

ORDINANCE NUMBER O- 21577 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 14 2022

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO MODIFYING THE EFFECTIVE DATE OF
PROVISIONS OF THE SIDEWALK VENDING
REGULATIONS UNDER CHAPTER 3, ARTICLE 6,
DIVISION 1, IN THE COASTAL OVERLAY ZONE.

WHEREAS, on September 17, 2018, Governor Brown signed Senate Bill 946 (SB 946) into law, adding sections 51036 through 51039 to the California Government Code (Government Code), which took effect on January 1, 2019; and

WHEREAS, SB 946 limits the authority of cities and counties to regulate sidewalk vendors except in accordance with the provisions of Government Code sections 51038 and 51039; and

WHEREAS, on May 17, 2022, the City Council approved San Diego Ordinance O-21459 (Ordinance O-21459), otherwise known as the Sidewalk Vending Regulations set forth in Chapter 3, Article 6, Division 1 of the San Diego Municipal Code; and

WHEREAS, based on initial discussions with California Coastal Commission (Coastal Commission) staff prior to City Council approval of Ordinance O-21459, it was determined that portions of the Sidewalk Vending Regulations should be submitted to Coastal Commission for certification; and

WHEREAS, in the uncodified portion of Ordinance O-21459 under section 4, the Sidewalk Vending Regulations were to take effect and be in force on the thirtieth day from and after its final passage, except for certain provisions that applied in the Coastal Overlay Zone, which would take effect only when the Coastal Commission unconditionally certified the provisions for inclusion in the local coastal program; and

WHEREAS, pursuant to section 4, the provisions in Ordinance O-21459 that were subject to Coastal Commission certification were as follows: Sections 36.0105(b), 36.0105(c), 36.0105(f), 36.0105(n), 36.0105(q), 36.0105(s), 36.0106(a)(1) through 36.0106(a)(5), 36.0106(a)(8) through 36.0106(a)(11)(C), 36.0106(a)(11)(E) through 36.0106(a)(15), 36.0106(a)(16)(A) through (B), 36.0106(b) through (g), 36.0107(a) through (f), 36.0107(h) through (k), 36.0108(a) through (c), and 36.0115; and

WHEREAS, after submitting to Coastal Commission for certification the relevant provisions of the Sidewalk Vending Regulations applicable in the Coastal Overlay Zone, Coastal Commission staff notified the City that the Sidewalk Vending Regulations did not need to be certified by the Coastal Commission because the regulations were enacted pursuant to the City's police powers to regulate business operations and were not an amendment to the Local Coastal Program; and

WHEREAS, based on this notification by Coastal Commission staff, the City seeks to have the Sidewalk Vending Regulations take effect immediately in due course without Coastal Commission certification; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the uncodified language in section 4 of Ordinance O-21459 requiring certification by the Coastal Commission of certain provisions of the Sidewalk Vending Regulations is of no further force and effect.

Section 2. That Sections 36.0105(b), 36.0105(c), 36.0105(f), 36.0105(n), 36.0105(q), 36.0105(s), 36.0106(a)(1) through 36.0106(a)(5), 36.0106(a)(8) through 36.0106(a)(11)(C), 36.0106(a)(11)(E) through 36.0106(a)(15), 36.0106(a)(16)(A) through (B), 36.0106(b) through (g), 36.0107(a) through (f), 36.0107(h) through (k), 36.0108(a) through (c), and 36.0115 of the Sidewalk Vending Regulations, shall take effect and be in force on the thirtieth day from and after the final passage of this ordinance.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Ken So
Ken So
Chief Deputy City Attorney

KRS:cm
August 31, 2022
Or.Dept: Council District 2
Doc. No. 3079838

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 06 2022.

ELIZABETH S. MALAND
City Clerk

By Kristell Medina
(Deputy) City Clerk

Approved: 12/14/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on DEC 06 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 14 2022.

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

NOV 14 2022

and on DEC 14 2022.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

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