



## STANDARD PERMIT CONDITIONS FOR A STREET VENDOR OPERATING WITHIN THE PUBLIC RIGHT-OF-WAY

- All terms listed in attached Resolution ADM 20-4887, which requires sidewalk vendors to comply with the following standards:
  - Stationary Street Vendors shall not setup in areas zoned exclusively for residential uses. These areas include all Residential (R) zones and any specific plan area (SPA) that is exclusively designated for residential uses.
  - Prior to operation or setup of any Stationary Street Vendor in any public sidewalk or pedestrian path, the stationary street vendor operator must obtain approval of a Right of Way Permit from the City of San Marcos.
  - Sidewalk Vendors shall not impede any American's with Disabilities Act (ADA) path of travel.
  - Sidewalk Vendors shall not obstruct the vehicular line of sight at driveways and intersections, nor otherwise impede the safe flow of traffic.
  - Sidewalk Vendors shall not set up or roam within the immediate vicinity of any certified farmers market.
  - Sidewalk Vendors shall not roam or set up within the immediate vicinity of an area designated for a temporary event permit or special event permit issued by the City.
- External signage, meaning signage that is not physically affixed or contained within the stand, is prohibited. City sign regulations apply.

RESOLUTION ADM 20-4887

A RESOLUTION OF THE PLANNING DIVISION MANAGER  
APPROVING AN ADMINISTRATIVE RESOLUTION TO  
ADOPT STREET VENDOR REQUIREMENTS DIRECTLY  
RELATED TO OBJECTIVE HEALTH, SAFETY, AND  
WELFARE CONCERNS OF THE CITY OF SAN MARCOS

PA20-0007  
City of San Marcos

WHEREAS, On September 17, 2018, the Governor of California approved California State Senate Bill No. 946 which prohibits a local authority from regulating sidewalk vendors, except in accordance with the provisions of the bill; and

WHEREAS, the State of California has found that sidewalk vending provides important entrepreneurship and economic development opportunities to low-income and immigrant communities; sidewalk vending increases access to desired goods, such as culturally significant food and merchandise; sidewalk vending contributes to a safe and dynamic public space; the safety and welfare of the general public is promoted by encouraging local authorities to support and properly regulate sidewalk vending; and the safety and welfare of the general public is promoted by prohibiting criminal penalties for violations of sidewalk vending ordinances and regulations; and

WHEREAS, for purposes of this resolution, the terms “Sidewalk Vendor,” “Roaming Sidewalk Vendor,” “Stationary Sidewalk Vendor,” and “Local Authority” shall have the meaning attributed to these terms as set forth in Government Code section 51036 “; and

WHEREAS, per California Government Code 51038, a local authority may, by ordinance or resolution, adopt additional requirements regulating the time, place, and manner of sidewalk vending if the requirements are directly related to objective health, safety, or welfare concerns, including, but not limited to requiring the sidewalk vendor to obtain from the local authority a permit for sidewalk vending or a valid business license, and adopt additional requirements necessary to ensure compliance with the Federal Americans with Disabilities Act of 1990 (Public Law 101-336) and other disability access standards; prohibit stationary sidewalk vendors in areas that are zoned exclusively residential, but shall not prohibit roaming sidewalk vendors; may prohibit sidewalk vendors within the immediate vicinity of an area designated for a temporary special permit or special event permit issued by the local authority; and may also prohibit sidewalk vendors in areas located within the immediate vicinity of a permitted certified farmers’ market or a permitted swap meet during the limited operating hours of that certified farmers’ market or swap meet; and

WHEREAS, the Planning Division Manager’s decision is based on the following findings and determinations:

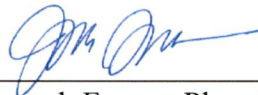
1. The proposed City requirements for street vendors identified herein will not adversely affect the implementation of the General Plan in that the requirements do not conflict with any goal, objective, or policy of the General Plan. Furthermore all requirements imposed by the City have been authorized by the State of California and do not conflict with any local authority allowances in State Senate Bill No. 946.
2. The proposed City requirements for street vendors identified herein will not be detrimental and serves to protect the public health, safety, and general welfare of the City by authorizing the City to review street vendor proposals with regard to ADA compliance, traffic and safety concerns, and removing the potential for incompatible land use activities in the City's residential zones.

NOW, THEREFORE, the Planning Division Manager does hereby resolve as follows:

- A. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Resolution.
- B. The Planning Division Manager did find the project to be Exempt pursuant to Section 15061(b)(3), in that the project is not subject to the California Environmental Quality Act (CEQA).
- C. The Planning Division Manager of the City of San Marcos hereby approves this Resolution as though fully set forth herein for street vendor activities and the requirements below:
  1. Stationary Street Vendors shall not setup in areas zoned exclusively for residential uses. These areas include all Residential (R) zones and any specific plan area (SPA) that is exclusively designated for residential uses.
  2. Prior to operation or setup of any Stationary Street Vendor in any public sidewalk or pedestrian path, the stationary street vendor operator must obtain approval of a Right of Way Permit from the City of San Marcos.
  3. Sidewalk Vendors shall not impede any American's with Disabilities Act (ADA) path of travel.
  4. Sidewalk Vendors shall not obstruct the vehicular line of sight at driveways and intersections, nor otherwise impede the safe flow of traffic.
  5. Sidewalk Vendors shall not set up or roam within the immediate vicinity of any certified farmers market.
  6. Sidewalk Vendors shall not roam or set up within the immediate vicinity of an area designated for a temporary event permit or special event permit issued by the City.

REVIEWED AND APPROVED by the Planning Division Manager of the City of San Marcos, California, this 8<sup>th</sup> day of July 2020.

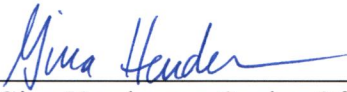
APPROVED:



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Joseph Farace, Planning Division Manager

ATTEST:



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Gina Henderson, Senior Office Specialist