

November 9, 2018

Los Angeles City Council
200 N. Spring Street
Los Angeles, CA 90012

Re: Los Angeles Street Vending Permit System - CF 13-1493; 13-1493-S5

Dear Honorable Members:

Following the City Council action on October 31, 2018 to direct the drafting of a new sidewalk vending ordinance, the LA Street Vendor Campaign respectfully submits the following recommendations on several key issues that are central to a successful sidewalk vending program. With the adoption of SB 946 coinciding with the City's careful consideration of vending regulations over the course of several years, Los Angeles now has a unique opportunity to set the standard for fair and inclusive sidewalk vending regulations. We hope the Council and City departments will give careful consideration to these recommendations as we work to support local micro-entrepreneurs and help integrate immigrant families into our formal economy.

Background on the LA Street Vendor Campaign

The LA Street Vendor Campaign (LASVC) is a citywide campaign consisting of various nonprofit organizations, community-based groups, labor unions, and thousands of street vendors who have been working for years to create a thoughtful permit system for sidewalk vendors. For many years, the LASVC has been working in communities all across Los Angeles to engage stakeholders to develop pragmatic, community-centered policy solutions to address the injustices facing low-income entrepreneurs in LA. As a result of this organizing work, thousands of street vendors and supporters are engaged every month through workgroups in various neighborhoods of Los Angeles.

We're grateful for the City Council's recognition of street vendors in 2017, when the City Council voted to decriminalize vending and move a permit process forward. Decriminalization provided much needed protection to street vendors who were being threatened with deportation by President Trump's immigration policies. The City's firm stance against these hateful policies and its vote to develop a legal pathway for street vendors was an important signal to thousands of street vendors that their representatives in the City Council were working for them.

Recommendations for a Los Angeles Sidewalk Vendor Permit Program

The LASVC reiterates our strong support for a formal permit system for sidewalk vendors. A permit system will help thousands of street vendors contribute to our economy, while providing a framework to manage our public right of way in a manner that protects accessibility to brick-and-mortar businesses, pedestrians and other uses. The following recommendations were crafted in partnership with street vendors:

- **City Council should adopt an ordinance that establishes a permit system, and should fully implement the permit program by July 1, 2019.** While SB 946 does not require that cities develop a permit system, it plainly allows it. (Gov. Code Section 51038(c)(4)). We believe that Los Angeles should aim to develop a permit system in a timely fashion. Los Angeles is home to a diverse street vendor community that adds a tremendous value to our neighborhoods and our economy. A formal permit system will generate much needed revenue for the City that can be re-invested in education programs for sidewalk vendors and a responsible enforcement program that further incentivizes vendors who want to comply with the law. A permit system is necessary to enable the creation of healthy food incentives — a core policy goal of the City from the beginning. A permit system will also help support partnerships between brick and mortar businesses and sidewalk vendors, and help lend legitimacy and economic mobility to low-income micro-entrepreneurs. Implementing a permit system by mid-2019 will give the City enough time to select a Third Party Vendor, establish the regulations governing the permit system, and develop educational tools to onboard vendors to the new program.
- **Establish a permit system that gives vendors the option to request a location-specific permit.** We reiterate our recommendation, described in detail in our October 10, 2018 letter, that the City establish a permit system that recognizes the different modes of street vending by establishing different types of permits for sidewalk vendors. This should include a general Flexible Location Vending Permit option for vendors who do not require a pre-determined fixed location and a Fixed Location Vending Permit option for vendors who seek the security of an exclusive designated location. Under this system, all vendors would be required to obtain a permit from the City, but with a choice between the types of permits offered. Granting Fixed Location Permits upon request would fall squarely within the City’s authority under SB 946.¹
- **Establish an inclusive process to establish Special Vending Districts.** The Council has long contemplated a procedure to establish specialized vending regulations in certain areas to account for unique neighborhood dynamics. The LASVC has supported this approach, and has been working with vendor communities for over a year to organize and establish workable safety regulations in certain neighborhoods with unique circumstances, such as Hollywood Boulevard Walk of Fame, the Piñata District, MacArthur Park, and 47th & Main. In each of these communities, vendor leaders have taken the initiative to solicit and respond to stakeholder priorities with thoughtful and pragmatic regulatory ideas. We urge the City to provide institutional support for this important process by establishing clear guidelines for the creation and implementation of a special vending district that would modify the citywide default standard and ensure vendor participation and leadership in the rulemaking process.

¹ For a full legal analysis of a location-based permitting program under SB 946, See the October 12, 2018 letter from Public Counsel to the City Attorney.

- **Establish an equitable Parks Permit system.** Allowing for both roaming and stationary vendors will encourage a healthy business environment in city parks, while providing residents with options for different foods and goods while using the recreational space. Vending commonly occurs in parks already, underlining the demand for the services they provide to park goers. The City should establish inclusive regulations that ensure vendors will abide by health and safety laws, prevent vending while the park is closed, and direct vending to locations that enhance the park-going experience.
- **Provide an enforcement grace period for vendors.** With the estimated 50,000 street vendors across the City of Los Angeles, an interim period for educating all micro-entrepreneurs with the tools they need to successfully and legally enter the permit system will be crucial. Allowing for a 6-month grace period will ensure that as many vendors as possible are reached and given the proper tools to become part of the formalized system. By allowing 6 months for vendors to re-establish their businesses under the new guidelines and cart requirements, they will have enough time to replace any equipment they need and apply for permits to ensure their business stays afloat.
- **Do not contradict State and County regulations on mobile food facilities.** The California Retail Food Code, a state law implemented and enforced by the County Department of Public Health, imposes a number of restrictions on the equipment that may be approved for mobile food facilities. All food vendors in the City will need to meet these standards to secure a County Health Permit. The first draft ordinance would have imposed size restrictions on vending equipment that may conflict with the state and county regulations. Rather than wade into an area already heavily regulated by the state, the City should simply rely on already existing regulatory provisions and only require that vendors obtain a valid County Health permit (which would be conditioned on meeting State/County equipment size standards).
- **Prevent the proliferation of No-Vending Zones across the City.** In order to protect the vendors within the new system, regulation should be made to encourage equitable vending in as many areas throughout the city as possible. No-vending areas should be extremely limited and occur only where there are actual and demonstrable safety risks associated with vending. We remain opposed to the proposed exclusion of vendors from the Walk of Fame, and urge the City to instead establish a special vending district that balances stakeholder safety concerns with economic opportunity. We firmly believe there is an opportunity to craft a thoughtful system that is responsive to legitimate concerns over sidewalk congestion while also creating opportunities for vendors – also an important part of the Hollywood business community – to locate in certain parts of the Walk of Fame and continue contributing to the vibrancy and uniqueness of the area. Finally, we are extremely concerned with, and strongly opposed to the October 31, 2018 motion (Motion 40B) to prohibit vending in the Melrose, Westwood and

Encino Business Improvement Districts. The City Council and City Attorney's Office is well aware that economic protectionism and/or perceived community animus are not valid reasons to prohibit vending under SB 946.

We understand the City is working diligently to comply with SB 946 and adopt rules and regulations by January 2019, while also creating a just permit system for vendors with a potential start date of January 1, 2020. By speeding up the timeline for the permit system, there will be a quicker process of onboarding vendors and ensuring they are compliant with the law, while also formalizing the economy in a safe and fair way. By taking into consideration the above recommendations, the City will prove to be at the forefront of equitable permit systems for any newly formalized economy in the years to come.

These recommendations were vetted by street vendor leaders who have advocated for a legal permit system in Los Angeles and who will be the most impacted by the City Council's decisions on sidewalk vending. Senate Bill 946 fully allows for the adoption of these ideas in Los Angeles.

We appreciate the Council's careful consideration of these recommendations.

Sincerely,

Los Angeles Street Vendor Campaign

cc: Felipe Valladolid Chavez
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