



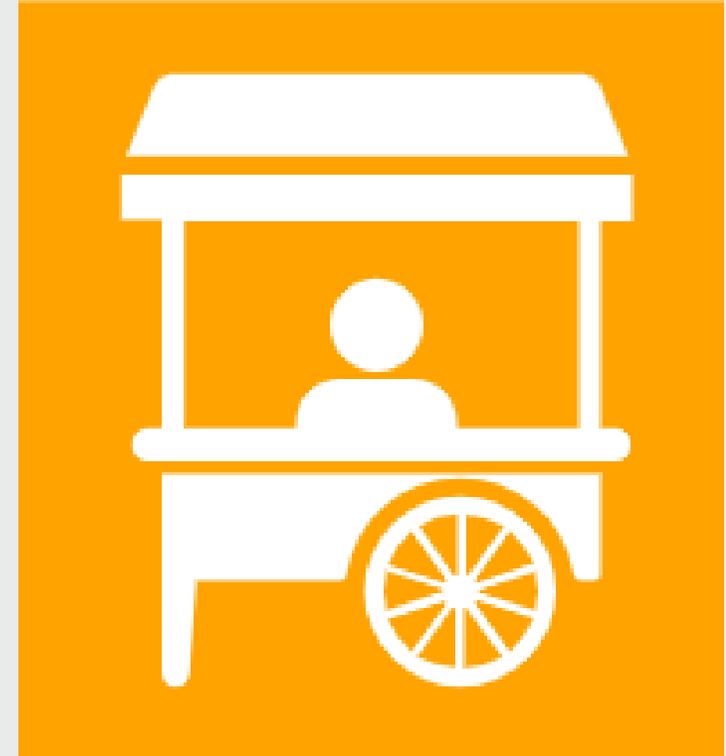
Sidewalk Vending Recommendations

City Council Meeting – May 9, 2023



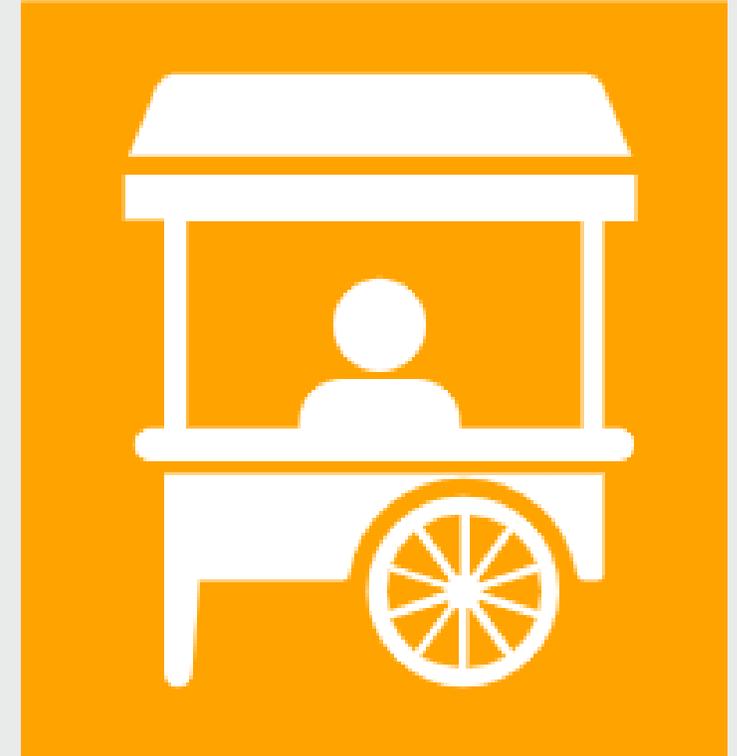
Lisa Wise Consulting's Scope of Work

- In June 2022 Lisa Wise Consulting (LWC) was tasked with assisting the City in updating its regulations and policies pertaining to sidewalk vendors.
- This included an audit of the existing code, a case study of comparable cities, engaging with internal stakeholders and creating a set of recommendations for future action.
- The culmination of this work is LWC's Considerations and Recommendations Report.



SB 946 – Safe Sidewalk Vending Act

- Changed the law to decriminalize sidewalk vending
- 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 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.



SB 946 – Safe Sidewalk Vending Act

Under SB 946, cities may:

- Require permit or license and request certain information about the business' operations. A health permit is required.
- 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, such as an encroachment permit or special event permit.
- Adopt 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.
- Prohibit 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.
- Require sanitary conditions.
- Require vendors to comply with the Americans Disability Act.
- Restrict any vending other than food or merchandise.

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 sidewalk vendors to obtain consent or approval of any nongovernmental entity or individual in order to vend.
- Restrict the number of sidewalk vendors, unless the city must restrict the number of vendors to protect the community's health, safety, or welfare.
- 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.

Outreach Results



Internal Stakeholders

- Nine interviews were held with various City Departments to create an understanding of the current issues around sidewalk vending
- Departments interviewed have at least some interaction with sidewalk vendors ranging from having them as vendors to issuing permits and citations
- Participants: Development Services, Economic Development, Human Resources, Long Beach Fire, Long Beach Police, Public Works, Health and Human Services, Public Works, Financial Management and Parks, Recreation and Marine Departments and City Attorney and City Manager (Special Events, Equity) Offices

Outreach Results

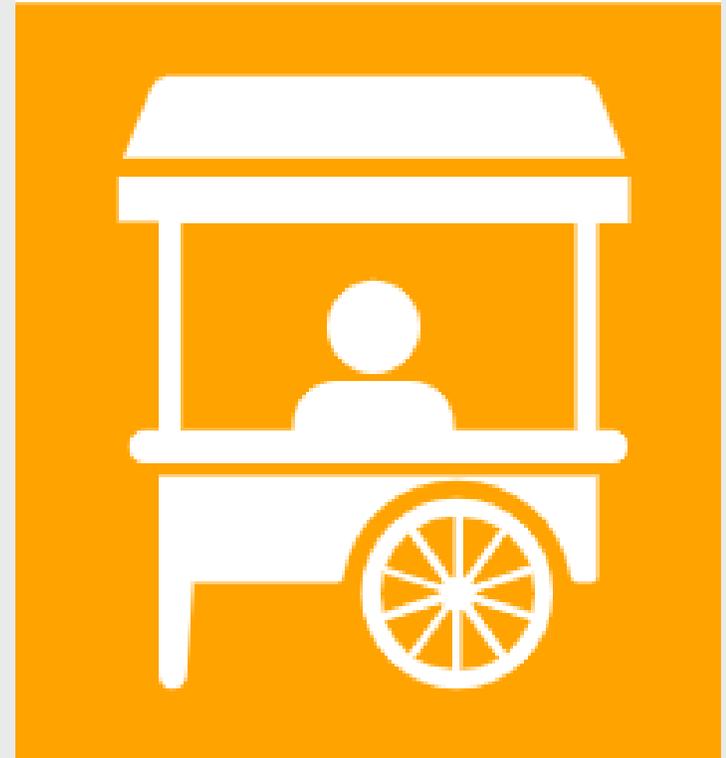
External Stakeholders

- Community-wide survey Nov 11 – Dec 18, 2022 (2,312 responses)
 - English, Spanish, Khmer, Tagalog
 - Online, physical copies available at all libraries, in-person canvassing
- Seven focus groups (44 participants, included sidewalk vendors, residents, CBOs, businesses) + 342 additional comments and conversations
- Two Community Meetings Jan 2023 (167 participants)
- Health Permit Workshop Dec 2022 (60+ participants)
- Longbeach.gov/sidewalkvending, including email notification list (1,300+ subscribers)
- Press releases, media coverage, social media campaign
- Newsletter and email promotion citywide, Council Offices, neighborhood groups, businesses and BIDs, CBOs
- Long Beach Utilities Bill message (127,887 bill statements)
- Economic Development Commission

Common Themes

- Sidewalk vendors provide alternative options to food that is available, and in food deserts, provide some of the only nearby food access.
- 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.
- Concerns regarding trash and debris left by patrons.
- Concerns with ADA accessibility and potential areas of traffic concerns.
- Concerns with noise and nuisance issues.
- 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 when 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.

Regulation Recommendations



Regulation Recommendations

Overview

- Per SB 946, food and merchandise sidewalk vendors will generally be allowed to operate on public sidewalks and pedestrian pathways
 - Recommendations to protect public health, safety, and welfare
 - Prevents blocking of sidewalks
- Creates clear rules for vendors to operate under
 - Provides business legitimacy through a business license
 - Ensures health safety through a City Health Permit
 - Facilitates education and compliance by providing clarity
- Recommendations allow for additional vending opportunities in parks and beaches as outreach indicated these were preferable areas

Prohibited Operating Areas

- **Stationary sidewalk vendors shall not be permitted to operate in an area zoned exclusively residential.**
- **No vending on 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
 - El Dorado Nature Center.
- **No vending on 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

- **No vending in the public right-of-way** (defined as 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.**
- **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.
- Sidewalk vendors **may 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.
- **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, 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.

Distance Requirements

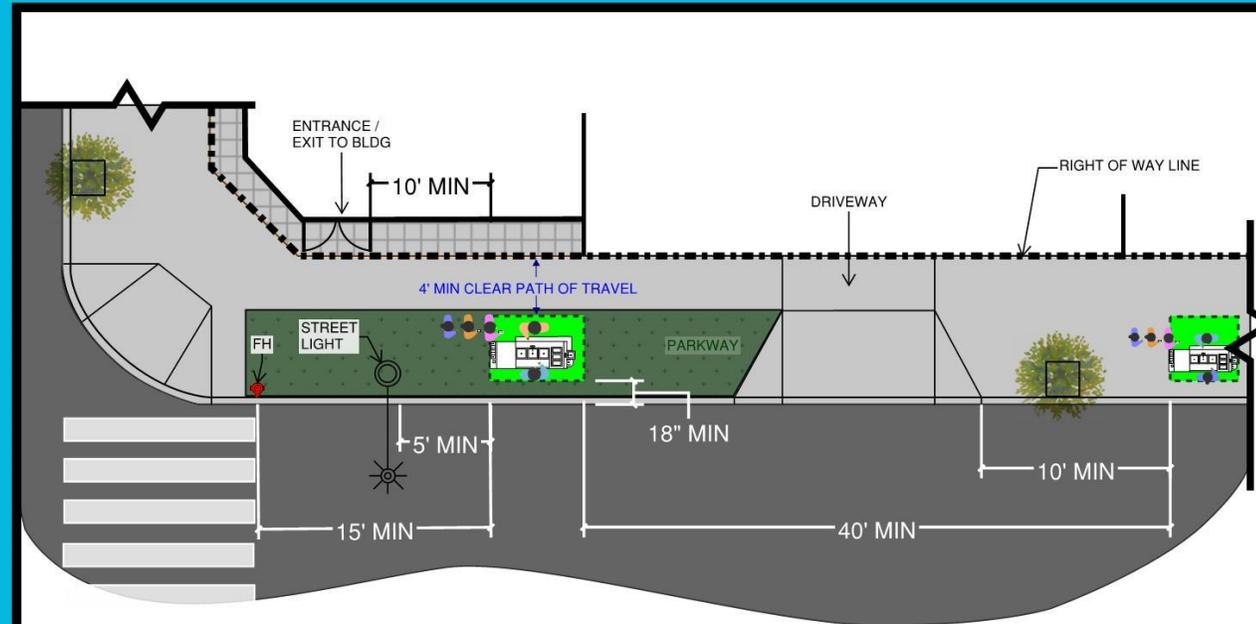
- **No vending in any location that obstructs traffic signals or regulatory signs.**
- **No vending within 18 inches of the edge of a curb.**
- **No vending within 5 feet of an above ground structure** in sidewalks, pedestrian paths, and the public right-of-way (such as utility boxes, parking meters, and streetlights).
- **No vending within 5 feet of a bus or Metro stop.**
- **No vending within 10 feet of a driveway, alley approach or marked crosswalk.**
- **No vending within 10 feet of an ATM, or outlined shared e-scooter / bike parking.**
- **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.
- **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.
- **No vending within 15 feet of an outdoor dining, patio area, sidewalk dining or permanent parklet, or location with a valid encroachment permit.**
- **No food vending within 15 feet of a public restroom.**
- **No vending within 15 feet of a street intersection, loading zone ADA curb ramp / curb cut, parking space or access ramp designed for individuals with disabilities.**

Distance Requirements

CITY OF
LONG BEACH

PARKWAY

SIDEWALK VENDING



- No vending within 18 inches of the edge of a curb
- 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.
- No vending within 5 feet of an above ground structure. (bike rack, tree well, streetlight, parking meter, etc.)
- No vending within 10 feet of a driveway, alley approach
- No stationary sidewalk vending within 10 feet of an entrance or exit to a bldg / structure / facility, fire escape or emergency exit
- No stationary sidewalk vending within 15 feet of a Fire Department connection, fire hydrant, fire lane or any fire backflow preventer
- No vending within 15 feet of an intersection, marked crosswalk or ADA curb ramp / curb cut
- No stationary sidewalk vending within 40 feet of another stationary sidewalk vendor

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.

Distance Requirements

- **No vending within 25 feet of a Beach Access point.**
- **No stationary sidewalk vending within 40-feet of another stationary sidewalk vendor.**
- **No vending within 50 feet of a railroad crossing.**
- **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.**
- **No vending within 100 feet of a posted sidewalk or street closure, unless otherwise permitted.**
- **No vending within one block of a school within 30 minutes before opening hours to 30 minutes after closing hours.**

- **No vending within 500 feet of any permitted special event, swap meet, farmers' market or filming permit**

In areas zoned as parks (including parks, beaches, and piers):

- **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.**
- **Sidewalk vendors shall not vend in the parking lots of any public parks.**

Distance Requirements

In areas zoned as parks (including parks, beaches, and piers):

- **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 not queue on the path, and all other requirements under the 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 the 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.**

Operating Conditions

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, and debris, spills, grease, and oil, related to the sidewalk vending activities within a 10-foot radius around their vending area.**
- **Maintain adequate trash containers in or on their sidewalk vending conveyance or location.**
- **Only set up a chairs and/or umbrellas for the sole use of the sidewalk vendor and the umbrella cannot exceed a maximum height of eight (8) feet.**

Distance Requirements

CITY OF
LONG BEACH

PARKS

SIDEWALK VENDING

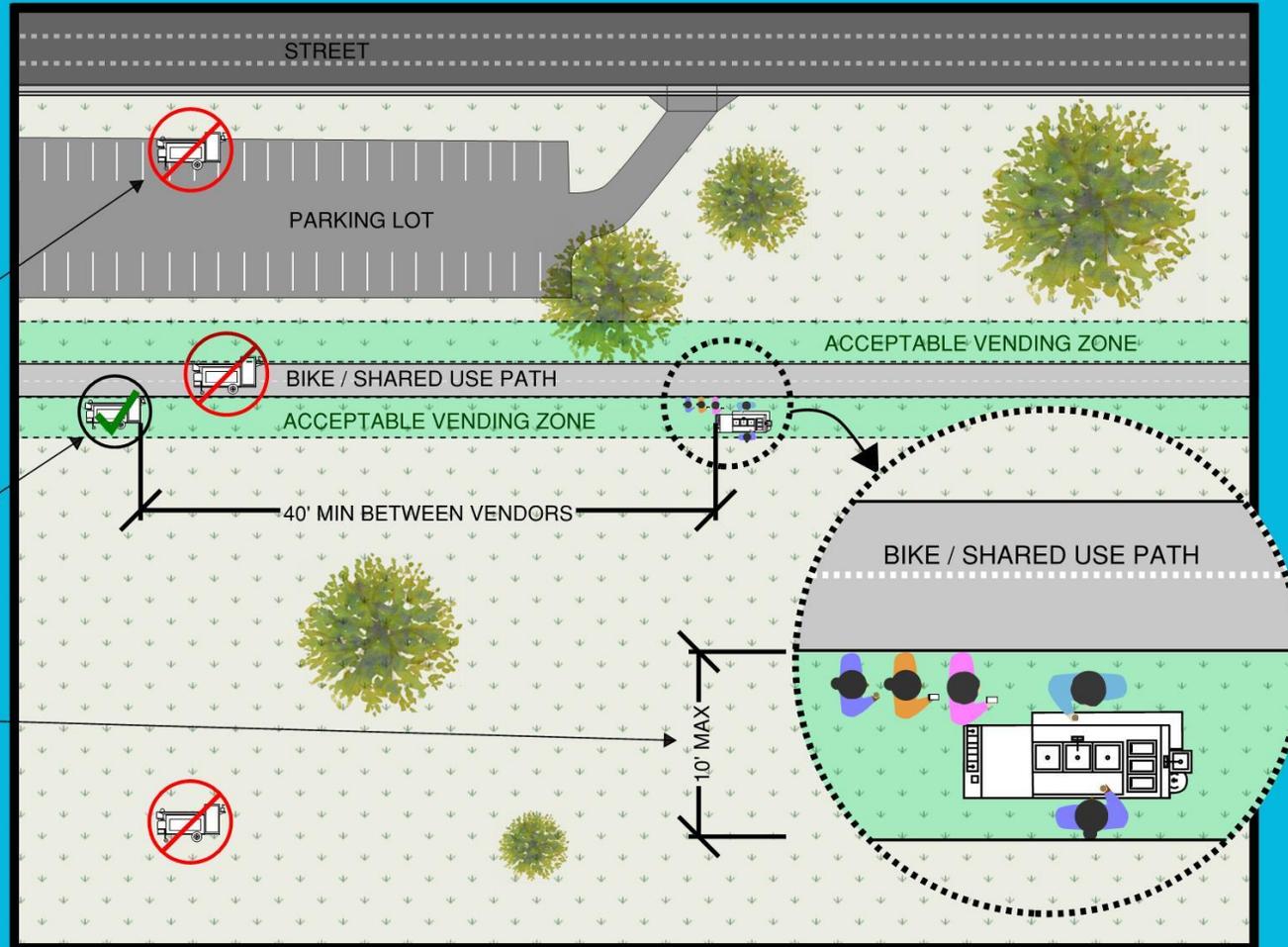
Sidewalk vending is **not** permitted in the following areas:

- in parking lots
- on bike / shared use paths
- "open spaces" away from path

Stationary sidewalk vending is allowed only within 10 feet of an existing pathway through the park (either side of pathway is acceptable), so long as it is safe to do so

The vendor conveyance and vendor must be within the 10' allowable space. Patrons must not queue on the bike / shared use path

Stationary sidewalk vendors are not permitted within 500 feet any concessionaire that has signed an agreement with that exclusively permits the sale of food or merchandise by the concessionaire.



Sidewalk vendors are not permitted to vend on bike or shared paths, but may vend 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.

Distance Requirements

CITY OF
LONG BEACH

BEACHES

SIDEWALK VENDING

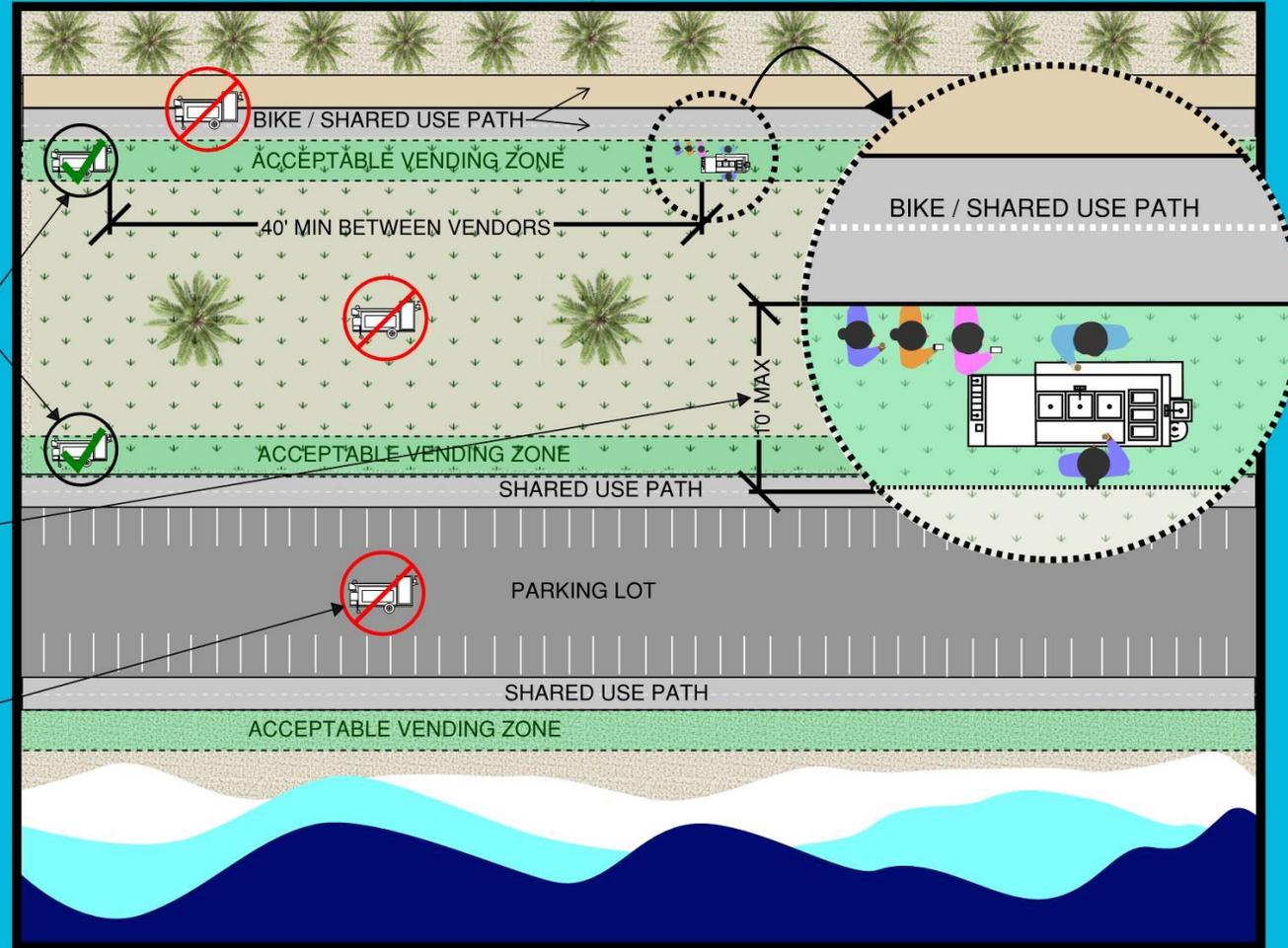
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Sidewalk vendors are not permitted to vend on bike or shared paths, but may vend 10-feet off of path, measured perpendicular to the path, so long as it is safe to do so, customers do no queue on the path, and all other requirements under this ordinance are met.

Operating Conditions

Operating Requirements

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 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.**
- **Follow the Noise Ordinance.**
- **Follow the Public Facilities Disposal of Refuse and Pacific Ocean Area Sanitation requirements.**

Sidewalk vendors shall not:

- **Vend to any customers in moving vehicles.**
- **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 controlled substance, drug, or pharmaceutical.**

Operating Conditions

Operating Requirements

Sidewalk vendors shall not:

- **Sell any food or merchandise that requires verification of a minimum age for purchase**, such as alcohol, tobacco, tobacco products, or firearms.
- **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.

Operating Conditions

Sidewalk vendors shall not:

- **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 health inspectors/public health officials, 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.**
- **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 the Ordinance. Access and accessibility provisions would still apply.**

Permitting Requirements

- **Vendors must obtain and display a business license.**
 - Recommended \$300 business license fee
 - Estimated to be full cost recovery
- **Vendors selling food or beverages must obtain and display a Long Beach City Health Permit, unless exempt.**
 - Recommended Permit Fees
 - \$253 tricycles
 - \$300 food service carts without plumbing
 - \$730 food service carts with plumbing
 - Plan check fees ranging from \$250 - \$1,165 based on risk levels associated with the food type
 - Program estimated to require a \$260,000 annual subsidy to keep fees at an affordable level
 - A subsidy is recommended as full cost recovery may create financial barriers to operators

Compact Mobile Food Health Permit - Quick Reference

	EXEMPT	MIN. REQUIREMENTS	MODERATE REQUIREMENTS	MAXIMUM REQUIREMENTS	
OPERATIONAL REQUIREMENTS	EXEMPT – prepackaged, properly labeled, Non-Perishable Food, (less than 25 sq. ft.) EX: Chips, Soda	Prepackaged, properly labeled, Non-Perishable Food; (greater than 25 sq. ft.) EX: Chips, soda, popcorn, cotton candy	Prepackaged, properly labeled, perishable Food EX: Ice cream, boxed meals, bottled juice	UNPACKAGED FOOD (Not Handling Raw Meats, Raw Poultry or Raw Fish) EX: Cut fruit, hot dogs, tamales	UNPACKAGED FOOD (Handling Raw Meats, Raw Poultry or Raw Fish) EX: Hamburger, bacon wrapped hot dogs, taco cart
Health Permit	No	Yes	Yes	Yes	Yes
Food Handler Card	No	No	No	Yes	Yes
Food from Approved Source	Yes	Yes	Yes	Yes	Yes
Food Properly Stored	Yes	Yes	Yes	Yes	Yes
Plan Check	No	Yes	Yes	Yes	Yes
Hand Sink	No	No	No	Yes	Yes
3-Compartment Sink	No	No	No	No	Yes
Water Heater	No	No	No	No	Yes
Mechanical Refrigeration for PHF	No	No	Yes	Yes	Yes
Commissary Required	No	Yes	Yes	Yes	Yes

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.
- Violations shall not be punishable as an infraction or misdemeanor.

	Maximum Fines Under SB 946*		Maximum Fines Under SB 972 (food vendors only)	
	Permitted Vendor	Unpermitted Vendor	Permitted Vendor	Unpermitted Vendor
1 st Violation	\$100	\$250	Notice of Violation	3x cost of permit, capped at limits for permitted vendors until January 2024**
2 nd Violation	\$200	\$500	\$100	
3 rd Violation	\$500	\$1,000	\$250	
Additional Violations	\$500 and may rescind permit	\$1,000	\$500	

*Must take into consideration the person's ability to pay the fine.

**For the first offense, must take into consideration the person's ability to pay the fine.

Enforcement

Refining the Education-First Approach*

- 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.
- **Currently involves two educational visits prior to enforcement action.**
- Effective January 1, 2023, **the CRFC was amended to relax certain structural and operational requirements for lower risk sidewalk food vending operations.**
- Since the Resolution conditions were met, **will revise the process immediately following this meeting to continue to educate first but allow enforcement after the first educational visit.**
- The end of June will be 6 months since SB 972 went into effect and it is anticipated that all vendors will have received education. Staff will return with a resolution to repeal Resolution 22-0072 and return to normal enforcement, which would continue to incorporate education.

*Immediate action will be taken in instances of an imminent health safety hazard

Enforcement

Given the mobile nature of sidewalk vending, enforcement can be challenging. Additional resources required are estimated at:

- **\$40,000 one-time costs in FY 23, no appropriation request at this time**
 - \$8,000 for integration of sidewalk vending into the GoLongBeach app
 - \$32,000 for education, outreach, and enforcement
- **Estimated minimum annual structural increase of \$367,053**
 - **Health and Human Services Department**
 - \$126,914 for an Environmental Health Specialist for inspection, permitting, and complaint investigations
 - \$61,698 for materials and supplies
 - \$50,000 for enforcement support from the Public Works and Police Departments
 - If permit and plan check fees are set at the recommended rates, it is anticipated that the program will require a \$260,000 annual subsidy
 - **Financial Management Department**
 - \$68,441 for a Clerk Typist III to support the expansion of current staff duties to support the program
 - \$50,000 for enforcement support from the Police Department
 - \$10,000 for materials and supplies
 - If business license fees are set at the recommended rates, these costs are estimated to be fully cost recovered

Next Steps

- The City Council to provide feedback on the recommendations and request that the City Attorney's Office to develop a draft Ordinance.
- City Attorney's Office will draft an Ordinance for the Planning Commission's consideration and subsequently the City Council's consideration for a first reading.
- The City Council will consider the item at a second reading before formally adopting the Ordinance.
- Once adopted, education and outreach will occur for the new regulations.
- After Ordinance adoption, in the Coastal Overlay Zone:
 - New regulations will be on hold until certified for inclusion in the local coastal program by the Coastal Commission.
 - Existing regulations, such as requiring a City Health Permit, can still be enforced.
 - Coastal Commission process is only focused on coastal development inside the coastal overlay zone, roughly within a mile of the coast.
 - Process can take 12-18 months.

*Food Truck regulation recommendations are anticipated to be presented to the City Council in Summer 2023



Thank you

To stay updated on sidewalk vending and food truck regulations, please sign up for email updates here:

longbeach.gov/sidewalkvending

Katy Nomura

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City Manager's Office

Daniel Ramirez

Food Truck Coordinator
Public Works