

# Attachment A

## Notice of Exemption

LOS ANGELES, CALIFORNIA 90012  
CALIFORNIA ENVIRONMENTAL QUALITY ACT**NOTICE OF EXEMPTION**

(Articles II and III – City CEQA Guidelines)

Submission of this form is optional. The form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, California, 90650, pursuant to Public Resources Code Section 21152(b). Pursuant to Public Resources Code Section 21167(d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project.

<b>LEAD CITY AGENCY AND ADDRESS:</b>	City of Los Angeles c/o Bureau of Engineering 1149 S. Broadway, MS 939 Los Angeles, CA 90015	<b>COUNCIL DISTRICT</b> All
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<b>PROJECT TITLE:</b> City of LA Sidewalk Vending Program	<b>LOG REFERENCE</b>
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**PROJECT LOCATION:** City of Los Angeles

**DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:** The proposed project seeks to pass an ordinance to license and permit existing prohibited sidewalk vending in the City. This project will benefit residents of the City by allowing economic opportunities to disadvantaged populations while also ensuring that sidewalk vending is regulated and controlled.

<b>CONTACT PERSON</b> Chris Adams	<b>TELEPHONE NUMBER</b> 213-485-5910
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<b>EXEMPT STATUS: (Check One)</b>	<b>CITY CEQA GUIDELINES</b>	<b>STATE CEQA GUIDELINES</b>
<input checked="" type="checkbox"/> NOT A CEQA PROJECT	Art. II, Sec. 2 (m)	Sec. 15061(b)(3)
<input type="checkbox"/> MINISTERIAL	Art. II, Sec. 2.b	Sec. 15268
<input type="checkbox"/> DECLARED EMERGENCY	Art. II, Sec. 2.a(1)	Sec. 15269(a)
<input type="checkbox"/> EMERGENCY PROJECT	Art. II, Sec. 2.a(2)	Sec. 15269(b)(c)
<input type="checkbox"/> CATEGORICAL EXEMPTION*	Art. III, Sec. 1 Class 24 Cat. 3	Sec. 15324 & Sec. 15301(c)
<input type="checkbox"/> STATUTORY*	Art. _____	Sec. _____

\* See Public Resources Code Sec. 21080 and set forth state and city guidelines provisions.

**JUSTIFICATION FOR PROJECT EXEMPTION:** This proposed ordinance does not constitute a CEQA project because it does not have the potential for causing a significant effect on the environment, as explained at State CEQA Guideline 15061(b)(3). For this reason, the proposed ordinance falls under Art. II, Sec. 2 (m) of the Los Angeles City CEQA guidelines because it involves the adoption of an ordinance that will not result in impacts to the physical environment.

If the proposed ordinance were considered a project subject to CEQA, it is categorically exempt pursuant to (1) State CEQA Guideline 15301 (c), minor alteration of existing public facilities, sidewalks and similar facilities, involving negligible or no expansion of use; and (2) State CEQA Guideline 15324 and Art. III, Sec. 1 Class 24 Cat. 3 of the Los Angeles City CEQA Guideline because it involves actions to regulate working conditions where there will be no demonstrable physical changes outside the place of work. No exception to any of these CEQA categorical exemptions applies.

See the Exemption Narrative section for additional information concerning all of the above.

**IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING**

<b>SIGNATURE:</b>  Maria Martin	<b>TITLE:</b> Environmental Affairs Officer Environmental Management Group	<b>DATE:</b>
<b>FEE:</b> \$75.00 _____	<b>RECEIPT NO.</b>	<b>REC'D BY</b>
		<b>DATE</b>

## EXEMPTION NARRATIVE

### I. PROJECT DESCRIPTION (CONTINUED)

The City of Los Angeles is the only major city in the United States that prohibits all types of sidewalk vending. Despite this, sidewalk vending is a common occurrence in many parts of the City and data provided by the City's Chief Legislative Analyst's office suggests that there could be as many as 50,000 sidewalk vendors citywide. The proposed project is an ordinance that will codify sidewalk vending rules and regulations and create a permitting and licensing program.

Under the program, sidewalk vending will be issued to allow vending from stationary push-carts in commercial or industrial areas or mobile vending on the sidewalks in residential areas with transactions limited to seven minutes. Permits and licenses shall be non-transferrable.

The project proposes to increase enforcement of non-sanctioned sidewalk vending in the City. Initial estimates conducted by the City's Chief Legislative Analyst indicate that the total number of citywide licensed and/or permitted operators will range from 15,000 to 45,000, depending on the cost of the permit and license cost. Because the expected total amount of issued licensed and/or permitted vendors is below the current estimates of illicit sidewalk vendors currently operating in the city, no expansion of current sidewalk vending conditions is expected.

### II. PROJECT HISTORY

The Los Angeles City Council determined that there is a need to regulate the sale of food and merchandise on City sidewalks in the public right of way and to provide economic opportunity for disadvantaged people. The City Council also determined that regulation of sidewalk vending could result in benefits to the City as a whole as it would lead to orderly sales, a new source of revenue for the City, and ability to monitor, discipline and remove vendors who willfully do not comply with rules and regulations adopted by the City Council.

### III. ENVIRONMENTAL REVIEW

#### Common Sense Exemption/No CEQA Project

The California Environmental Quality Act only applies a project that has the potential for causing a significant effect on the environment. As reflected at State CEQA Guideline 15061 (b) (3), an activity is not subject to CEQA, "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment..." Art. II, Sec. 2 (m) of the City of Los Angeles CEQA Guidelines similarly explains that the adoption of an ordinance that will not result in impacts on the physical environment is not a CEQA project. The proposed sidewalk vending ordinance is not a CEQA project because it seeks to regulate street vendors that are already present in the City and no expansion of sidewalk vending activity can reasonably be anticipated to occur. Because no expansion of activity is involved, no possibility exists that the ordinance will result in a significant effect on the environment. Thus, this ordinance is not subject to the requirements of CEQA.

#### CEQA Exemptions

In the event that adoption of the ordinance is considered a CEQA project, it would nonetheless qualify for several categorical exemptions.

- ***Minor Alteration of Existing Public Facilities***

Subpart c of State CEQA Guideline 15301, referred to as a Class 1 exemption, exempts from the requirements of CEQA any project resulting in permitting or minor alteration of existing public facilities,

such as sidewalks or streets, involving negligible or no expansion of use beyond that existing at the time of a lead agency's determination. Here, the proposed ordinance will allow for regulated uses of City sidewalks in a manner no more intense than is the case on the date the City Council adopts the ordinance. As such, the project is categorically exempt from the requirements of CEQA.

- ***Regulation of Working Conditions***

State CEQA Guideline 15324 and Los Angeles City CEQA Guideline, Art. III, Sec. 1, Class 24, Cat. 3 both exempt from the requirements of CEQA a project taken by a regulatory agency to regulate working conditions where there will be no demonstrable physical changes outside the place of work. The City Office of the Chief Legislative Analyst estimates that up to 50,000 illicit street vendors operate in the City. Prior to the adoption of the proposed sidewalk vending ordinance, these workers are operating outside of public health and labor department oversight and regulation. The proposed ordinance will solely impact the sidewalk vendor places of work. As a result, the proposed ordinance qualifies as categorically exempt pursuant to State CEQA Guideline 15324 and Los Angeles City CEQA Guideline, Art. III, Sec. 1, Class 24, Cat. 3.

- ***Exceptions to Categorical Exemptions***

State CEQA Guideline 15300.2 provides exceptions to applicability of categorical exemptions. None of these exemptions apply here.

**Location.** CEQA Guideline 15300.2 (a) provides an exception to CEQA exemption classes 3, 4, 5, 6, and 11 due to specified location-based circumstances. The project here does not rely on any of these classes of CEQA exemption, thus this exception does not apply.

**Cumulative Impact.** CEQA Guideline 15300.2 (b) provides an exception to a categorical CEQA exemption when, when the cumulative impact of successive projects of the same type in the same place, over time is significant. Here, no facts indicate additional sidewalk vending activities are contemplated or likely. This exception does not apply.

**Unusual Circumstances.** CEQA Guideline 15300.2 (c) provides an exception to a categorical CEQA exemption for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Here, the project at issue is adoption of an ordinance to create a permitting and licensing system to regulate sidewalk vending which currently occurs but which is prohibited and unregulated. Given that the sidewalk use is already occurring in an unlicensed manner, requiring permits and licenses to continue the same sidewalk uses creates no new circumstance other than regulatory requirements. Licensing requirements are normal and customary regulatory actions. Further, the City currently regulates the uses of City sidewalks in a variety of ways and this regulation of sidewalk uses is not unique compared to existing regulations. No facts suggest the proposed sidewalk vending program involves unusual circumstances different than any prior such regulations, or that the project circumstances would involve a significant effect on the environment.

**Scenic Highways.** CEQA Guideline 15300.2 (d) provides an exception to a categorical CEQA exemption for a project which may result in damage to scenic resources including but not limited to; trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This project will not result in damage to any scenic resources within a designated state scenic highway because it does not involve changes to the physical environment, therefore, this exception has no application here.

**Hazardous Waste Sites.** CEQA Guideline 15300.2 (e) provides an exception to a categorical CEQA exemption for a project located on a site listed as a hazardous waste site under Government Code Section 65962.5. This project involves vending on public sidewalk areas in the City, none of which are

located on any such hazardous waste site. This exception, therefore, does not apply.

**Historical Resources.** CEQA Guideline 15300.2 (f) provides an exception to a categorical CEQA exemption when a project may cause a substantial adverse change in the significance of a historical resource. No facts exist demonstrating that regulating existing vending operations on City sidewalks may cause a substantial adverse change to the significance of any historical resource, therefore, this exception does not apply.