply.



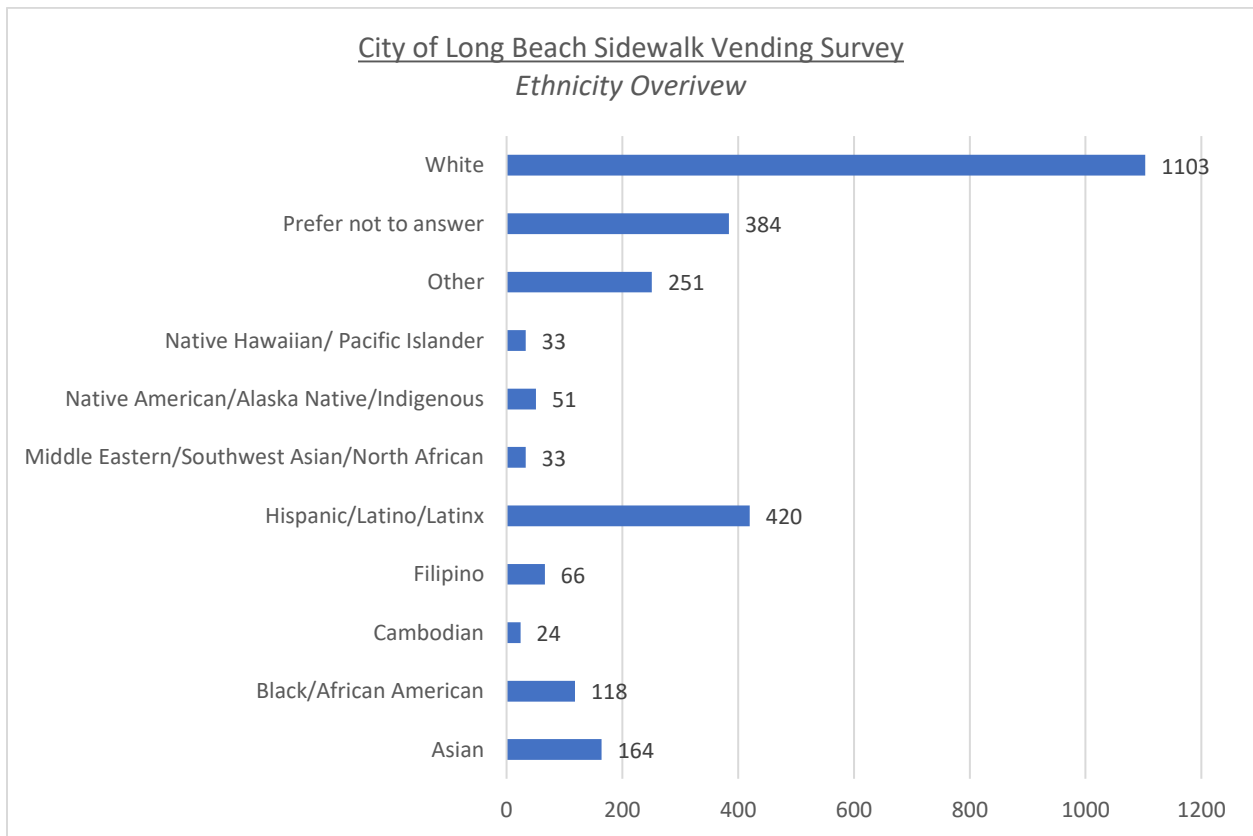
Question 11: How familiar are you with recent state laws impacting sidewalk vending?



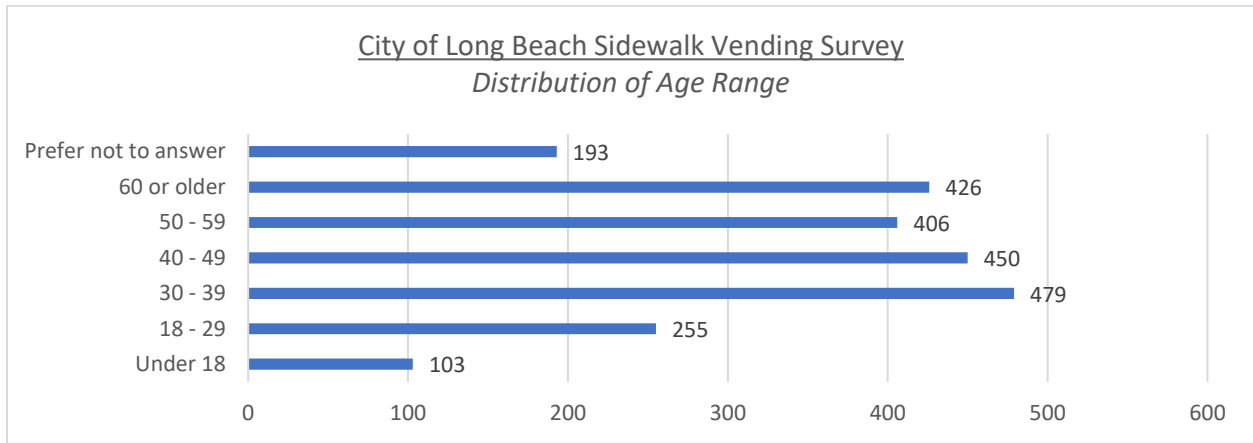
Question 13: What language do you speak most at home? Select all that apply.



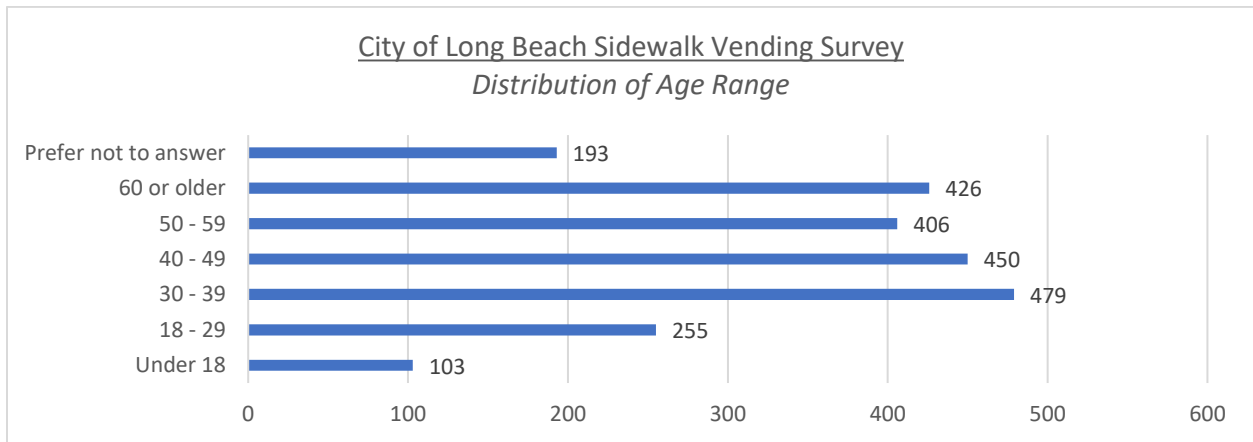
Question 14: How would you describe your ethnicity? Select all that apply.



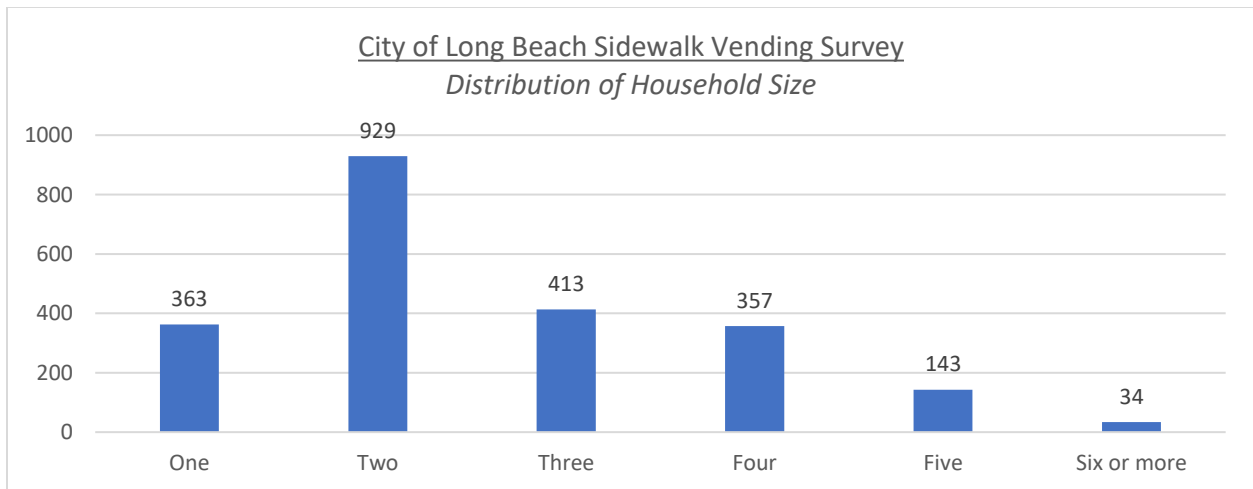
Question 15: What is your age group?



Question 16: What is your annual income?

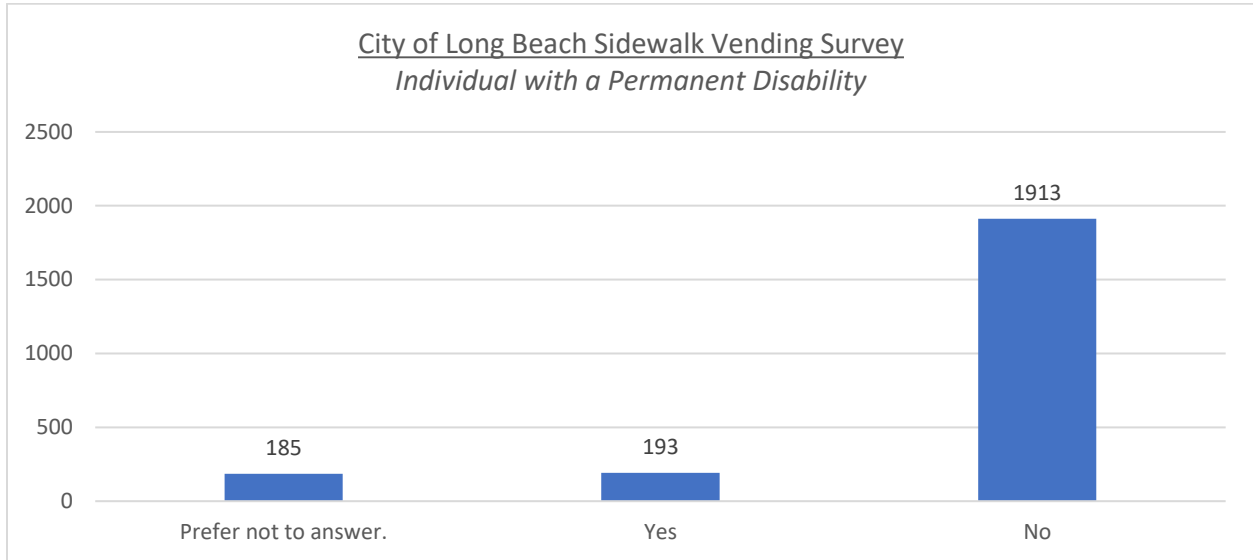


Question 17: Including yourself, how many people currently live in your household?

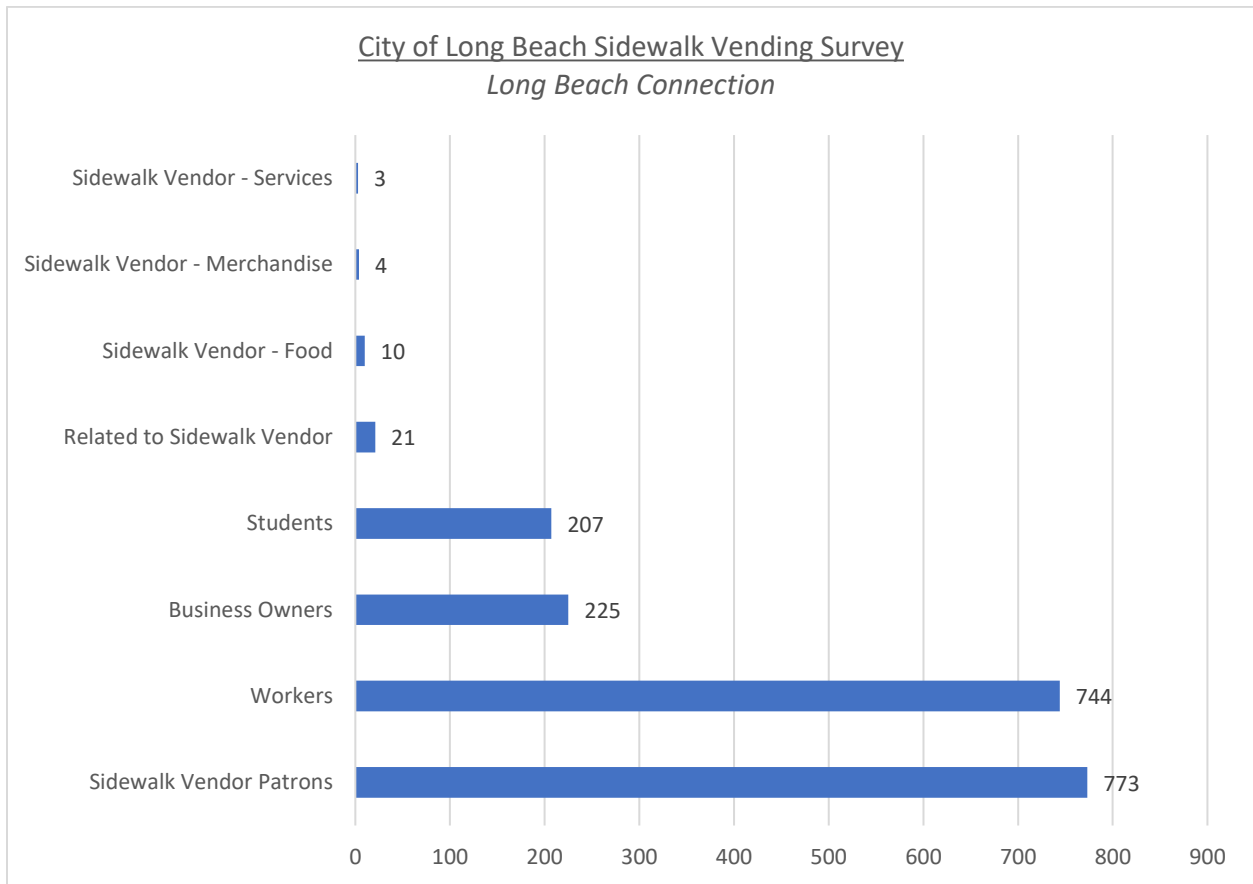




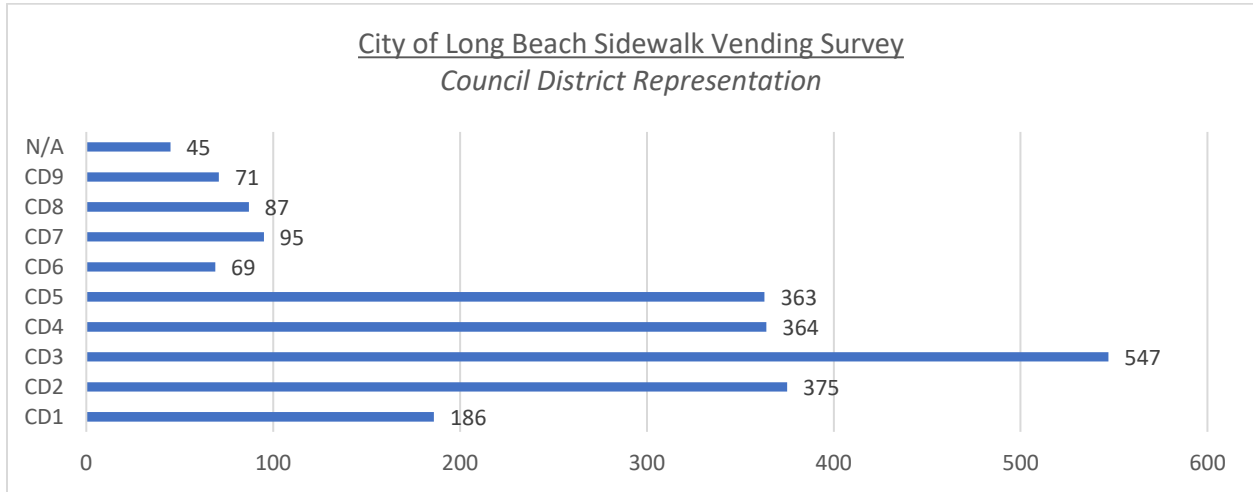
Question 18: Do you identify as someone who has a permanent disability?



Question 20: What is your relationship with the City of Long Beach? Select all that apply.

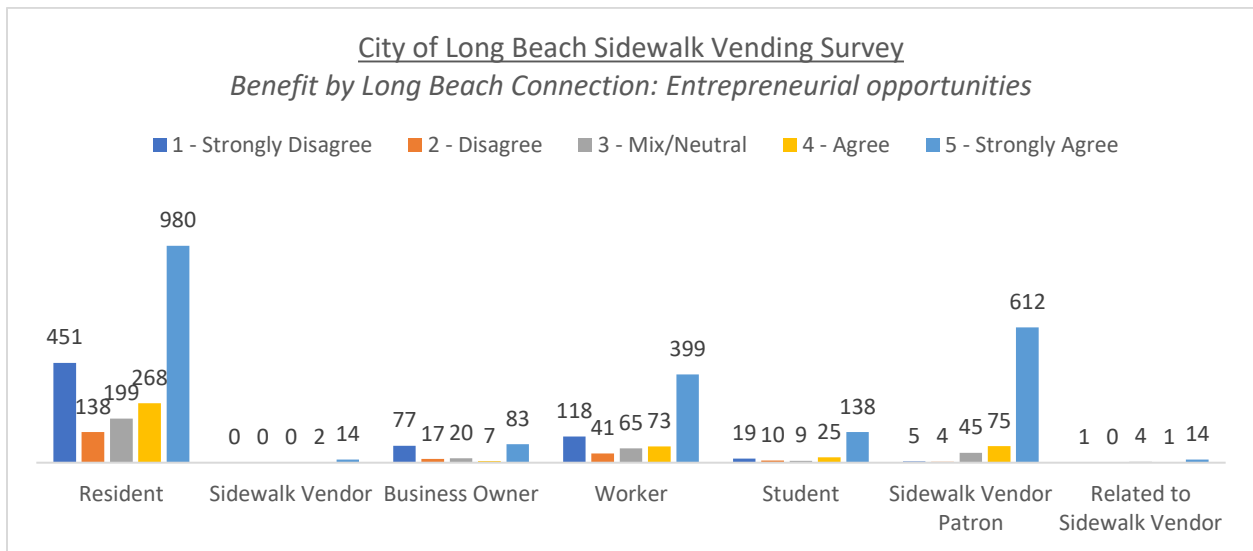
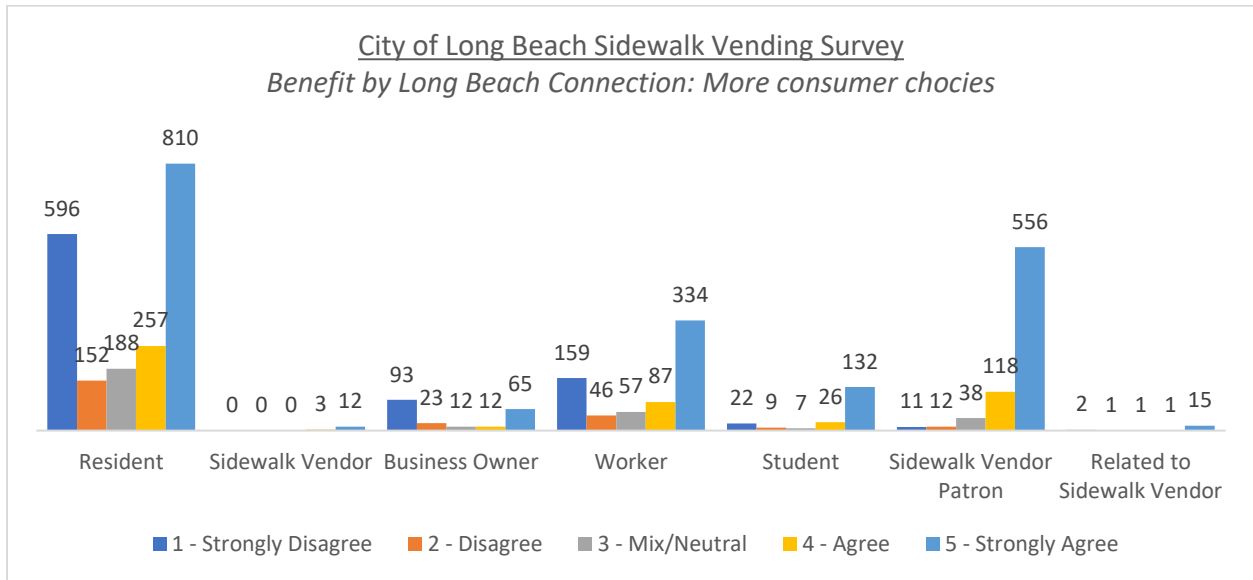


Question 21: For Long Beach Residents, I live in...

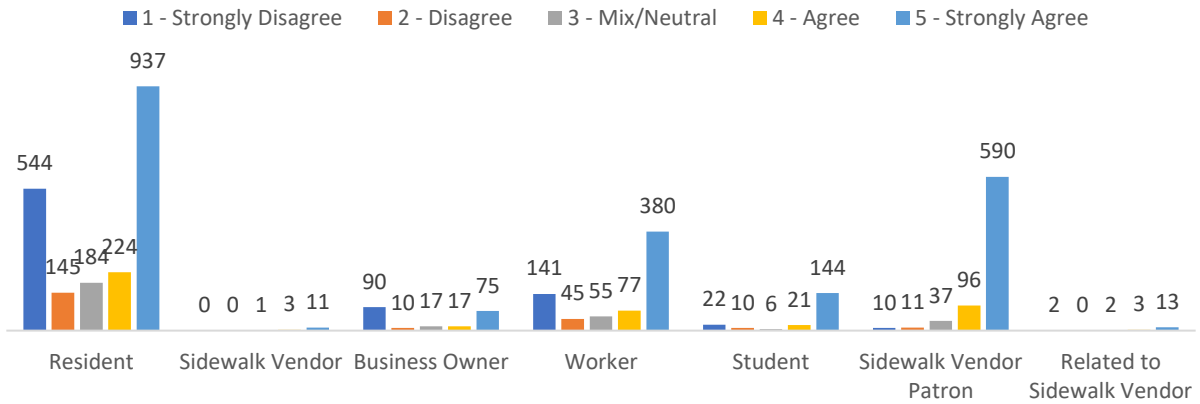


## Graphs Represented by Long Beach Connection

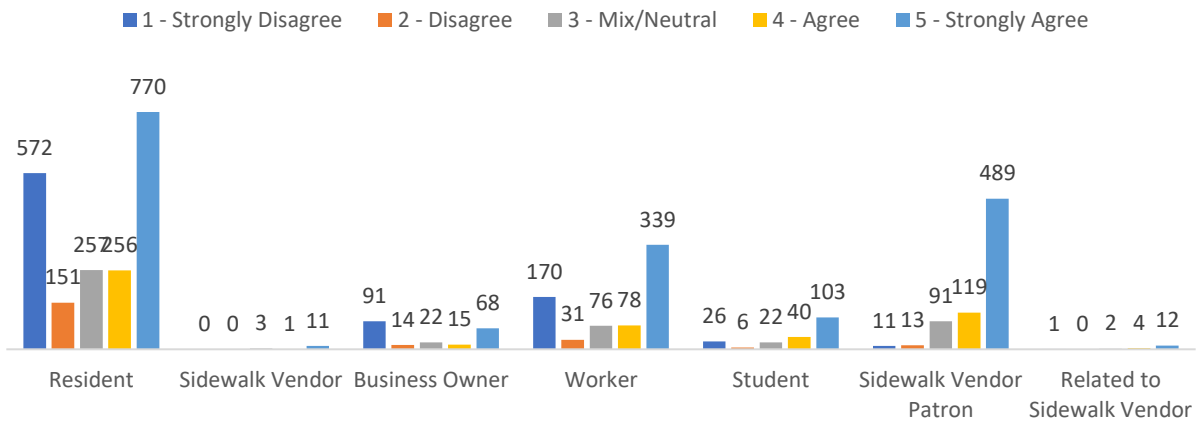
Question 1: In your opinion, the benefit of having sidewalk vending in the City is...



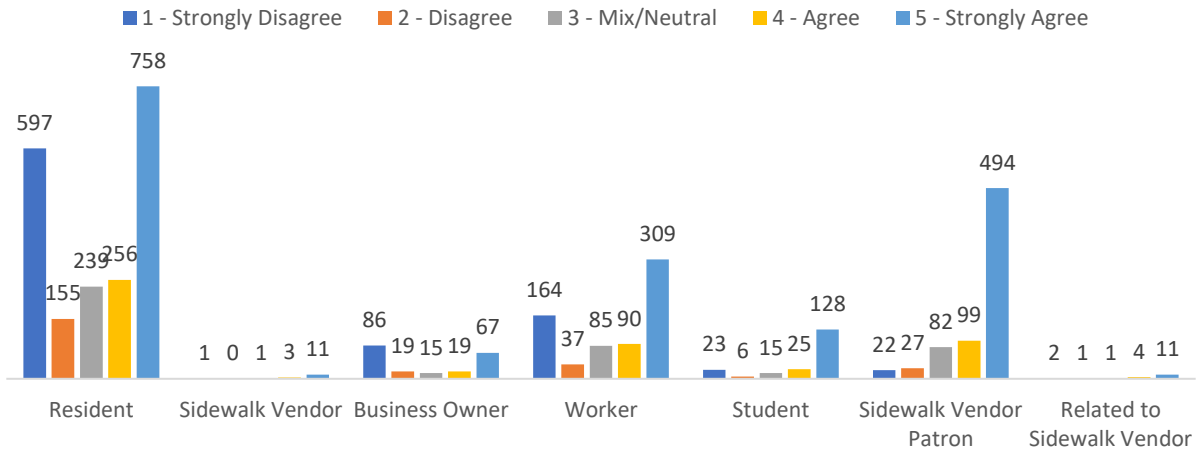
**City of Long Beach Sidewalk Vending Survey**  
*Benefit by Long Beach Connection: Cultural Value*



**City of Long Beach Sidewalk Vending Survey**  
*Benefit by Long Beach Connection: Activation of public space*

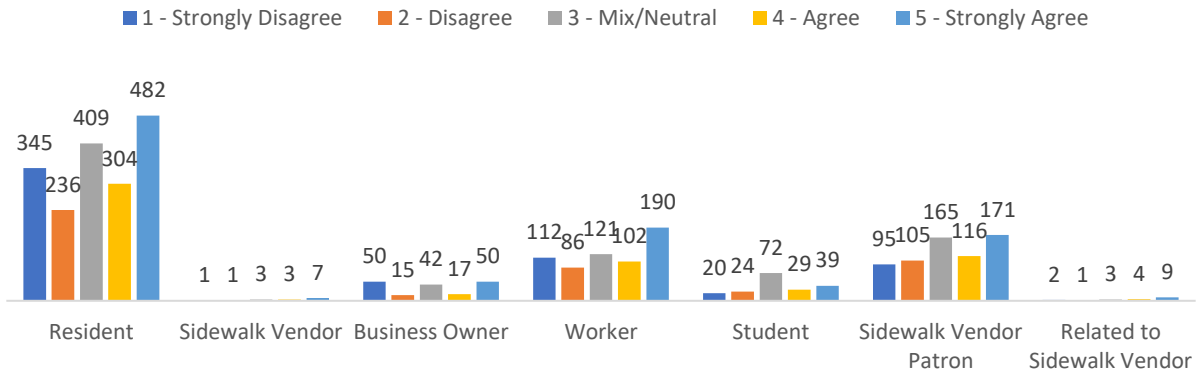


City of Long Beach Sidewalk Vending Survey  
Benefit by Long Beach Connection: Food security

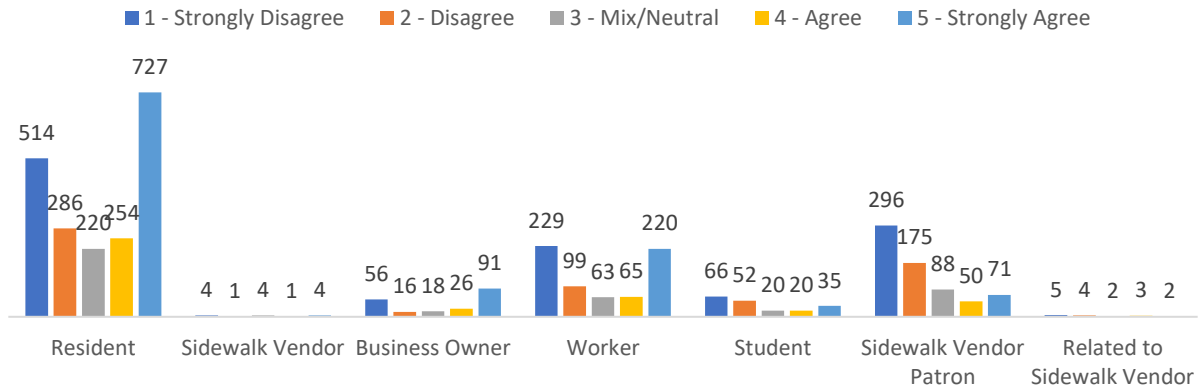


Question 2: In your opinion, the concern with having sidewalk vending in the City is...

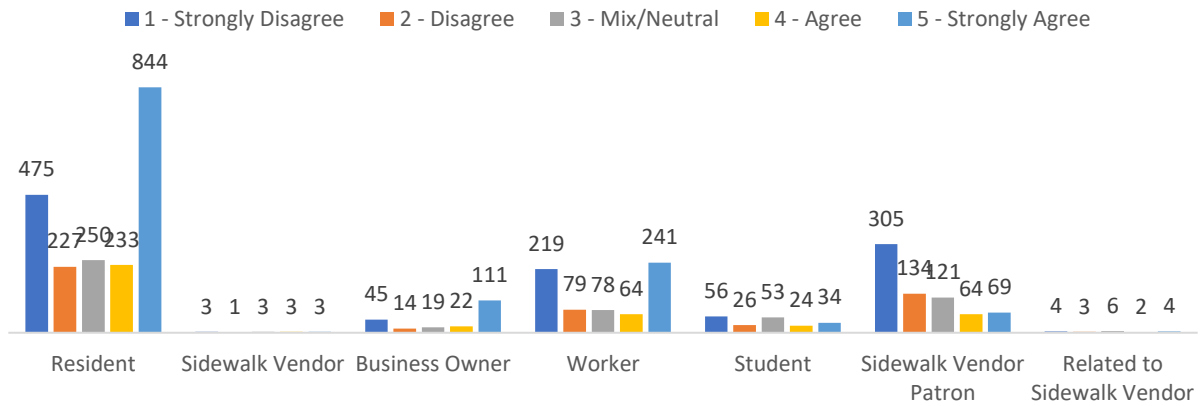
City of Long Beach Sidewalk Vending Survey  
Concern by Long Beach Connection: Vendor Safety



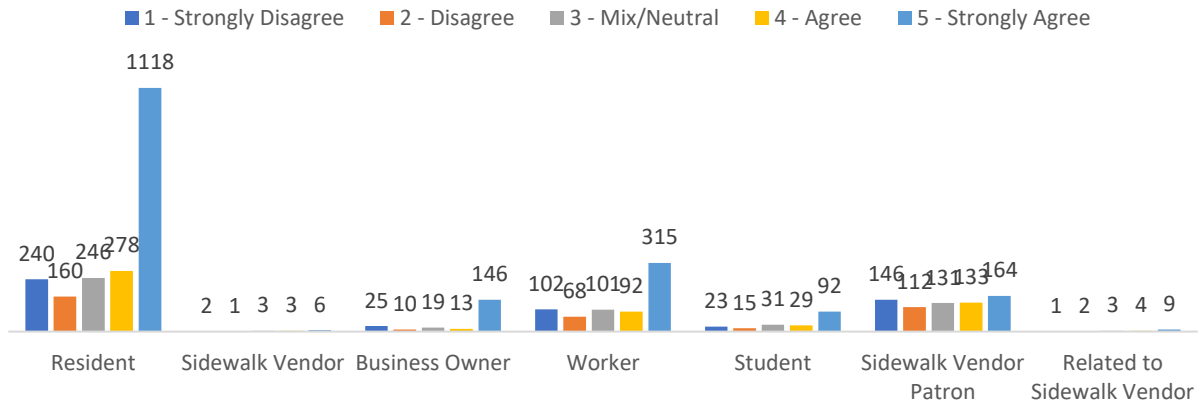
**City of Long Beach Sidewalk Vending Survey**  
*Concern by Long Beach Connection: Public Safety*



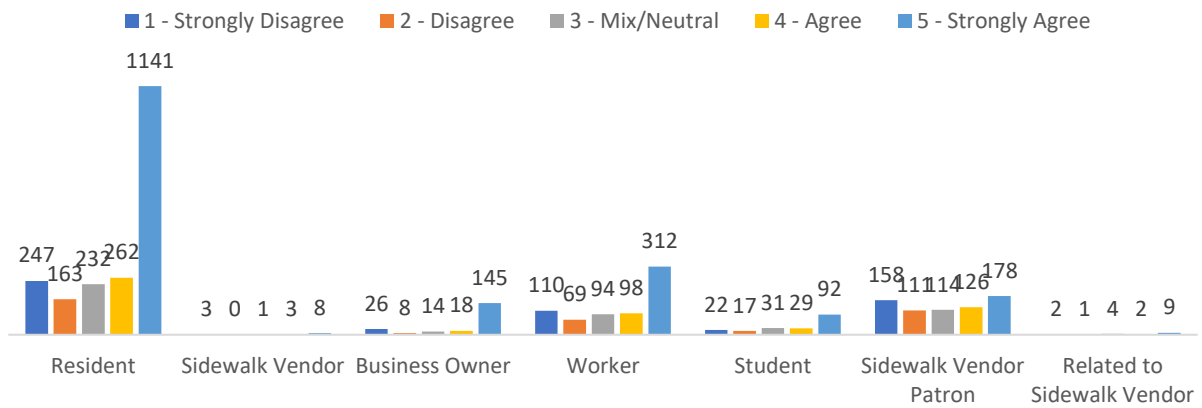
**City of Long Beach Sidewalk Vending Survey**  
*Concern by Long Beach Connection: Presence of vending in residential area*



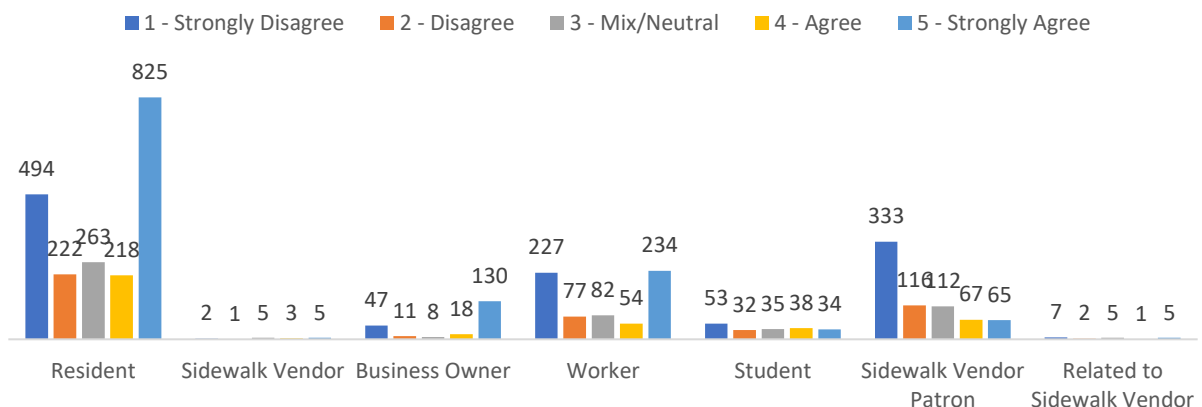
City of Long Beach Sidewalk Vending Survey  
*Concern by Long Beach Connection: Health protocol*



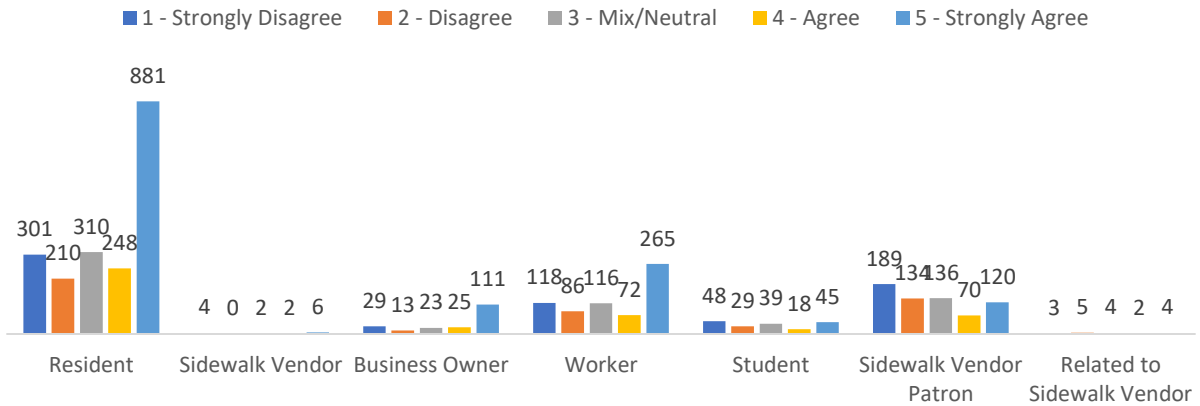
City of Long Beach Sidewalk Vending Survey  
*Concern by Long Beach Connection: Food safety*



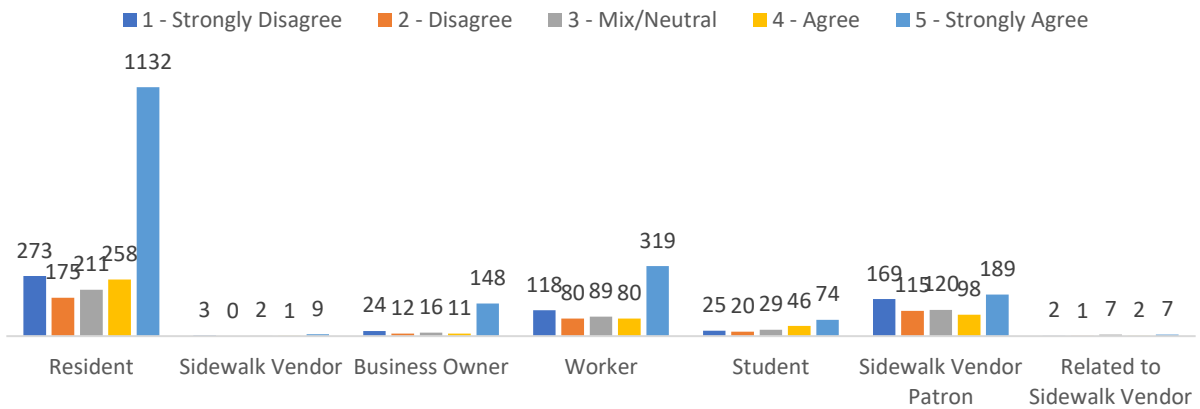
City of Long Beach Sidewalk Vending Survey  
*Concern by Long Beach Connection: Presence of vending near brick-and-mortar*



City of Long Beach Sidewalk Vending Survey  
*Concern by Long Beach Connection: Accessibility to the right-of-way*

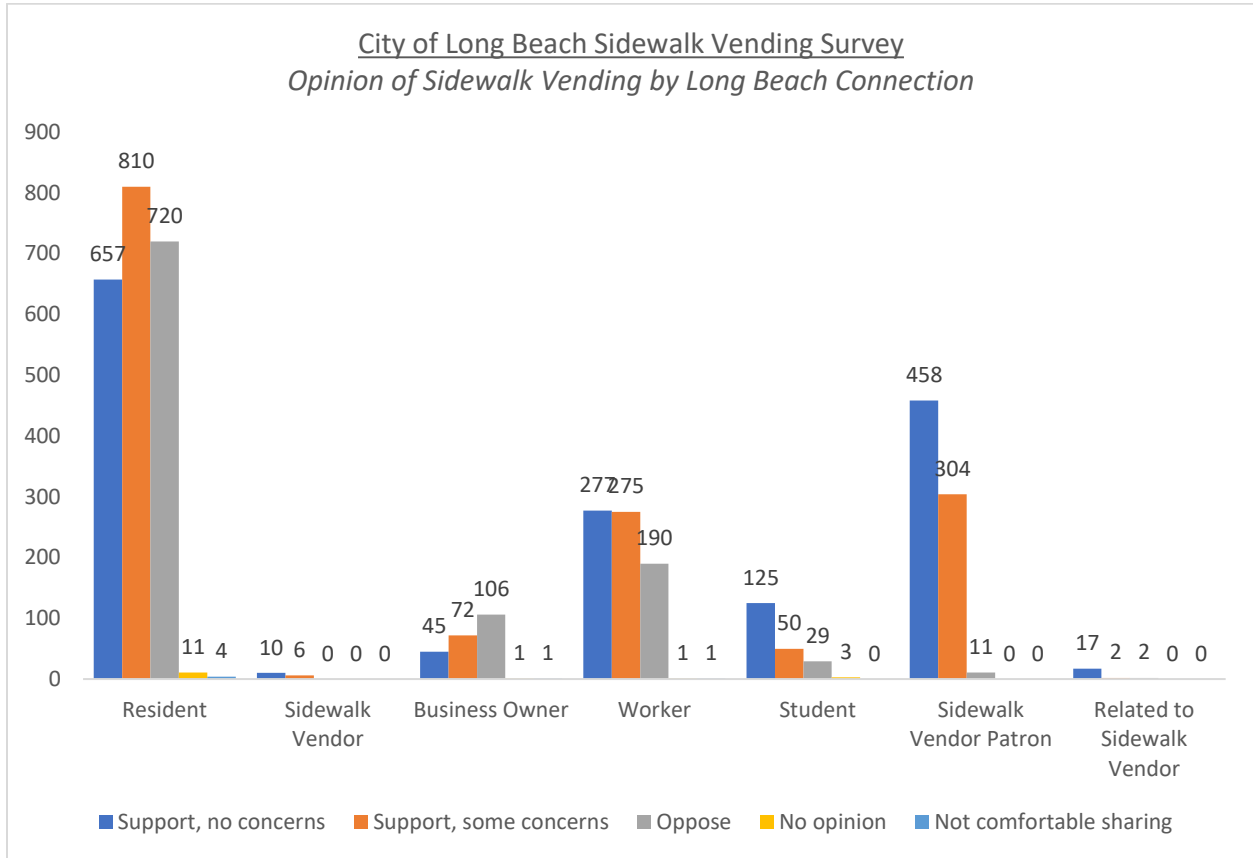


City of Long Beach Sidewalk Vending Survey  
*Concern by Long Beach Connection: Cleanliness*

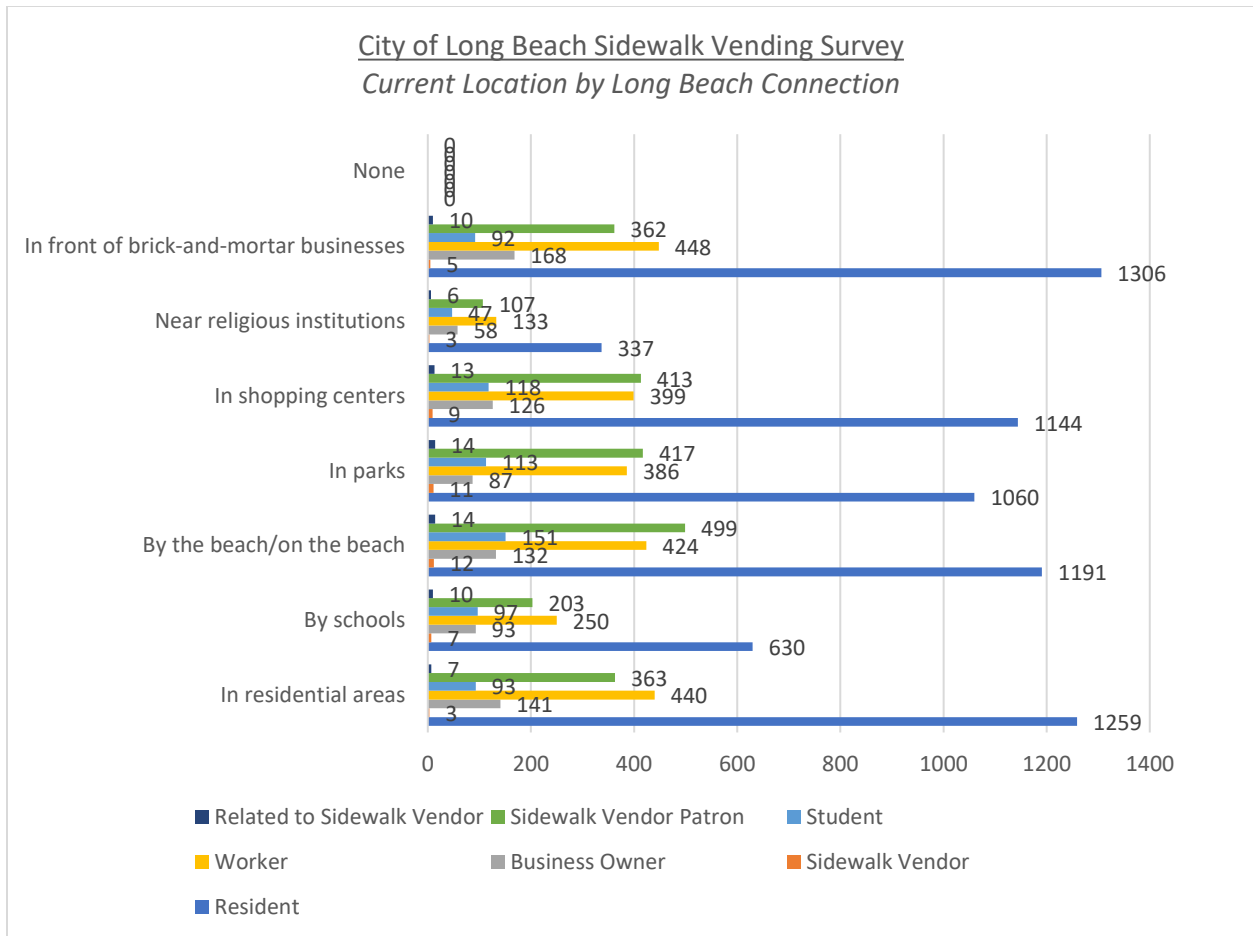




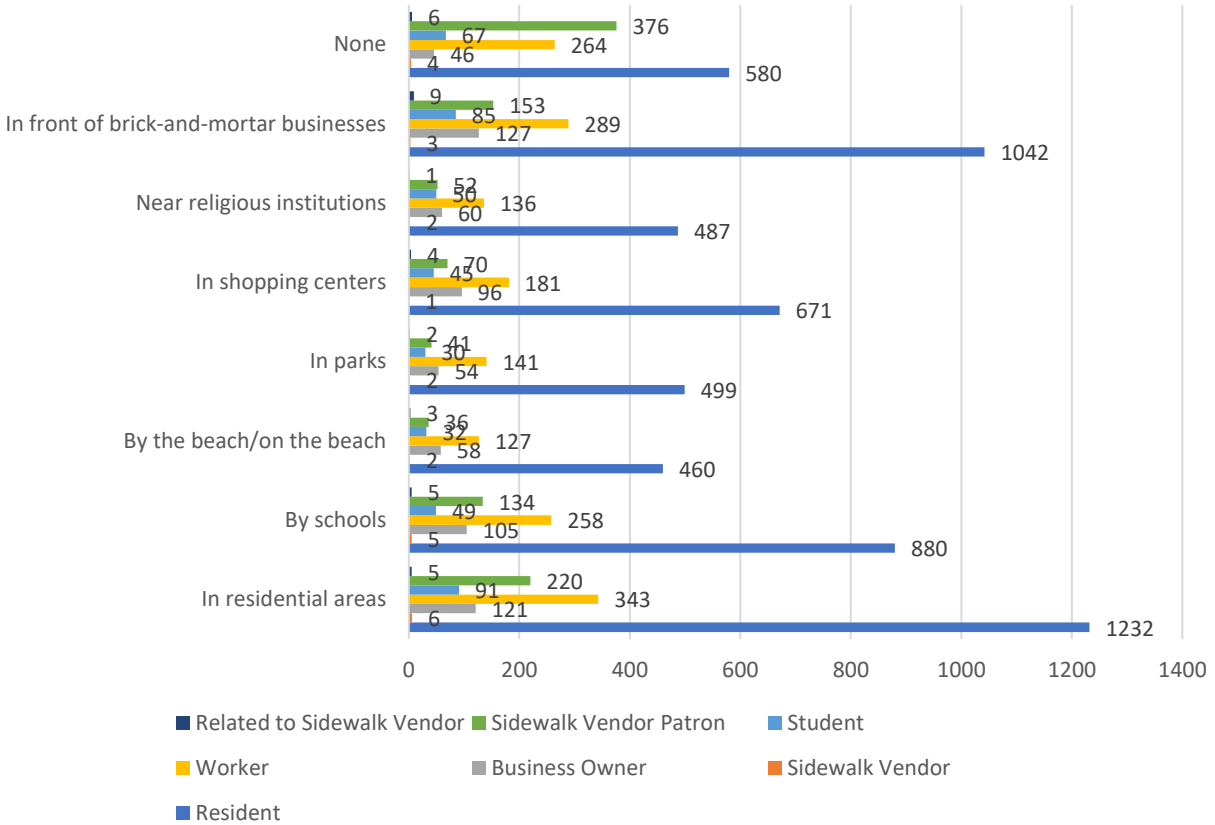
Question 3: What is your opinion of sidewalk vending?



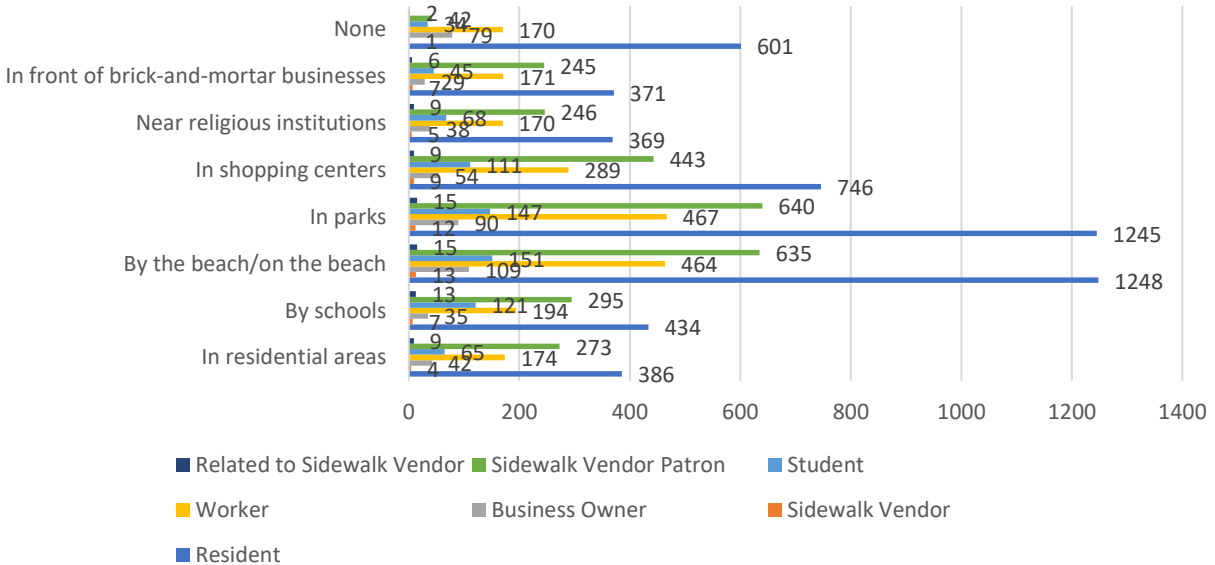
Question 8, 9, 10: In what areas of the City do you see sidewalk vendors? In your opinion, are there areas in the City where sidewalk vendors should be limited? In your opinion, are there areas in the City where sidewalk vendors should be included? Select all that apply.



**City of Long Beach Sidewalk Vending Survey**  
*Limit Location by Long Beach Connection*



**City of Long Beach Sidewalk Vending Survey**  
*Encourage Location by Long Beach Connection*



Question 11: How familiar are you with recent state laws impacting sidewalk vending?

