

CITY OF SANTA BARBARA WATERFRONT DEPARTMENT

MEMORANDUM

Date: August 19, 2021
To: Harbor Commission
From: Mike Wiltshire, Waterfront Director
Subject: **Director's Report**

COVID UPDATE

Since the last Harbor Commission meeting on June 17, 2021 there has been some ups and downs with respect to COVID cases and restrictions. As of June 15, 2021 the State of California dramatically loosened restrictions and moved out of the four-tier system as well as lifting mask mandates for unvaccinated individuals.

Recently, due to a large spike in COVID cases in Santa Barbara County resulting from the Delta variant, an indoor mask mandate was reinstated. On August 6, 2021 Santa Barbara County Health Officer issued Order No. 2021-10.3 requiring all individuals to wear face coverings in all indoor public settings and businesses regardless of vaccination status.

The indoor mask mandate does apply to Waterfront offices as well as Waterfront tenants with indoor operations. At this time there has been no capacity limitations or further restrictions on business operations beyond the requirement to wear a mask while indoors.

SIDEWALK VENDING ORDINANCE UPDATE

Over the past several months you may have noticed an increase in sidewalk and push-cart vendors throughout Santa Barbara, and more specifically in the Waterfront area. In September 2018 Senate Bill 946 was signed into law which limits the oversight cities have on sidewalk vendors which has resulted an increase in these types of businesses.

Sidewalk vendors include individuals who sell food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one's person, upon a public sidewalk or other pedestrian paths. In the Waterfront, these vendors have typically been conducting business along Cabrillo Blvd, beach bikeways, and at the foot of Stearns Wharf.

Although the City's ability to regulate this activity is somewhat limited, due to overarching State law, there is some room for oversight to address health, safety, and welfare concerns. With this in mind the City is in the process of drafting a Sidewalk Vending Ordinance, and an associated Sidewalk Vending Information Guide (attached). City staff took the draft Sidewalk Vending Ordinance and associated Rules and Regulations to the Ordinance Committee on August 3, 2021 and were asked to complete further outreach before returning to Ordinance Committee at a later date.

It is still early on in the Sidewalk Vending Ordinance process. As there are potential physical and economic impacts to the Waterfront, your involvement and input is encouraged.

WEST BEACH CANOE PERMIT – TOMOL CANOE DISCUSSION

The Waterfront Department utilizes a portion of West Beach which is reserved for the storage of outrigger canoes, sailboats, rowing dories, and surf skis. The use of this space is managed through a permit program overseen by the Waterfront Department. Applicants apply for a permit, pay associated fees, and receive the right to store, and use, their equipment in the designated area while following the program guidelines.

Recently, the Coastal Chumash Community placed a wooden Tomol Canoe in the above referenced outrigger canoe area on West Beach and have requested the annual permit fee of \$275 to be waived. As Waterfront fees are established by resolution, approved by Council, and a part of the annual budget process it is not possible to administratively waive fees for specific groups.

The Waterfront Department is requesting Harbor Commission input on the matter. If Harbor Commission feels a fee waiver is in order, Waterfront staff can work to identify methods to accomplish this. One possible approach is a request could be made to City Council to include a \$275 General Fund grant to cover the permit fees for the Chumash Tomol Canoe. Additionally, during the annual budget process, the Chumash Community can make an outside request for funding to cover such fees as a part of the City budget.

There is currently space available for the Tomol Canoe and the Waterfront Department has requested that the proper permit process be followed and applicable fees be paid. The Waterfront Department has held off on citing or removing the Tomol Canoe until this issue is resolved.

TENTATIVE AGENDA ITEMS FOR FUTURE MEETINGS

- Waterfront Budget Fiscal Year 2021 Year-End Report
- Harbor Patrol Presentation
- Waterfront Municipal Code Update
- Insurance Requirements For Vessels In Harbor

Attachment: Draft Sidewalk Vending Information Guide

Prepared by: Mike Wiltshire, Waterfront Director



SIDEWALK VENDING INFORMATION GUIDE

City of Santa Barbara – Proposed Regulations

July 27, 2021

All Sidewalk Vendors That Operate In the City of Santa Barbara Must Have the Following:

- City of Santa Barbara Vendor's License
- California Department of Tax and Fee Seller's Permit

All Sidewalk Food Vendors Must Also Have: County of Santa Barbara Health Permit

Summary of Operation and Location Regulations

- Vending carts cannot be longer than 74 inches, wider than 34 inches or taller than 80 inches. Umbrellas attached to a cart are allowed up to 72 inches in diameter or 94 inches in height. The City's Business License and Health Department permit, if selling food, must be displayed on the vending cart.
- Sidewalk Vending is not allowed/permitted:**
 1. Within 500 feet of any school between 7:30 am and 4 pm when school is in session
 2. That reduces the path of travel to less than 4 feet or impedes access to residences/businesses
 3. Within 500 feet of a City-permitted special event that includes:
 - Certified Farmers' Market venues
 - SB Arts and Crafts Show
 - Parades
 4. Within 5 feet of a crosswalk, fire hydrant, bus bench, driveway or within 10 feet of public transit shelter
 5. Within 100 feet of an outdoor dining area or within 10 feet to any business entrance in operation
 6. Within 200 feet of the entrance to a government building or hospital
 7. Within 50 feet from another sidewalk vendor
 8. In front of a transparent window or within 4 feet of a business entry or exit on a public street
 9. In commercial zones between midnight and 6 a.m.
 10. Stationary sidewalk vendors are prohibited in residential zones
 11. Roaming Sidewalk Vendors are allowed in residential zones only between the hours of 8 am and ½ hour after sunset-not allowed to stay in same location for more than 5 minutes, except to complete a sale
 12. Sidewalk vending is prohibited entirely on the 500 block of Downtown State Street
- Sidewalk Vending in City parks or beach is prohibited where there is a lease concession, when the park or beach is closed, in playgrounds, recreational fields, ball courts, designated parking stalls, and in areas set aside for special events or reserved use. Vending carts cannot impede pedestrian traffic or reduce the path of travel on a sidewalk or pedestrian pathway to less than 4 feet
- Sidewalk Vendors cannot sell alcoholic beverages, tobacco/cannabis or related products or smoking devices, weapons, or pharmaceuticals
- Vending carts cannot be left overnight or locked, chained or secured to any pole, sign, tree, or other object in the public right of way. Vendors must maintain a clean and trash-free 10-foot radius from a stationary cart
- Sidewalk vendors who sell food must provide a trash receptacle for customers, if they are a stationary vendor that sells food must be within 200 feet of a readily available toilet with handwashing facilities
- Free standing signs are prohibited and vendors cannot use or set up tables, chairs, or other structures for their customers. Stationary vendors may use a stool or chair for personal use
- Vending carts must be self-contained, including any power source. Gas powered generators are prohibited and vendors cannot connect to or use a water or electricity source without owner consent
- Exemptions to this ordinance include traveling salespersons who solicit orders for future delivery; occasional sales of goods and services to local events by local students or fund raising sales by service clubs or groups; peddlers operating pursuant to a permit; and solicitation of charitable or political contributions that do not involve the exchange of merchandise or food in exchange for the donation
- No Seller's Permit requirement if the vendor is serving: cold food products such as cold sandwiches, milkshakes, smoothies, ice cream, and cold salads; fruits and vegetables; and fruit/vegetable juices, other beverages, whether liquid or frozen, including all beverages composed in part of fruit or vegetable juice and concentrates, powders, or other bases for such beverages, and non-carbonated and non-effervescent bottled water intended for human consumption regardless the method of delivery
- No Health Permit requirement if the vendor is serving small amounts of whole/uncut produce and shelf-stable, commercially packaged and fully labeled foods (commercially bottled water, soda or bags of chips for example)
- The City also prohibits any food or beverage vendor from distributing polystyrene (Styrofoam) food and beverage containers, plastic and compostable plant-based (corn, sugarcane, etc.) plastic straws and stirrers. All plastic cutlery, compostable plastic cutlery, and other single use straws are required to be requested by the customer



GUÍA DE INFORMACIÓN DE VENTAS EN LAS ACERAS

Ciudad de Santa Bárbara – Regulaciones Propuestas

28 de Julio de 2021

Todos los vendedores en las aceras que operan en la ciudad de Santa Bárbara deben tener lo siguiente: Licencia de vendedor de la ciudad de Santa Bárbara Permiso de vendedor del Departamento de Impuestos y Tarifas de California

Vendedores de comida también deben tener: Permiso del Departamento de Salud del Condado de Santa Bárbara

Resumen de regulaciones de funcionamiento y localización

- Los carritos de venta no pueden ser más largos que 74 pulgadas, más anchos que 34 pulgadas o más altos que 80 pulgadas. Se permiten los paraguas anexados a los carritos de hasta 72 pulgadas de diámetro o 94 pulgadas de altura. La licencia comercial y permiso del Departamento de Salud, si vende alimentos, deben mostrarse en el carrito de venta.
- No se permite la venta en la acera:**
 1. A 500 pies de cualquier escuela entre las 7:30 am y las 4 pm cuando la escuela está en sesión.
 2. Que reduzca la ruta de paso a menos de 4 pies o impide el acceso a residencias / negocios.
 3. A 500 pies de un evento especial permitido por la ciudad que incluye:
 - Mercados de agricultores certificados - Muestra de Artes y Oficios SB - Desfiles
 4. A menos de 5 pies de un cruce de peatones, boca de incendios, banco de autobús, camino de entrada o dentro de 10 pies de un estacionamiento de transporte público.
 5. A 100 pies de un comedor al aire libre o a 10 pies de cualquier entrada comercial en funcionamiento.
 6. A 200 pies de la entrada a un edificio gubernamental u hospital.
 7. A menos de 50 pies de otro vendedor en la acera.
 8. Frente a una ventana transparente o dentro de 4 pies de una entrada o salida comercial en una calle pública.
 9. En zonas comerciales entre la medianoche y las 6 a.m.
 10. Los vendedores estacionarios en las aceras están prohibidos en las zonas residenciales
 11. Los vendedores ambulantes en las aceras están permitidos en zonas residenciales sólo entre las 8 am y ½ hora después de la puesta del sol; no se les permite permanecer en el mismo lugar por más de 5 minutos, excepto para completar una venta.
 12. La venta en las aceras está totalmente prohibida en la cuadra 500 de State Street en el Downtown.
- Se prohíbe la venta en la acera en los parques o las playas de la ciudad donde hay una concesión de arrendamiento, cuando el parque o la playa están cerrados, en áreas de juego, campos recreativos, canchas de pelota, puestos de estacionamiento designados y en áreas reservadas para eventos especiales o uso reservado. Los carritos de venta no pueden impedir el tráfico de peatones ni reducir el recorrido en una acera o camino peatonal a menos de 4 pies.
- Los vendedores en las aceras no pueden vender bebidas alcohólicas, tabaco / cannabis o productos relacionados o dispositivos para fumar, armas o fármacos.
- Los carritos de venta no se pueden bloquear, encadenar o asegurar a ningún poste, letrero, árbol u otro objeto en el derecho de paso público. Los vendedores deben mantener un radio de 10 pies limpio y libre de basura desde un carrito estacionario.
- Los vendedores ambulantes que venden alimentos deben proporcionar un recipiente de basura para los clientes. Si es un vendedor estacionario que vende alimentos, debe estar a 200 pies de un inodoro fácilmente disponible con instalaciones para lavarse las manos.
- Los letreros independientes están prohibidos y los vendedores no pueden usar ni instalar mesas, sillas u otras estructuras para sus clientes. Los vendedores estacionarios pueden usar una banca o una silla para uso personal.
- Los carritos de venta deben ser autónomos, incluyendo cualquier fuente de energía. Los generadores de gas están prohibidos y los proveedores no pueden conectarse ni utilizar una fuente de agua o electricidad sin el consentimiento del propietario.
- Las exenciones a esta ordenanza incluyen vendedores ambulantes que solicitan pedidos para entrega futura; ventas ocasionales de bienes y servicios a eventos locales por parte de estudiantes locales o ventas de recaudación de fondos por parte de clubes o grupos de servicios; vendedores ambulantes que operan con un permiso; y solicitud de contribuciones caritativas o políticas que no impliquen el intercambio de mercancías o alimentos a cambio de la donación.
- No se requiere permiso de vendedor si se están sirviendo: productos alimenticios fríos como sándwiches fríos, batidos, licuados, helados y ensaladas frías; frutas y vegetales; y jugos de frutas / vegetales, otras bebidas, ya sean líquidas o congeladas, incluyendo todas las bebidas compuestas en parte de jugos de frutas o vegetales y concentrados, polvos u otras bases para tales bebidas, y agua embotellada no carbonatada y no efervescente para consumo humano independientemente del modo de entrega
- No se requiere permiso del Departamento de Salud si el proveedor está sirviendo pequeñas cantidades de frutas y verduras enteras / sin cortar y alimentos no perecederos, empaquetados comercialmente y completamente etiquetados (por ejemplo: agua embotellada comercialmente, refrescos o bolsas de papas fritas).
- La Ciudad también prohíbe a cualquier vendedor de alimentos o bebidas distribuir recipientes de poliestireno (espuma/unicel) para alimentos y bebidas. Pajitas y agitadores hechos de plástico o plástico compostable con base de plantas (maíz, caña de azúcar, etc.) también son prohibidos. Todos los cubiertos de plástico, cubiertos de plástico compostables y otras pajitas de un solo uso deben ser solicitados por el cliente.