



# Memorandum

**TO:** CITY COUNCIL

**FROM:** Mayor Chuck Reed  
Vice Mayor Madison Nguyen  
Councilmember Xavier Campos  
Councilmember Ash Kalra

**SUBJECT:** SEE BELOW

**DATE:** May 10, 2013

**APPROVED:**

*Chuck Reed*  
*Xavier Campos* *Madison Nguyen*

**DATE:**

*5/10/13*

*Ash Kalra*

**SUBJECT: PEDDLERS ORDINANCE/OUTDOOR VENDING ON PUBLIC AND PRIVATE PROPERTY**

## RECOMMENDATION

Approve, as outlined in the April 29, 2013, staff report, the recommendation of ordinance amending Title 6 (Business Licenses and Regulations) and Title 20 (Zoning Ordinance) of the San Jose Municipal Code.

## BACKGROUND

In February 2012, the City Council listed the streamlining of mobile vending regulations to facilitate the vending of fresh fruits and vegetables as a "Top 10" priority for ordinance amendments to the San José Municipal Code. Staff conducted numerous community outreach meetings and met with non-profit sector representatives to obtain input as well.

## ANALYSIS

This amendment will create a positive impact on our community because vendors will be able to more freely vend within the city and provide fruits and vegetables to the people that need them most, such as those who are not able to drive to or are not within walking distance of, grocers, markets, and other conventional food outlets.

The April 2012 *Santa Clara County Mobile Fresh Food Vending Feasibility Study* prepared for The Health Trust by Karp Resources highlighted the complexities associated with permitting and enforcing mobile vendors and recommended that this process would be simplified if the City and County regulations were consistent. The proposed ordinance amendments will not only provide access to healthy foods, streamline the permitting process and facilitate the regulation all vendors but will also align with County regulations.

## CITY COUNCIL

05-14-13

Subject: Peddlers Ordinance/Outdoor Vending on Public and Private Property

Page 2 of 2

Therefore, by having consistent regulations between the City of San José and Santa Clara County, confusion regarding regulation on cart size limits can be alleviated.<sup>1</sup> The resizing of allowable carts up to 100 square feet of space in the public right of way as this amendment offers is admittedly a significant increase in size. However, it will not burden sidewalk space or constrain pedestrian access since other restrictions will mitigate these issues.<sup>2</sup> By creating regulations that complement those of the County, vendors will be allowed to legally continue supplying the community with access to fresh fruits and vegetables, at affordable prices and in a safe, convenient manner.

In addition, by establishing a clear protocol for obtaining authorization from the City for vendors to sell on private property, a smoother business relationship between vendors and property owners will be facilitated.<sup>3</sup> Furthermore, by allowing vendors to vend near community centers, schools, libraries, and religious assembly sites in Residential Zoning Districts, we are furthering the access to healthy food options within communities. Recognizing that not all residents have the ability to drive or use public transit, these vendors create access to fresh fruits and vegetables that would otherwise not be there. Therefore, by approving this amendment, Council can take steps towards achieving the General Plan in the areas of Innovative Economy, Vibrant Neighborhoods, and Land Use policies to further the goal of a better San José for the next generation.

---

<sup>1</sup> For instance, County code requires a sink/washing station, but some vendors have complained that the overall size limit of the cart regulated by the City does not allow ample space for such a sink/wash station to be present and therefore leaves vendors with no way to comply with both regulations.

<sup>2</sup> The ordinance contains regulations that restrict carts from occupying too much sidewalk space and it also contains strict sidewalk and distance requirements as to not interfere with stationary business, parking and pedestrian traffic.

<sup>3</sup> In terms of the public right of way, other regulations already in place such as sidewalk clearances, distances from driveways, and distances from intersections, protect brick and mortar businesses from potentially losing customers.