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**FW: Peddler Ordinance**

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**From** City Clerk <city.clerk@sanjoseca.gov>  
**Date** Mon 4/7/2025 1:16 PM  
**To** Agendadesk <Agendadesk@sanjoseca.gov>

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**From:** Daphna Woolfe <[REDACTED]>  
**Sent:** Monday, April 7, 2025 1:04 PM  
**To:** City Clerk <city.clerk@sanjoseca.gov>; Beckel, Dolan <dolan.beckel@sanjoseca.gov>; Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Fruen, Joseph <Joseph.Fruen@sanjoseca.gov>  
**Subject:** Peddler Ordinance

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Dear Mr. Beckel,

**City Clerk, please ensure this letter is entered into the public record for 08April2025 Agenda Item 2.2(b) - Ordinance No. 31183 Code Related to the City of San José Peddler Ordinance.**

The much-needed amendment (Peddler Permit Ordinance Amendment draft passed 25MAR2025 as Item 8.1.) clearly targets peddlers of the sidewalk vending pushcart variety but does **nothing** to target peddlers of the roadway vending motorized food truck variety, a much larger problem citywide. Six years ago, unpermitted food truck street vending began at 3252 Stevens Creek Boulevard and ever since has been a plague to boulevard safety and our neighborhood. For five years, the Winchester Orchard Neighborhood Association has taken extraordinary efforts by attempting to work through the highest levels of municipal government to remove the threat to public health, safety & welfare, which is still unresolved.

As this threat continues to exist in its highest level as a Vision Zero life safety threat to boulevard users, and that repeated explanations & requests to too many **(multiple times each - former Deputy City Manager Rob Lloyd, both Vice Mayors Jones and Kamei and their Chiefs of Staff, Deputy Director of D.O.T., S.J. Department of Environmental Services, Code Enforcement Inspectors, Parking Compliance Officers)** for resolution have not ended the problems, W.O.N.A. is compelled to write this letter for entry into the public record.

Attached is a photo taken 03APR2025 by W.O.N.A. President Daphna Woolfe showing a white truck & trailer where the food trucks normally park at 2342 Stevens Creek Blvd. The photo documents the danger of westward line-of-sight obstruction safety hazard for those exiting Maplewood. The addition of the car carrier poses a serious eastward line-of-sight obstruction for those turning left from Rosewood for westbound travel. Those left turners from Maplewood must enter directly into the fast lane.

Even without the presence of food trucks between Rosewood & Maplewood, the continued non-designation between those streets as a long requested "No Tall Vehicle Parking Zone", as well as

“normal” auto transport loading operations in the center left turn lane, continue to pose serious Vision Zero life safety hazards along our stretch of the boulevard where we’ve experienced three roadway fatalities since 19SEPT2024. As documented immediately after the 10DEC2025 fatality, auto transport rigs pose hazard by using the center left turn lane even when designated freight zones are available nearby on either side of the road.

It has been four full work weeks since Rick Scott has been the D.O.T. point person for reviewing our roadway safety concerns, and we’ve heard nothing back.

Only through our direct engagement with S.J.P.D. Western Division Commander Tran, and his redirecting this problem to B.F.O. Sgt. Tim Wilson, have we had signs of real corrective actions taken. W.O.N.A. thanks them both. We were informed on 24MAR2025 that the B.F.O. “explained the issues” with our most active recent violator, Ivan’s Baked Potatoes, and that the B.F.O. doesn’t anticipate further problems with them.

Even after final adoption on 08APR2025, it appears the amended ordinance will do nothing to better enable the municipality to hold food trucks accountable for violations, or the public to hold the municipality accountable for not doing so.

Here's some of our concerns:

**That P.B.C.E. issues the private property permit, and S.J.P.D. issues the public-right-of-way permit, and with each having authority to enforce only the permits they issue, the mechanisms for proper enforcement are vague and convoluted to all but a few city staffers and fewer members of the public.**

**No clear, cohesive and streamlined process exists to manage all aspects of mobile food vending, with no one department being the clear process holder / administrator.**

**The solution to the problem is that one office with dedicated staff should:**

***\* be tasked as the process holder for all thing related to mobile food vending of all types;***

***\* be responsible for issuing both private property and public right-of-way permits;***

***\* be the clearinghouse for all public complaints and concerns regarding mobile food vending; \*request & direct assistance of any other staff or departments needed to perform issuance of permits (example: D.O.T. roadway & multimodal safety review by location for public right-of-way permits);***

***\*request, direct & conduct enforcement efforts, be it with S.J.P.D. for public right-of-way, P.B.C.E. for private property, Environmental Services for issues of discharges and garbage, County D.E.H. for violators without a county permit, and/or any other departments or governmental agencies necessary to ensure regulatory compliance and public health & safety.***

As far as the public can tell, County D.E.H. permit holders can avoid getting either San Jose permit while operating in continuous violation to S.J. requirements with no consequences to their D.E.H. permit.

Although the public can search County D.E.H. permit holders through <https://deh.santaclaracounty.gov/consumers/food-safety-programs/view-approved-mobile-food-facilities>, and permits issued by P.B.C.E. to operate on private property can be seen on their page by address, there is no public on-line access to the S.J.P.D. issued permits to operate in the public right-of-way. **Having the S.J.P.D. permit holders list accessible online would greatly assist the public and align with city Open Government policies while bringing transparency.**

The Winchester Orchard Neighborhood Association is willing to have an opportunity to directly engage in serious conversations with the C.M.O. and any other city departments to eliminate these public health & safety threats.

Such a collaborative effort could happen as **Demonstration Partnership** of the **Mutual Development Opportunities** type, through Policy 0-40 "Framework for Establishing Demonstration Partnerships", as authorized by Resolution 75985, found

at <https://records.sanjoseca.gov/Resolutions/RES75985.PDF> Similarly, through Policy 0-40, collaborative efforts could happen between W.O.N.A., the D1 Office, D.O.T. and others to better operations and increase public safety & awareness along the Stevens Creek "Grand" Boulevard.

As always, W.O.N.A. seeks to work with the city to solve our community problems.

Daphna Woolfe

President

Winchester Orchard Neighborhood Association – W.O.N.A.

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**FW: for 18April2025 Agenda Item 2.2(b) - Ordinance No. 31183 Code Related to the City of San José Peddler Ordinance.**

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**From** City Clerk <city.clerk@sanjoseca.gov>  
**Date** Mon 4/7/2025 3:42 PM  
**To** Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachment (152 KB)  
KLUBHOUSE SEMI and CAR CARRIER PHOTO.jpg;

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**From:** Giangreco Chris <[REDACTED]>  
**Sent:** Monday, April 7, 2025 3:37 PM  
**To:** City Clerk <city.clerk@sanjoseca.gov>; Beckel, Dolan <dolan.beckel@sanjoseca.gov>; Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Daphna Woolfe <[REDACTED]>; Fruen, Joseph <Joseph.Fruen@sanjoseca.gov>  
**Subject:** for 18April2025 Agenda Item 2.2(b) - Ordinance No. 31183 Code Related to the City of San José Peddler Ordinance.

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07 April 2025

**City Clerk, please ensure this letter is entered into the public record for 18April2025 Agenda Item 2.2(b) - Ordinance No. 31183 Code Related to the City of San José Peddler Ordinance.**

C.O.S. Beckel & Councilmember Kamei, attached is the photo taken by W.O.N.A. President Daphna Woolfe, mid-afternoon last Thursday, 03APRIL2025.

The roadway dangers documented in the image should be clear to anyone, not only those who know that roadway well.

The white tractor-trailer rig is parked where food trucks normally park in front of 3242 Stevens Creek Blvd. The roadway safety hazard posed by large vehicles parked there, as a line-of-sight obstruction, has been **the top priority concern of W.O.N.A.** as a Vision Zero life safety threat. The city was warned years ago of our concerns.

Upon W.O.N.A. first bringing forward to the D1 Council Office, the C.M.O. & D.O.T., our roadway safety concerns and request for designation of this zone as a "No Large Vehicle

Zone", proper steps should have been taken to ensure completion of an appropriate roadway safety review, and once completed, ensure any changes or improvements were made.

To the best knowledge of W.O.N.A., none of that was done.

Proper steps should have been taken to eliminate any unpermitted vending and illegal parking by the vendors and their customers.

Again and to the best knowledge of W.O.N.A., none of that was done.

Indeed, aside from any conversations W.O.N.A. has had with the the councilmember at the time or city staffers, any actions of consequence taken by anyone from the city should be documented and verifiable.

Take a close look at the photo and you'll see that white truck is partially blocking the bicycle lane. The bicyclist approaching will likely arrive at the rear corner or side of the truck just as the black car is beside him.

The car carrier in the center left turn lane adds another dimension of serious danger to the roadway. Anyone needing to turn left from Maplewood onto Stevens Creek westbound would not only need to risk getting T-Boned due to obstruction of oncoming traffic, with the center left turn lane unavailable as a staging / merging lane, they must make a hard left around the transporter ramps and enter whatever lanes they can safely, hopefully.

Additionally, the presence of the auto transport rig poses a severe line-of-sight safety hazard for those turning left from Rosewood, where the bicyclist had just passed. The unnecessary addition of the excessively large Henry intersection median island at Rosewood eliminated the center left turn lane as a safe merging area, compounding the dangers.

One speeding and / or inattentive driver boulevard driver, or one poor judgement action by anyone, particularly a driver entering the boulevard from Rosewood, Maplewood or a nearby driveway, could result in the next Vision Zero statistic.

Conditions shown wouldn't be much better if one food truck was present instead of the white semi. Conditions would likely be much worse if two food trucks were present, because with two set up and vending, the hydrant zone here the bicyclist is and the red zone to the Maplewood corner are often fully parked out by customers, with parking enforcement seeming never present when needed.

The City of San Jose is allowing itself to be partially or largely to blame if a fatality or serious accident occurs by allowing these dangerous conditions to go unchecked.

When no appropriate policies and procedures exist to prevent or end peddler violations of the extent and magnitude W.O.N.A. has seen at this one location, they will continue here and elsewhere across the city.

If appropriate and effective policies and procedures do exist, why have they not been used / adhered to?

Industry would be performing a Root Cause Analysis to identify and eliminate the failure points.

Chris Giangreco  
Vice President  
Traffic & Transportation Liaison  
Winchester Orchard Neighborhood Association - W.O.N.A.

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**FW: for 18April2025 Agenda Item 2.2(b) - Ordinance No. 31183 Code Related to the City of San José Peddler Ordinance.**

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**From** City Clerk <city.clerk@sanjoseca.gov>  
**Date** Tue 4/8/2025 7:53 AM  
**To** Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachment (1 MB)  
IMG\_6126.JPG;

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**From:** Giangreco Chris [REDACTED]  
**Sent:** Monday, April 7, 2025 7:23 PM  
**To:** City Clerk <city.clerk@sanjoseca.gov>; Beckel, Dolan <dolan.beckel@sanjoseca.gov>; Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>  
**Cc:** Fruen, Joseph <Joseph.Fruen@sanjoseca.gov>  
**Subject:** for 18April2025 Agenda Item 2.2(b) - Ordinance No. 31183 Code Related to the City of San José Peddler Ordinance.

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07 April 2025

**City Clerk, please ensure this letter is entered into the public record for 18April2025 Agenda Item 2.2(b) - Ordinance No. 31183 Code Related to the City of San José Peddler Ordinance.**

C.O.S. Beckel & Councilmember Kamei, attached is the photo taken by a W.O.N.A. resident at 1:07 PM on 13MARCH2025.

The pushout seen on the side of the Ivan's Baked Potatoes food truck is the first our neighborhood has seen with this feature. That pushout extends well into the bicycle lane creating even greater roadway hazard.

During a recent conversation with the S.J.P.D. Permit Center, it sounded like there wasn't much to the permit approval process, and no indication was given that any by-location safety review is part of that process. Although it is probably much more than that, and I hope it is, it sounded more like a relatively easy rubber stamping process.



W.O.N.A. was told by S.J.P.D. Permit Center staff that Ivan's and the other food trucks we've seen there **do not have the required permit** to operate in the public right-of-way.

If the S.J.P.D. permits for mobile food vendors were available online to the public, potential customers and concerned members of the public could easily verify permit status and location approval, which can not happen when the permit center is closed.

W.O.N.A. does not know if S.J.P.D. has direct remote field access to those permits 24 hours a day, or if they must go through the Permit Center during business hours. If they don't, public access would directly benefit them by giving them another field tool.

In turn, the public would be better able to make important consumer decisions, violator reporting by the public would be much easier, and better regulation could occur to help better defend public health & safety.

Public access to the S.J.P.D. issued public right-of-way permits would benefit everyone but violators.

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**FW: PEDDLER ORDINANCE 30 DAY REVIEW PERIOD UNCLEAR**

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**From** City Clerk <city.clerk@sanjoseca.gov>  
**Date** Tue 4/8/2025 11:44 AM  
**To** Agendadesk <Agendadesk@sanjoseca.gov>

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**From:** Giangreco Chris <[REDACTED]>  
**Sent:** Tuesday, April 8, 2025 11:43 AM  
**To:** City Clerk <city.clerk@sanjoseca.gov>; Kamei, Rosemary <Rosemary.Kamei@sanjoseca.gov>; Campos, Pamela <Pamela.Campos@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; michael.mulcahey@sanjoseca.gov; Doan, Bien <Bien.Doan@sanjoseca.gov>; Candelas, Domingo <Domingo.Candelas@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>  
**Subject:** PEDDLER ORDINANCE 30 DAY REVIEW PERIOD UNCLEAR

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08 April 2025

City Clerk, please ensure this letter is entered into the public record for 18April2025 Agenda Item 2.2(b) - Ordinance No. 31183 Code Related to the City of San José Peddler Ordinance.

**All councilmembers, it appears the Office of the City Manager and the City Attorney are unclear as to application & process of the 30 day time period. The public certainly is. It is therefore easy to assume Council is as well. Perhaps the best thing for the City and the public is deferral of final approval to a later date.**

C.O.S. Beckel & councilmember Kamei, it appears there exists non-clarity within ordinance amendment itself as to the 30 day time period stated and application (start) date of the amendment, absolutely leading to public confusion and likely leading to Council confusion.

If a proper 30 day period is not adhered to critical public input will not be allowed.

**The municipality, Council and the public are all be best served if final approval happens only after items 4 through 6 below have been properly completed.**

The top of ordinance page 5 <https://sanjose.legistar.com/View.ashx?M=F&ID=14002160&GUID=EB8162E8-D2B6-47F3-B26A-D3AA8975EC10>  
reads:

**4. A thirty-day public comment period to receive comments on the proposed regulations shall commence on the date the notice of the proposed regulations is sent to those permitted or licensed under this chapter. During the comment period, any person may submit written comments regarding the proposed regulations to the city manager.**

**5. After the close of the public comment period, the city manager shall consider all reasonable public comments on the proposed regulations.**

**6. After the city manager has considered the comments, the city manager shall approve the final regulations.**

I called the C.M.O. late last week and had a 29 minute conversation with Kailyn Kenney explaining our neighborhood food peddler problem, and to seek clarification of when the 30 day period will be, is or was.

Here's the answer:

From:kailyn.kenney@sanjoseca.gov  
To:Giangreco Chris,Rivera Rojas, Lorena  
Cc:Kamei, Rosemary,Daphna Woolfe,Fruen, Joseph  
**Mon, Apr 7 at 5:07 PM**

Hello Chris,

I heard back from the City Attorney's Office. Please see below. The second reading is tomorrow at Council during the consent items.

There is generally no "30 day comment period" for City ordinances. The time for the public to comment is at the first or second reading — either in person or in writing.

Best, Kailyn

Kailyn Kenney (she/her)  
Assistant to the City Manager  
City Manager's Office | City of San José  
200 East Santa Clara Street, 17th Floor | San José, CA 95113