

CITY CENTER BID BOARD MEETING 9/24/19

**SIDEWALK VENDING ORDINANCE**

**DSDP STAFF RECOMMENDATION**

Unregulated sidewalk vending poses a serious public safety risk. Clean and Safe staff have documented numerous cases of unsafe food handling and bottlenecking due to sidewalk vending in highly trafficked corridors. DSDP policy staff recommends the Planning and Policy Committee **SUPPORT** the Ordinance with a request that 6th Ave between Broadway and L St, C St between 3rd Ave and 9th Ave, and Downtown parks during the summer moratorium also be contemplated for the prohibition of sidewalk vending. Additionally, request that City staff evaluate the inclusion of cross streets to the next adjacent street(s) for all locations.

**BACKGROUND**

On July 25, 2019, the Economic Development and Intergovernmental Relations Committee unanimously forwarded the item to City Council (Motion: Ward) with amendments prohibiting sidewalk vending on cross streets bounded by Kettner, Columbia, Beech, and Laurel, and asked staff to explore options for extending indemnification to cover MADs and BIDs. The Committee also asked that staff provide language defining public promenades and plazas, prohibiting vending in these areas.

**NEXT STEPS**

The item does not have a City Council date but is projected to be docketed November – December.

**IN THE WEEDS**

Under SB 946, local governments can establish parameters for how sidewalk vending can be regulated within the public right of way. The Mayor’s proposed ordinance establishes criteria for the issuance and revocation of a sidewalk vendor permit, regulates operations in parks and beaches, regulates heavily trafficked sidewalks and areas of high pedestrian activity, sets hours of operation and operating procedures in residential and non-residential areas, requires clean and sanitary conditions within the vicinity, requires compliance with the Americans with Disabilities Act, and sets penalties for violations. All sidewalk vendors would need to obtain a vending permit with a current valid business tax certificate and release and indemnification, among other requirements. Permits would be issued by the City Treasurer’s Office for a cost-recoverable fee of $30, valid for one calendar year. Food vendors would need a valid County Department of Environmental Health Permit and Food Handlers Card.

In addition to the areas listed above, vending in the following heavily trafficked sidewalks would also be prohibited:

* Newport Ave. from Abbott St. to Sunset Cliffs Blvd.
* Garnet Ave. from Ocean Front Walk to Cass St.
* Ventura Pl. from Mission Blvd. to Ocean Front Walk
* Coast Blvd from Cave St to Coast Blvd S
* India St., Kettner Blvd. and Columbia St. from Beech St. to Laurel St.
* San Diego Ave. between Conde St. and Twiggs St.
* Mission Beach and La Jolla Shores Boardwalks
* Sunset Cliffs Natural Park
* Botanical Building and Lily Pond in Balboa Park

Sidewalk vending would also be prohibited within 5 feet of any fire hydrant, fire escape, or above ground facility (i.e. street light, tree well, parking meter, scooter corral); and, 15 feet of another sidewalk vendor, intersection, driveway, building entrance, parking space, access ramp, outdoor dining or patio area, public restroom, or locations with a valid encroachment permit displayed; and, 25 feet of any fire lane; and, 100 feet of any vehicle entrance, emergency facility, major transit stop, city street or sidewalk closure; and, 500 feet of any permitted special event, school during recess or within 30 minutes before or after operating hours, and city sports facilities on event days. Vending would be allowed in public parks except during the summer moratorium in Balboa Park, Mission Bay Park, Presidio Park, Belmont Park, and the beach from Ocean Beach to La Jolla. Alcohol, tobacco or vaping products, smoking and drug paraphernalia, cannabis products, weapons, imitation firearms, and pharmaceuticals would be banned from sale by sidewalk vendors.

**IN A NUTSHELL**

Senate Bill 946 (SB 946) decriminalizes sidewalk vending and establishes local regulation of sidewalk vendors. The Office of Mayor Kevin Faulconer has introduced an ordinance that would regulate the time, place, and manner during which an individual may participate in sidewalk vending. The following areas within the DSDP PBID boundaries would be prohibited:

* Fifth and Fourth Ave. between Broadway and Harbor Dr.
* Imperial Ave from Park Blvd. to 17th St.
* Petco Park and the Ballpark District on event and Padres game days:
  + 6th Ave. through 14th St. between Market St., Harbor Dr., and Commercial St.
* Within 500 feet of the Convention Center during conventions