



Memorandum

TO: RULES AND OPEN GOVERNMENT COMMITTEE **FROM:** Councilmember Raul Perez

SUBJECT: Mobile Vendor Policy Update **DATE:** November 29, 2018

Approved:

Date: 11/29/18

RECOMMENDATION

1. Direct City Staff to review and update as needed our Mobile Vendor Policies in accordance to California Senate Bill 946 (SB 946).
2. Review the City of Los Angeles' new sidewalk vendor policy and explore whether any of its elements could potentially enhance San José's existing policies.
3. Report back to City Council with an update and recommendations for consideration.

BACKGROUND

On September 17, Governor Jerry Brown signed into law SB 946 which was introduced by State Senator Ricardo Lara. The bill introduced "prohibit a local authority, as defined, from regulating sidewalk vendors, except in accordance with the provisions of the bill. The bill stated that a local authority is not required to adopt a new program to regulate sidewalk vendors if the local authority has established an existing program that substantially complies with the provisions of the bill. The bill would apply these provisions to a chartered or general law city, county, or city and county."¹

Simultaneously, Los Angeles was separately debating a separate policy related to sidewalk vending which was five years in the making.² On November 28, the City of Los Angeles passed an ordinance on how the city would regulate street vendors allowing it to enforce vendor laws and be in-line with SB 946 when it takes effect on January 1, 2019.

San José has long had a vibrant culture of mobile vendors in our City. In 2016, the City updated its policies to allow more flexibility for fresh fruit vendors to operate in the public right of way. It is not uncommon to see in numerous street corners of our diverse city the presence of mobile vendors and essentially they have become part of our

¹ https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB946

² <https://www.latimes.com/local/lanow/la-me-ln-vending-legalize-20181128-story.html>

socioeconomic fabric. As the caliber of events in San José has grown, we have also seen a proliferation of mobile vendors at large events such as Fourth of July Celebrations, Major Sporting Gatherings and Annual Holiday festivities.

My office has worked for the past four years with various city departments, public agencies and local organizations to address concerns from the general public related to mobile vendors at large events. While the go-to reaction is often enforcement, I have sought to explore creative solutions to address this vital entrepreneurial element of our city. Recently, my office supported our Office of Economic Development in a collaborative effort to put forth a micro-business food cart pilot called the Eastside Grown Street Food Hub that is permitted and debuting this holiday season in Downtown San José. We applaud Veggielution for their leadership and Winter Wonderland for their partnership, along with Kiva San José, San José State University, CitiBank, the Small Business Development Center and Somos Mayfair for their collaboration. This approach is innovative and in the spirit of SB 946 which “provides important entrepreneurship and economic development opportunities to low-income and immigrant communities”.

Prior to SB 946 taking full effect, it would then be prudent that the City review its existing policies and if needed update it to align with the provisions of the State Bill as well as any allowable parameters the City can include to promote and maintain public health and safety.