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THIRTY-THIRD SENATE DISTRICT

SENATE MAJORITY WHIP
CHAIR, SENATE COMMITTEE ON TRANSPORTATION

May 16, 2023

Mayor Rex Richardson and City Council
Long Beach City Hall
411 W. Ocean Blvd.
Long Beach, CA 90802

Re: Council Agenda Item 17: Proposed Sidewalk Vending Regulations

Honorable Mayor Rex Richardson and City Councilmembers,

As the State Senator representing California's 33rd District, I write to share my concerns and feedback regarding the City's proposed sidewalk vending regulations.

Last year, I was honored to work with street vendors and advocates to enact SB 972 (Gonzalez, Chapter 489, Statutes of 2022), modernizing the California Retail Food Code to include sidewalk food vendors and finally bring thousands of micro-entrepreneurs into a more equitable and well-regulated food economy. This Legislation was built upon the Legislature's initial steps to bring sidewalk vendors out of the shadows. In 2018, Senate Bill 946 (Lara, Chapter 459, Statutes of 2018) decriminalized sidewalk food vending statewide and established standards for local regulations, promising economic opportunity for tens of thousands of micro-entrepreneurs.

Now, the City of Long Beach has the opportunity to create an ordinance that reflects the needs of these micro-entrepreneurs. Sidewalk food vending provides vital economic opportunities for low-income and immigrant workers to build their micro-businesses to support themselves and their families. Given the statewide efforts in enacting both of these laws, I have concerns regarding the following proposed staff recommendations on sidewalk vending regulations:

1. Banning vending on all city properties is a missed opportunity to leverage publicly owned land to support micro-entrepreneurs. Additionally, the ban on vending near "above-ground structures" would essentially ban vending on most sidewalks. Any outright ban without public health and safety justification does not align with SB 946. SB 946 prohibits local jurisdictions from restricting sidewalk vendors to operate only in a designated neighborhood or area, except where that restriction is directly related to objective health, safety, or welfare

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concerns. Moreover, it prohibits restricting the number of sidewalk vendors permitted to operate in the jurisdiction unless the restriction is directly related to objective health, safety, or welfare concerns.

2. I disagree with the recommendation to adopt restrictive requirements within parks that would prevent sidewalk vending. We can protect public spaces while allowing the sale of goods that many park-goers enjoy. Under existing law, a local authority cannot prohibit a sidewalk vendor from selling food or merchandise in a park owned or operated by the local authority unless the operator of the park has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire.
3. While I support the goal of the proposed Sidewalk Vending Program, I also believe it should be community-led. We need trusted community-based organizations to be at the forefront of all educational efforts to instill trust and maximize participation by vendors.
4. The exclusion zone of a one-block radius from schools is unjustified. Vendors outside schools are key to the health and nutrition of students, often offering healthier food and snack options to students.. Cities and schools should find ways to enable and create partnerships between vendors and schools. Also, SB 972 could encourage partnerships with vendors potentially using school kitchens to prepare food, and this recommendation could reject such an opportunity.
5. In the proposed recommendation, vendors are not allowed to “use an electrical outlet or power source that is owned by the city or another person other than the sidewalk vendor.” Instead of making vending more accessible, less costly, and appreciated, the city is restricting vendors from using city infrastructure and dismissing potential opportunities. There should be options that promote accessible public restrooms, utilities, recycling and disposal services, economic opportunity programs, partnerships with local businesses and restaurants, and other programs that show the City of Long Beach is committed to supporting a vital economic lifeline.
6. One example of how cities can create opportunity and support for vendors in designated areas is the creation of special vending districts. Such districts can offer facilities, incentivize vending, and create public infrastructure to support them.

The proposed ordinance recommendations are restrictive and do not support and promote a robust legal framework that allows food vendors to prosper. SB 972 creates more accessible options for vendors to obtain health permits, such as using auxiliary sinks, shared commissary spaces, and commercially licensed kitchens (i.e. existing restaurants, libraries, churches, etc.) These are all options and spaces where food can be prepped and used to meet health permit requirements.

The city should actively facilitate this process and create ordinance language that supports a more integrated economy. The City Council has the opportunity to create a multicultural and inclusive ordinance. Sidewalk food vendors are a staple in California’s communities and are part

of the vibrant food culture that makes California and the City of Long Beach a unique travel destination.

I urge the City of Beach's leadership to consider and address the concerns I have outlined in this letter, and to create an ordinance that truly supports our micro-entrepreneurs and our community. Should you have any questions regarding my letter, please do not hesitate to contact my office at (562) 256-7921.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lena Gonzalez', with a stylized flourish at the end.

Lena Gonzalez
Senator, Senate District 33