


Action on Policy Options to Amend Regulations Related to Street Vending Activities in the City of Santa Clara

Item #9 - Report to Council 23-211
April 18, 2023

1



History

- Existing City Codes (Ch 3, 5, 8) prohibit roaming or stationary unpermitted businesses
- SB 946 (January 2019) decriminalized sidewalk vending and imposed restrictions on manners in which enforcement could occur
- January 2019 the City Attorney’s Office authored a Memorandum to the Police and Parks and Recreation Departments addressing SB 946
- Late-2022 through early-2023, Mr. Gibbins spoke to City Council regarding permit enforcement of sidewalk vendors around Levi’s Stadium on event days; City staff met with Mr. Gibbins
- At the January 31, 2023 City Council meeting, the Council directed staff to provide an update at a future meeting regarding Mr. Gibbins’ concerns, including the Police Department’s constraints on permit enforcement

2



Overview of SB946

- Specific scope: Food/merchandise sold from a non-motorized stand/cart upon public sidewalk or other pedestrian path
- No public sidewalk limitations *except* to address obj. health, safety, welfare (HSW) concerns
- Other allowable regulations differ depending on location and circumstance
- Generally cannot limit total number of vendors in the City
- Generally, time/place/manner restrictions are allowed, but must be based on HSW
- No criminal penalties, administrative citations only, per a set fine schedule. "Ability to pay" determination process must be created, with statutory ability to reduce fine by up to 80%.

3



Challenges

- The current City Code does not align with recently adopted legislation
- The City has identified numerous health, safety and welfare concerns associated with the operation of sidewalk vendors without time, place and manner restrictions
- SB 946 details multiple constraints by location
 - General
 - Parks
 - Farmer's Markets and/or Swap Meets
 - Temporary Special Permit Areas
- Even with permissible restrictions enacted, repercussions for a violation will be inconsequential

4



Health and Safety Concerns

- Numerous health, safety, & welfare concerns exist with unregulated vendors on sidewalks, public right of ways, in City parks, and on private property (e.g., parking lots), including:
 - Encroachment of public spaces and concerns of sidewalk access and public right of way
 - Impediment to pedestrian, bicycle, pedicab, and vehicular traffic, in particular during egress at large events
 - Unsafe food preparation, maintenance, and handling practices
 - Inadequate waste disposal
 - Vulnerable population subject to street crimes
 - Labor / employment law violations

5



6



Levi's Stadium Area - Additional Concerns

- Location of sidewalk vendors not incorporated into emergency evacuation or traffic management plan
- Propane tanks, causing explosive concerns if ignited in highly populated area
- Hot, greasy cooktops without structures for safety clearances and required fire extinguishing devices
- Massive groups congregating, particularly near gates, bridges, parking lots, crosswalks, sidewalks, etc.
- Lines causing people to interrupt ADA paths and pedestrian, bicyclist and pedicab traffic
- Intoxicated attendees causing fights connected with massive groups traveling through narrow paths
- Sizeable amounts of cash being exchanged and potential for crime
- Sanitary issues, including but not limited to garbage, access to water for hand cleaning, etc.
- Merchandise sales of counterfeit, unsafe or inappropriate items (e.g., flares)
- Alcohol being sold without Alcoholic Beverage Control permits
- Concerns of legitimate employment practices

7



Policy Options

#1 – Prepare a temporary ordinance amendment and permit process for stadium event days that would **define areas where sidewalk vending could not occur** due to health and/or safety concerns, within a to-be-determined stadium footprint. The Ordinance would also contain provisions to prohibit vending in parking lots associated with the stadium event. The temporary Ordinance would be established for **a pilot period of August 2023 to January 2024** to evaluate impacts. At that time, the Police Department would return to the City Council with recommendations for implementation for the 2024 concert and NFL seasons, as well as how the Ordinance may need to be amended to apply in other areas of the City such as City parks.

8



Policy Options (continued)

#2 - Direct staff to develop an Ordinance amendment to **address sidewalk vending City-wide to align City Code with current sidewalk vending legislation.** In this scenario, vending would be regulated and enforced throughout all areas of the City.

#3 - Direct staff to **eliminate all unenforceable City Code sections related to sidewalk vending (and include minor modifications to enforceable provisions of the code as necessary), but generally defer to State law on the matter, without any meaningful local controls.**

9



Recommendation

Direct staff to proceed with Option #1:

Proceed with a pilot program in the area of Levi's Stadium from August 2023 through January 2024, with the Police Department returning to City Council with recommendations for implementation for the 2024 concert and NFL seasons, as well as how the Ordinance may need to be amended to apply in other areas of the City, such as City parks.

10

April 18, 2023
Item # 9



POST MEETING MATERIAL



Levi's
STADIUM

POST MEETING MATERIAL