

### CITY OF SAN DIEGO REGULATION OF SIDEWALK VENDING

**POSITION:** The Chamber's Public Policy Committee voted to SUPPORT the regulations WITH ADDITIONAL RECOMMENDATIONS on November 12, 2019. The Chamber's Board of Directors voted to SUPPORT the regulations on November 21, 2019.

**RATIONALE:** Following the passage of SB 926, enforcement of illegal vending has become problematic, particularly in high-traffic areas or around residential zones, which necessitates a policy response from the City.

**STATUS:** It is anticipated that the City Council will vote on this proposal at the end of 2019 or in early 2020.

#### SUMMARY

The proposed regulatory framework responds to state legislation that allows for local governments to adopt local regulations for street vending, but otherwise prohibits the outright banning of vending. As such, the proposal outlines the requirements for street vendors, including where they may vend, and how their vending operation may be run. Per stakeholder feedback, specific spaces are prohibited to have street vending conducted there, and some heavily-regulated items are prohibited from being sold via street vendors.

#### INDUSTRY/IES IMPACTED

Traditional businesses located within the geographic footprint of where vending will be allowed *may* experience impacts related to the regulations being implemented. It is unlikely any specific industry will experience outsized impacts.

#### ADDITIONAL INFORMATION

SB 946, also called the "Safe Sidewalk Vending Act" has two primary objectives: to decriminalize penalties related to sidewalk vending from criminal to civil and to create more opportunities for economic development, especially among low income and immigrant communities. It provides parameters for how cities and local authorities can regulate sidewalk vending, specifically citing regulations related to special events, swap meets, farmers' markets, ADA accessibility, and vending in parks/beaches and residential areas. Sidewalk vending restrictions imposed by the city must all be related to public health, safety, and welfare. The bill includes both food vendors and general merchandise vendors; however, the statute does not clearly define "merchandise." Criminal penalties for sidewalk vending are prohibited. A violation for breaking local regulations may only be punishable by an administrative fine or, if exceeding four penalties, revocation of permit.

#### San Diego's Proposed Regulations:

The Mayor's proposed regulations establish a permitting process, distance requirements, regulate operations in specific areas, and define and prohibit sidewalk vending on heavily trafficked sidewalks. The regulations also require clean conditions around the vendor, compliance with ADA laws, sets size and use of equipment, and sets penalties in accordance with SB 946.

While a more detailed summary of the City's proposed sidewalk vending regulations can be found on the subsequent documents, some key proposed regulations are:

#### General Vending Regulations

- Sidewalk vendors must:
  - Obtain a vending permit, valid for one calendar year, prior to vending on any sidewalk. The permit must be displayed at all times.

- Ensure that the 10ft area surrounding the vending space is kept clean during their operation.
- Maintain at least 48in of ADA access of sidewalk.
- Sidewalk vendors must not:
  - Occupy a space exceeding 6ft x 4ft.
  - Erect freestanding structures adjacent to vending activities.
  - Vend out of a parked vehicle or sell to an individual traveling in a vehicle on a roadway.
- Sidewalk vendors are prohibited from selling alcohol, tobacco or vaping products, smoking or drug-related paraphernalia, cannabis products, weapons, imitation firearms, pharmaceuticals, or other products prohibited by local or state federal laws.
- Only stationary food vendors may use any portable cooking equipment. Sidewalk vendors are prohibited from deep vat frying and using portable generators, outdoor wood burning ovens or charcoal barbecues, or gasoline or kerosene.

**Vending is prohibited in/on/within:**

- Heavily trafficked sidewalks at all times: Newport Ave from Abbott Street to Sunset Cliffs Blvd.; Garnet Ave from Ocean Front Walk to Cass Street, Ventura Place from Mission Blvd to Ocean Front Walk, Coast Blvd from Cave Street to Coast Blvd South, Imperial Ave from Park Blvd to 17th Street, Fifth and Fourth Ave between Broadway and Harbor Drive, India Street, Kettner Blvd and Columbia Street from Beech Street to Laurel Street, San Diego Ave between Conde Street and Twiggs Street.
- Petco Park and the Ballpark District (6th Avenue through 14th Street between Market Street, Harbor Drive and Commercial Street) on event and Padres Game days.
- Mission Beach and La Jolla Shores Boardwalks.
- 500ft of the Convention Center during conventions.
- Sunset Cliffs Natural Park.
- 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 during the Summer Moratorium (between Memorial Day and Labor Day).
- 15ft of any: Other sidewalk vendors; intersection, driveway or building entrance, or within any space designed for vehicular parking; heavily trafficked sidewalk; any beach access points, loading zone, bus stop, parking space or access ramp for persons with disabilities; outdoor dining or patio area; public restroom; location with a valid encroachment permit displayed such as a sidewalk café.
- 100ft of any: vehicle entrance of any emergency facility; any major transit stop; City street or sidewalk closures.
- 500ft of any: permitted special event; school during recess or within 30 minutes before or after operating hours; City Sports Facilities on event days.