

**INTRODUCTION**

The LA Street Vendor Campaign (LASVC) is a coalition of over 50 organizations representing community economic development, immigrant rights, public health, food equity, business and street vendor perspectives. It is the belief of the LASVC and its supporters that the absence of a permit system for street vending is a missed opportunity for Los Angeles. A comprehensive, citywide permit system will foster entrepreneurship, activate the City’s sidewalks, increase the public safety by having more eyes on our streets, create jobs, increase healthy food access in communities with limited food options, and allow for significant contributions to the local economy.

In December, 2014, the Economic Development Committee of the Los Angeles City Council approved a policy framework that was created by the Chief Legislative Analyst (CLA) after a series of hearings, studies and stakeholder meetings. This CLA Framework operates as a guide for the next stage of developing an administrative, enforcement and implementation plan. With this conceptual roadmap in place, the City’s task is now to carefully consider and develop specific policy details and procedures. The LASVC is both well-positioned and eager to assist in this process.

Over the course of several years, the LASVC interviewed hundreds of street vendors and community members to develop a comprehensive policy platform that has strong support from vendors, small businesses and community stakeholders. This policy proposal solves some of the key challenges currently facing the City, and brings forth innovative solutions that pull from the best practices of other major cities, while being sensitive to the unique fabric of Los Angeles. Our proposed policy language is presented below, in a format that is responsive to and builds upon the City’s Approved Framework. This model policy language is intended to help us collectively move from a conceptual framework to the nuanced policy details that will ensure a fair, inclusive and successful sidewalk vending permit program for Los Angeles.

<b>APPROVED SIDEWALK VENDING FRAMEWORK</b>	<b>LA STREET VENDOR CAMPAIGN PROPOSED POLICY DETAILS</b>
<p><b><u>Approved Framework Step 1</u></b></p> <p>An interested vendor would first go through an initial introductory course to learn about the new sidewalk vending guidelines and requirements, vending locations, and mode of vending. The introductory course would be led by both City and County officials. At this point, the vendor would be referred to either the Department of Public Works or the Department of Recreation and Parks, or both, to determine availability of location based on vendor's preference.</p>	<p><b><u>A. Discussion</u></b></p> <p>We support frequent orientation opportunities for street vendors to become acquainted with the new permit system, however we recommend the introductory course not be a prerequisite for obtaining a permit so as not to impede qualified vendors’ ability to become permitted as quickly as possible.</p> <p><b><u>B. Proposed Policy Language</u></b></p> <p><u>Introductory Course.</u> The Economic and Workforce Development Department shall, in partnership with community based organizations and City and County officials, provide no fewer than four introductory courses during the first 12-month period after the effective date of this ordinance. The purpose of this introductory course shall be to educate Vendors about the new sidewalk vending opportunities and requirements; provide information about vending locations and mode of vending, including opportunities to operate a Healthy Food Cart as described below; and to assist Vendors with the permit application process and compliance. The introductory course shall be held at a time and place that is convenient and accessible to Vendors, with appropriate language assistance services.</p> <p><u>City/County Partnership.</u> The Economic and Workforce Development Department shall partner with the Los Angeles County Health Department to explore further opportunities to assist Vendors in achieving compliance with City, County and State requirements.</p>

## **Approved Framework Step 2**

Should the vendor choose to sell food items, the vendor must obtain a permit from the County Department of Public Health. To obtain this initial permit, vendors must comply with specific structural and food safety requirements. All food vendors would be required to obtain a Food Handler's Certification and some would have to show proof of a commissary contract or approval to use a home kitchen for vendors interested in selling Cottage Food items.

The County Health Department issues various types of permits and requirements depending on the types of food being sold including Potentially Hazardous Foods, Non-Potentially Hazardous Foods and Cottage Food Law permitted foods. Potentially Hazardous Foods are those that require time or temperature control. Non- Potentially Hazardous Foods are those that present a lower risk and do not require time or temperature control.

Foods under the Cottage Food Law are considered to be Non-Potentially Hazardous and include baked goods such as cookies, pastry, fruit tamales, and jams. While the County and State currently permit the selling of these items from home kitchens, our Office is exploring the feasibility of permitting the sale of these items on City sidewalks and parks as an option. The County Health Department has

## **A. Discussion**

We understand and appreciate the importance of food safety regulations pertaining to mobile food facilities like food trucks and sidewalk vending carts. As the agency responsible for implementing the California Retail Food Code, inspecting food carts, and issuing Health Permits, the County Health Department is a key partner in a citywide sidewalk vending program. We recommend continued collaboration to educate vendors about County and State food safety regulations and further investigation into opportunities to jointly assist vendors with compliance.

Sidewalk vending of nutritious food can help ameliorate the lack of quality food retail options for many low-income areas in Los Angeles. In our stakeholder review process, we found that many street vendors are interested in vending more nutritious food, including prepared foods. We recommend the City provide meaningful incentives to reward vendors who already sell nutritious food, and encourage others to include more healthy food products. The detailed approach below considers the challenge of enforcement while also being inclusive of nutritious food products beyond fresh produce, which provides the vendor more options in how to include a greater variety of healthy food in their inventory.

## **B. Proposed Policy Language**

**County Health Permits Required.** To obtain a Vending Permit to Vend Food on City Sidewalks or in City Parks, an applicant must first obtain a permit from the County Department of Public Health. As part of any technical assistance provided, EWDD shall refer vendors to County Health Department for compliance with these requirements. As part of the Vending Permit Application, an applicant must provide proof of a valid Public Health Permit from the County Department of Public Health and proof of commissary usage if required by the California Food Retail Code.

**Healthy Food Cart Program.** An applicant may seek a permit to operate a Healthy Food Cart. The Healthy Food Cart Program is intended to increase access to nutritious food throughout Los Angeles by creating incentives to Vend Healthy Food items.

- (a) "**Healthy Food Cart**" shall mean a Food Cart permitted to sell only Healthy Food, as defined below.  
Healthy Food Carts are prohibited from vending commercially packaged sugar-sweetened beverages.
- (b) "**Healthy Food**" shall include, but not be limited to, the following:
  - (i) Raw fruits and vegetables
  - (ii) Low fat or nonfat milk products
  - (iii) Nondairy milk
  - (iv) Drinking water
  - (v) 100% fruit juice
  - (vi) Uncooked beans
  - (vii) Uncooked whole grain rice
  - (viii) Unsalted nuts and seeds
  - (ix) Commercially packaged foods that meet at least one of the following criteria:

indicated that while this mode of vending has not been explored, the State of California has stated that if the City permits sidewalk vending of Cottage Food items a Cottage Food Class B permit would be required.

The County Health Department would also certify vendors interested in selling healthy food items. At this time, our Office is working with the County Public Health Department to define healthy food items and develop a system to encourage the preparation of foods in a healthier manner.

Should a vendor choose to sell non-food items such vendor would not be required to go through the County approval process. The Department of Public Works, Bureau of Street Services is currently developing criteria and guidelines, including location and times of operations for the permitting and sale of non-food items on City sidewalks.

1. A whole-grain rich product
2. Any food item that has as the first ingredient a fruit, vegetable, dairy product or protein food.
3. Combination food that contains at least one cup of fruit and/or vegetable

(c) Healthy Food Cart Incentives. The following shall apply only to vendors with a Class A Permit, who operate a Healthy Food Cart.

- (i) The Permitting Department shall waive or set a lower permit fee for Healthy Food Carts.
- (ii) The Permitting Department shall waive or set a lower renewal fee for Healthy Food Carts.
- (iii) The City shall reserve [30]% of available Technical Assistance funds to be allocated and expended exclusively to provide technical and financial assistance to Healthy Food Carts.
- (iv) As a condition of approval for a street closure that includes subsidy or sponsorship by the City or for any private event held on city-owned property, and at any event in which the City contracts with food vendors to vend food, the City shall require that at least 10% of the stands or booths at which food will be sold shall be made available for Healthy Food Carts at no cost to the Vendor. The City shall create and maintain a database of Healthy Food Vending Operations that are interested in vending opportunities at City-sponsored events, and shall publicize opportunities for Healthy Food Vending at City-sponsored events. This provision shall not apply to Catering Trucks as defined in Section 80.73(b) of this Code or any public event in which fewer than five stands or booths will be available.
- (v) Healthy Food Carts shall be permitted in Exclusive Healthy Food Vending Areas that are not accessible to other Food Carts, as described below.

(d) Exclusive Healthy Food Vending Areas. No Vending Operation shall vend any food, goods or merchandise in the following locations:

- (i) Except for Healthy Food Carts, within 500 feet of any school during school hours.
- (ii) Except for Healthy Food Carts, within 100 feet of City Hall.
- (iii) Except for Healthy Food Carts, directly in front of hospitals and medical clinics.
- (iv) Except for Healthy Food Carts, within 20 feet of designated Healthy Food Corners, which shall be the following intersections located in areas of the City that lack sufficient healthy food retail options:

- [TBD]
- [TBD]
- [TBD]
- [TBD]
- [TBD]

### **Approved Framework Step 3**

Once the County Health Department issues a health permit, sidewalk vendors interested in obtaining a City of Los Angeles Sidewalk Vending Permit must obtain the following documents:

- a. City of Los Angeles Business Tax Registration Certificate
- b. State of California Seller's Permit
- c. Proof of Liability Insurance

### **A. Discussion**

A citywide vending permit program is intended to provide a pathway to formalization for street vending enterprises, and an opportunity for Angelenos to create and build a business. Vending can and should contribute to the local economy. To this end, we fully support a process to educate and guide applicants through the steps needed to obtain all relevant permits, licenses, insurance policies and tax registration.

### **B. Proposed Policy Language**

**Sellers Permit, Business Tax Registration and Liability Insurance Required.** To obtain a Vending Permit to Vend on City sidewalks, in City parks or both, an applicant must first obtain a State of California Seller's Permit; a City of Los Angeles Business Tax Registration Certificate; and a policy of general liability insurance consistent with the requirements below. As part of any technical assistance provided, EWDD shall refer vendors to the Office of Finance for compliance with these requirements. As part of the Vending Permit Application, an applicant must provide proof of a State of California Seller's Permit, City of Los Angeles Business Tax Registration Certificate and policy of general liability insurance.

#### **Liability Insurance.**

- (a) Requirement-Content. As a condition of receiving a Vending Permit, the owner of the Vending Operation shall be required to maintain a policy of general liability insurance, naming the City of Los Angeles, the Board of Public Works, the Board of Recreation and Parks, and its employees, agents etc. as "Additional Insureds" for the specific purpose of indemnifying and holding harmless the City of Los Angeles, its officers, boards, employees, etc. from and against any and all losses, costs, damages, expenses, or liability, whatsoever, which may result from or arise out of the granting of a permit. The policy of insurance shall be maintained in its original amount by the permittee at permittee's expense at all times during the period for which the permittee holds a valid permit or permits. Should said policy be called upon to satisfy any liability for damages covered by said policy, the policy must be of such a nature that the original amount of coverage is restored after any payment of damages by the policy. Where a Vending Operation owns and operates more than one Food Cart or Stand, the owner shall only be required to maintain a single policy of insurance covering all Food Carts or Stands owned in the amount set forth below.
- (b) Required Limits of Liability. The Permitting Department shall be responsible, from time to time, for adopting the limits of liability insurance required to be maintained by owners of Vending Operations under this section. The Permitting Department shall receive a recommendation from the City's Risk Manager prior to setting the limits of liability insurance.
- (c) The policy must include coverage for Vendors who are not the owner of the Vending Operation and the owner of the Vending Operation is fully responsible or the acts or omissions of any Vendor who vends for or on behalf of the owner's Vending Operation, regardless of whether the Vendor is an employee, agent, or independent contractor of the Vending Operation.
- (d) Group policies shall be permitted under this section.

#### **Approved Framework Step 4**

Once the vendor has obtained all necessary permits and certifications, the Economic and Workforce Development Department would review the documentation, issue an application for vending either on City sidewalks, parks, or both, and provide technical assistance if needed.

- a. Should the vendor choose a location in a park, the vendor would be referred to the Department of Recreation and Parks;
- b. Should the vendor choose to sell on City sidewalks, the vendor would be referred to the Public Works Department, Bureau of Street Services.

#### **A. Discussion**

We strongly support a comprehensive approach to a citywide vending program. The permit process should be coordinated across departments to create a pathway for regulated vending on City Sidewalks as well as City parks. The Department of Public Works and the Department of Recreation and Parks should collaborate to ensure efficient permitting procedures and coordinated programs for education, compliance and technical assistance. An efficient and coordinated application process should allow any vendor seeking a permit for both City sidewalks and in City parks to submit a single application and interface with a single department.

A citywide vending system could open doors to entrepreneurship that are currently closed, expand our economic recovery to neighborhoods that are currently excluded, increase healthy food options, and enhance the vibrancy and safety of our streets. But these benefits can only be realized if the system is *accessible* to vendors. The permit application process should be easy to navigate and must be structured to *encourage* participation and foster success. This should include efforts to identify and remove undue barriers to full compliance and promote meaningful coordination with technical assistance and education programs.

To that end, while we support EWDD playing an important role in facilitating technical assistance when needed, vendors who are ready should be enabled to apply directly to the applicable Permitting Department.

#### **B. Proposed Policy Language**

Economic and Workforce Development Department (EWDD) Liaison. At the request of an applicant, the EWDD shall assign a Liaison to review the applicant's compliance with the above requirements regarding a City of Los Angeles Business Tax Registration Certificate, a State of California Seller's Permit, a policy of general Liability Insurance, and any required County Health Permit. If an applicant has not complied with the above requirements, the Liaison shall provide information and technical assistance to help the applicant meet the requirements above. If the Liaison determines that an applicant has complied with the requirements outlined above, the Liaison shall refer the applicant to the applicable Permitting Department. The purpose of the EWDD Sidewalk Vending Liaison shall be to support vending applicants in complying with permitting requirements and accessing technical support. In no event shall consultation with the EWDD Liaison be a prerequisite for submitting a Vending Permit Application directly to the applicable Permitting Department.

Permitting Department. For applicants who wish to vend on the Public Right Of Way, the Permitting Department shall be the Public Works Department, Bureau of Street Services. For applicants who wish to vend in City Parks, the Permitting Department shall be the Department of Recreation and Parks. If an applicant wishes to vend both in City Parks and on the Public Right of Way, the applicant shall complete and submit a Vending Permit Application to [TBD: single entity/single process to avoid undue delay].

Vending Permit Application. All Vending Permit Applications shall be in writing on forms provided by the Permitting Department, and shall be accompanied by payment of the permit fee. In addition to any other

information the Permitting Department shall require, a Vending Permit Application shall include the following information:

- (a) The Class(es) of Vending Permit(s) being sought.
- (b) For Type A Vending Permit, a copy of the Mobile Food Facility Route Sheet provided to the County Department of Public Health, Vehicle Inspection Program, listing the route information and location of operation.
- (c) The name, address, and telephone number of the applicant who is the owner and/or principal responsible for the Vending Operation.
- (d) The name, address, and telephone number of the responsible person whom the City may contact or notify at any time concerning the applicant's Vending Operation.
- (e) Whether the applicant is an individual, partnership, corporation, limited liability company or other legal entity and if such applicant is a partnership, limited liability company or other association, the name and address of each partner, member, officer or manager of such entity; if a corporation, the designated individual for service of process.
- (f) Two passport size photos of the applicant, or person responsible for the Vending Operation, if other than the applicant.
- (g) For Class A Vending Permits, a statement of whether the applicant seeks to be licensed as a vendor of "Healthy Foods" as described above.
- (h) The number of Food Carts and/or Stands owned, operated, leased, controlled or contracted by the applicant to be used in the City.
- (i) If any Food item is proposed to be sold, applicant shall provide a copy of a valid Public Health Permit from the County Department of Public Health and proof of commissary usage in accordance with the California Food Retail Code.
- (j) Proof that the applicant has obtained all other City, County and State required licenses and permits, including a Business Tax registration Certificate from the Office of Finance.
- (k) Proof that the applicant has obtained a policy of general liability insurance, pursuant to the requirements described above.
- (l) Valid identification, which requirement shall be satisfied by a Vendor providing any one of the following: a valid driver's license; a state or federal government-issued identification card; a current U.S. passport; a current foreign passport; an expired passport; any valid consular identification document honored by the City, County or State; or any other form of identification approved pursuant to Section 16.08 of Chapter 1, Division 1, Article 2.0 of Title 13, California Code of Regulations.
- (m) No City officer or employee shall inquire about an applicant's immigration or citizenship status as part of an application made pursuant to this section. Information about an applicant's immigration or citizenship status shall not affect the consideration of the application for a license under this section or renewal thereof.
- (n) Upon approval of an application the Permitting Department shall issue a Vending Permit for the Vending Operation. Each permit shall contain the name and address of the person responsible for the Vending Operation, the permit number and a non-removable photograph of the permittee.

## Approved Framework Step 5

Final determination to issue a permit would be made by the Public Works Department, Recreation and Parks Department, or both. Such determination shall be pursuant to pre-established criteria. Should the City Council approve the proposed sidewalk vending framework, below is a system that can be used to issue permits based on type of item, location and mode of vending.

The types of permits issued under the proposed model are limited to vending food and nonfood items on City sidewalks and parks. To assist with enforcement efforts, and to ensure that the permit is easily visible and identifiable to all enforcement agencies, we recommend the following permit structure. The letter in the permit would represent whether it is food or non-food vending. The number in the permit would represent whether vending would be on City sidewalks or parks. The color of the permit would indicate whether the vendor has a stationary location or roaming in a designated area. Our Office is currently working on further developing this structure to allow for vendors interested in selling on the sidewalks and parks as well for those interested in selling food and non-food items. The County Department of Public Health has advised that stationary food vendors would be required to meet hand-washing guidelines.

## A. Discussion

The permit system ought to consider the different typologies of vending businesses, and allow unique businesses to grow while avoiding conditions that could harm lower-income earning vendors. The cost of the permit should consider cost recovery for program delivery and compliance and avoid financial hardship for vendors.

## B. Proposed Policy Language

### Vending Permit Requirements and Criteria.

- (a) No person shall vend any food, product, or merchandise from any public right-of-way or City Park without first applying for and receiving a Vending Permit from the applicable Permitting Department.
- (b) A unique Vending Permit shall be required for each Vending Operation. Any individual, partnership, corporation, limited liability company or other association or entity may not obtain more than three [3] Vending Permits, or serve as the principal responsible for more than three [3] Vending Operations at any one time.
- (c) A Vending Permit shall be issued only to the owner of the Vending Operation and may not be sold, transferred, conveyed, or otherwise assigned to any other person or entity without the express written consent of the Board.

Vending Permit Classification. The applicable Permitting Department shall issue the following classes of Vending Permits:

#### (a) Vending Type.

- (i) A **Type A Permit** shall authorize the vending of food from a Food Cart or Stand, including a Healthy Food Cart, provided that the Vendor has obtained approval from the County Department of Public Health to engage in the vending of the item in the manner proposed, and holds any additional food vending licenses and permits required under state law, including a Public Health Permit from the County Department of Public Health.
- (ii) A **Type B Permit** shall authorize the vending of non-food merchandise from a Stand or other display, subject to the restrictions or prohibitions of this section and any other applicable law.

#### (b) Vending Location.

- (i) A **Type 1 Permit** shall authorize a Vendor to Vend on the Public Right-of-way in the City, subject to all applicable restrictions on obstructions, location and appearance as outlined below.
- (ii) A **Type 2 Permit** shall authorize a Vendor to Vend in designated City Parks, subject to all applicable restrictions on obstructions, location and appearance as outlined below.

#### (c) Mode of Vending.

- (i) A **Yellow Permit** shall authorize a Vendor to vend Food or non-food merchandise from a single fixed location, provided that the Vendor provides a trash receptacle for the use of customers for the duration of the day, and at the end of the day completely vacates the location, removes all Vending equipment, and disposes of any trash or litter left by customers.

<p><u>Type of Item (Letter)</u>  <i>Food</i>  County approved food, equipment and preparation process.  A - Permit</p> <p><i>Non-Food Items</i>  Public Works approved list of non-food items.  B — Permit</p> <p><u>Vending Location (Number)</u>  <i>Sidewalks</i>  Designated sidewalks subject to approval by the Public Works Department  A-1 or B-1 Permit</p> <p><i>City Parks</i>  Vending subject to approval by the Recreation and Parks Department.  A-2 or B- 2 Permit</p> <p><u>Mode of Vending (Color)</u>  <i>Sidewalk Stationary (A-1-Yellow)</i>  Temporarily stationed in one spot and must clear by the end of day.</p> <p><i>Sidewalk Roaming (A-2-Green)</i>  Allowed to roam within designated area (blocks, sidewalks).</p> <p><i>City Park Stationary (B-1-Yellow)</i>  Temporarily stationed in one spot and must clear by end of day.</p> <p><i>Park Roaming (B-2-Green)</i>  Roaming within city parks.</p>	<p>(ii) A <b>Green Permit</b> shall authorize a Vendor to roam along the route listed on the County Department of Public Health Mobile Food Facility Route Sheet, provided that the Vendor provides a trash receptacle for the use of customers for the duration of the day and disposes of any trash or litter left by customers. A Green Permit shall authorize but shall not require the use of a Cart, Stand, pushcart or other display. A Vendor who has obtained a Green Permit may vend from their person, provided that the Vendor only vends what they can carry on their person.</p> <p><u>Temporary Permits.</u> For each of the above classifications, the Permitting Department may issue temporary permits, valid for a pre-determined three-month period of time, upon the furnishing of an application in such form and detail as the Permitting Department may prescribe, and the payment of a pro-rated fee.</p> <p><u>Expiration and Renewal.</u> Unless earlier revoked, Vending Permits shall expire three years following the date upon which each such permit is issued. Such permits may thereafter be renewed annually upon the payment of the fee hereinafter prescribed. Applications for renewal shall be made at least 30 days prior to the expiration of any permit issued, and must be accompanied by a permit renewal fee as set forth below. Applications for permit renewals and payments must be either presented in person to the Permitting Department, via the Internet (if available), or mailed via certified mail, postmarked no later than 30 days prior to the date of permit expiration. Failure to renew an existing Vending Permit before its expiration will require the payment of a late renewal penalty as set forth below.</p> <p><u>Permit Fees.</u> Subject to the requirements set forth below, the Permitting Department shall establish all fees, in accordance with the level of enforcement deemed appropriate by the Permitting Department, and shall only be used to defray the total expenses of operation of the street vending program including: permitting, administration, and enforcement, required by this Section. The Initial Permit Fee, the Renewal Permit Fee, and Late Renewal Penalty Fee shall be determined and adopted from time to time by the Permitting Department. The Fees shall be assessed based on the Type of Item (Letter). In determining the appropriate fee, the Permitting Department shall:</p> <ol style="list-style-type: none"> <li>(a) Waive or set a lower initial permit fee and renewal fee for approved Healthy Food Cart vendors.</li> <li>(b) Waive or set a lower initial permit fee and renewal fee for Veterans.</li> <li>(c) Limit the initial permit fee for Class A Permits to no more than [tbd] dollars (\$xxx), payable in annual installments of [tbd] (\$xx).</li> <li>(d) Limit the initial permit fee for Class B Permits to no more than [tbd] dollars (\$xxx), payable in annual installments of [tbd] dollars (\$xx).</li> <li>(e) Provide for fee waivers in special circumstances as to be determined by the Board of the Permitting Department.</li> <li>(f) Limit any annual increase in the fee amount to 1%.</li> </ol>
<p><b><u>Approved Framework Step 6</u></b></p> <p>Once the interested vendor determines the type of vending and location either</p>	<p><b><u>A. Discussion</u></b></p> <p>In order for vendors across the City to have a real incentive to participate, this permitting program should apply to all areas of the City. Capping the number of permits issued or limiting vending to certain districts</p>

<p>the Department of Public Works or the Department of Recreation and Parks, or both.</p>	<p>will impede the effectiveness of this necessary program. We support a ministerial permitting decision for complete applications and a process for vendors to seek reconsideration of any denial of a permit. To enable effective and efficient enforcement, we support the use of visible permit plates for the different types of vending operations.</p> <p><b><u>B. Proposed Policy Language</u></b></p> <p><u>Complete Applications.</u> Upon making a determination that the application is complete and the applicant has satisfied all requirements, the Permitting Department shall issue a Vending Permit for the Vending Operation.</p> <p><u>Incomplete Applications and Reconsideration.</u> Any applicant whose request for a permit is deemed incomplete or denied for any reason is entitled to a written explanation of why the Vending Permit was denied. The applicant shall have an opportunity to correct any deficiencies in the application, including an opportunity to consult with the EWDD Liaison, and resubmit for reconsideration. If the revised application is deemed complete, the Permitting Department shall issue a Vending Permit to the applicant.</p> <p><u>Conditions of Approval.</u> Through the issuance of a Vending Permit, the Permitting Department may place reasonable conditions and restrictions on the Vending Operation in furtherance of the public welfare.</p> <p><u>Identification and Permit Plates.</u> The Permitting Department shall issue a plate or sticker displaying the letter, number and color associated with the permitted type, and mode of vending. Each Permit Plate shall contain a unique identification number assigned to the particular Food Cart or Stand, a telephone number or postal box number where the owner may be reached, and whether the Permit is for a Healthy Food Cart. Said plate or sticker must be affixed to the Vending Operation that is authorized under the Vending Permit, in a place which is clearly visible to the public. Any Vendor who has obtained a Green Permit and who does not operate a Cart or Stand shall be required to carry a valid Vending Permit on his or her person while engaged in the business of vending.</p>
<p><b><u>Approved Framework Step 7</u></b></p> <p>If an interested vendor requires technical or financial assistance, the vendor would be referred to the Economic and Workforce Development Department</p>	<p><b><u>A. Discussion</u></b></p> <p>For the new permit system to be successful, the City should ensure adequate resources for outreach, education and technical assistance and leverage the experience and reach of community-based organizations.</p> <p><b><u>B. Proposed Policy Language</u></b></p> <p><u>Technical Assistance.</u> The Economic and Workforce Development Department shall assist community based organizations to provide technical assistance, education, financial support and other capacity building services to Vendors. No less than 30% of funds available for Technical Assistance shall be allocated and expended exclusively to provide technical and financial assistance to Healthy Food Carts.</p>

**Additional Policy Details Not Addressed in the Approved CLA Framework**

**LA STREET VENDOR CAMPAIGN PROPOSED POLICY DETAILS**

**Location**

In approving the CLA’s Framework, the City Council Economic Development Committee directed “the Department of Public Works, Bureau of Street Services...to develop guidelines with respect to location,” and to “report on factors that would cap the total number of permits to be issued, including by type of food and location and provide recommendations to the City Council relative to the number of permits that can be issued.”

**A. Discussion**

Recognizing legitimate public safety concerns, we seek to avoid an unsafe concentration of vending operations in one small area. But limiting the locations where vending is permitted to specific zones and capping the number of permits has been proven to bring about the very ills these policies seek to avoid. The City’s last experiment with legal sidewalk vending was at MacArthur Park in the early 2000s. There, a small vending zone with a de facto cap on the number of carts (less than 50) became a magnet for vendors shut out of the program. As vending activity became over-concentrated, it gave the City’s legal vending program a bad name. In addition to the public safety problems associated with vending districts and caps, that failed approach is also administratively burdensome for the City, and works against a basic premise of the program: to expand vending opportunities. We must avoid repeating this failed experiment. Instead, the ordinance should allow vending citywide, but also establish reasonable rules concerning obstructions, proximity and accessibility that apply throughout the City. Enforcing these “unlawful obstruction” rules would have the effect of limiting the over-concentration of vending operations in any one area, without unnecessarily restricting the flexibility of vendors to respond to changing markets or undermining the inherent mobile characteristics of the trade. With these reasonable restrictions in place, we believe that any additional geographic restriction or circumscribed vending “zones” or “districts” would only serve to limit economic opportunities for vendors, limit the economic growth potential for the City, and could create an improper tool for exclusion. Instead, market forces will dictate the number of vendors that enter the market and the locations where vending will be successful.

**B. Proposed Policy Language**

**Unlawful Obstructions.** No person shall maintain a Vending Operation:

- (a) In such a way that would restrict or interfere with the ingress or egress of the abutting owner or tenant or to create or become a nuisance, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police, or sanitation vehicles.
- (b) Where placement impedes the flow of pedestrian traffic by reducing the clear space to less than 5 feet or, impedes access to or the use of abutting property, including, but not limited to, residences and places of business.
- (c) Immediately in front of buildings, houses, structures, or public stairs such that it causes a violation of ADA guidelines for pedestrian passage.
- (d) On any part of the public right-of-way that is improved with lawn, flowers, shrubs, trees, other plants or decorative landscaping.
- (e) On the roadway portion of any street, except that Vending shall be permitted within a People St Plaza or other areas reserved exclusively for pedestrian use.

- (f) On medians of divided highways, unless such median is intended as a pedestrian walkway.
- (g) Within ten feet of a fire hydrant.
- (h) Within twenty feet of any hospital or emergency room entrance.
- (i) Where exigent circumstances exist and a police officer or other authorized officer or employee of the city gives notice to a Vendor to temporarily move from a location such Vendor shall not Vend from such location. For the purpose of this subsection, exigent circumstances shall include but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space at or near such location, an accident, fire or other emergency situation at or near such location, or a parade, demonstration, or other such event or occurrence at or near such location.

**Vending appearance and good neighbor policies**

**A. Discussion**

We understand and appreciate concerns about trash and debris, but believe that the claims that sidewalk vendors will contribute to debris more than any other business are unsupported. Vendors are small business owners who recognize that attracting and retaining a customer base requires a clean and accessible streetscape. Vendors share the goal of cleaner, safer and more vibrant streets, and are eager to share in the responsibility. We support vending regulations that hold vendors responsible for providing a trash receptacle for customer use and disposing of all litter before leaving a location. We also support reasonable restrictions on the size of vending operations, which are already imposed on food vendors in the form of equipment certification requirements from the County Health Department.

**B. Proposed Policy Language**

Appearance of Vending Operations.

- (a) Vending Operations shall provide a trash receptacle for the use of customers and Vendors shall pick up and dispose of any trash or litter left by customers before leaving the vending location. Full receptacles shall be immediately emptied by the Vendor.
- (b) The City Vending Permit plate or sticker and any designated Healthy Food Cart plate shall be permanently affixed and conspicuously displayed on the Vending Operation in a way that is clearly visible to the public.
- (c) Any Vending Operation that sells food shall comply with all equipment certification requirements of the California Food Retail Code.
- (d) Class B Vending Operations shall not exceed 8 feet in length by 4 feet in width.
- (e) No Vending Operation shall be used for offsite advertising or publicity purposes. External lettering shall be limited to:
  - (i) Vendor’s name or fictitious business name, including address and phone number of the principal.
  - (ii) Menu items sold by the Vendor and prices.
  - (iii) Photos of items sold by the Vendor.
  - (iv) The Vending Permit plate issued pursuant to this Section, including a designated Healthy Food Cart plate, if applicable.

## **Compliance**

In approving the CLA's Framework, the City Council Economic Development Committee directed "the Department of Public Works and the Los Angeles Police Department to develop an enforcement protocol that includes penalties, violations, a revocation process, and an appeal process, if needed."

## **A. Discussion**

It is critical that enforcement strategies employ an education-first approach, avoiding arrests, confiscation of property and criminalization of vendors. In the first year of the program, we recommend that the City allow for a Grace Period to be able to effectively reach and educate vendors, and provide adequate time for vendors to invest in new equipment and requisite licenses. Such a Grace Period could apply to the permitting and licensing requirements only. With a tiered enforcement program that includes a warning for a first offense, enforcement of requirements pertaining to obstructions, vending location, vending appearance and Exclusive Healthy Food Vending Areas could begin sooner.

## **B. Proposed Policy Language**

### Unpermitted Use.

- (a) It shall be unlawful for any individual to Vend on a public right-of-way without having first obtained a Vending Permit from the Permitting Department in accordance with the provisions of this Section 42.00.2, unless said individual Vends for or on behalf of a Vending Operation that maintains a valid Vending Permit.
- (b) It shall be unlawful for any Vendor to Vend Food or operate a Food Cart without a valid Public Health Permit issued by the Los Angeles County Health Department.

### Suspension of Permit by Permitting Department.

- (a) The Permitting Department may choose to suspend any permit issued pursuant to this section for any of the following reasons.
  - (i) Falsehood of any information supplied by the permittee upon which issuance of the permit was based.
  - (ii) Citation on four (4) or more occasions within a 12 month period for violations of the regulations set forth in this Section.
  - (iii) Citation on four (4) or more occasions within a 12 month period for violations of the applicable requirements of the California Retail Food Code.
- (b) The permit holder shall be notified in writing when a permit has been suspended. Such notice shall contain the grounds upon which the suspension is based and the right to seek an appeal of the suspension under this Code. If no appeal is filed, suspension of the permit shall become effective twenty-one (21) days after notice is served. If an appeal is filed, the suspension or revocation shall become effective upon final determination by the Board of the Permitting Department.
- (c) Any person whose permit is suspended shall not be eligible to Vend or operate any Vending Operation for a period of six months.

Shared Enforcement. The provisions of this section shall be enforced by the Los Angeles Police Department and the applicable Compliance Department. For vending on the Public Right of Way, the Compliance Department shall be the Investigation and Enforcement Division of the Bureau of Street Services of the Department of Public Works. For vending in City Parks, the Compliance Department shall be the Los Angeles Department of Recreation and Parks, Park Ranger Division.

Compliance and Penalties.

- (a) The Police Department and/or the applicable Compliance Department may issue an order to immediately cease and desist from any violation of this section or any rule or regulation of the Permitting Department.
- (b) No person shall be subject to a misdemeanor for any violation of this Section, except that the vending of any item in violation of the restrictions or prohibitions of any other applicable law shall be subject to any applicable criminal penalties as set forth in the Penal Code.
- (c) Upon the first occasion in which a Vendor is found to be in violation of this section a Vendor shall be informed of the nature of the violation(s) and issued a warning.
- (d) Upon a second occasion in which a Vendor is found to be in violation of this section, occurring within one year of the first occasion, the Vendor shall be issued a notice of violation that identifies the condition(s) or activities that constitutes the violation(s) and specifies that a penalty may be imposed unless compliance is achieved within 6 months. If the Vendor corrects the violation(s) and demonstrates that compliance has been achieved within 6 months, no fine or citation shall be imposed. If the Vendor does not correct the violation(s) within 6 months, the Vendor may be issued an infraction and subject to a fine not to exceed \$150. Vendors experiencing financial hardship due to compliance with this provision may request in writing that the Compliance Department approve an extension of the time to come into compliance.
- (e) Upon a third occasion in which a Vendor is found to be in violation of this section, occurring within one year of the first occasion, any violation shall be an infraction, subject to a fine not to exceed \$150 if no fines were imposed on the second occasion, or a fine not to exceed \$250 if any fine was imposed on the second occasion.
- (f) Upon a fourth and any subsequent occasion in which a Vendor is found to be in violation of this section occurring within one year of the first occasion, a violation shall be an infraction, subject to a fine not to exceed \$250, and subject to suspension of the permit for a period of six months.

Grace Period. A Grace Period shall follow the effective date of this ordinance to accommodate a period of public education.

- (a) All Vending Operations shall be brought into compliance with all provisions of this Section within one year of its effective date, unless the City's implementation schedule takes longer than 12 months, in which case the Grace Period shall be extended based on the City's implementation schedule.
- (b) Vendors experiencing financial hardship due to compliance with this program may request the Permitting Department to approve one 6-month extension for the payment of fees.
- (c) During the Grace Period, Vendors who have not yet obtained a Vending Permit, Business Tax Registration or a policy of general liability insurance may be referred to an introductory course, but in no event shall failure to obtain a Vending Permit, Business Tax Registration or a policy of general

liability insurance be subject to a fine or citation from the Compliance Department or any other City law enforcement agency during the Grace Period.

(d) Vendors who have failed to obtain a Vending Permit, Business Tax Registration or a policy of general liability insurance after the Grace Period ends shall be deemed to be in violation of this Section and subject to the penalties described above.

(e) Notwithstanding the Grace Period in which no Vendor shall be cited for failure to obtain a Vending Permit, Business Tax Registration or a policy of general liability insurance, all violations of requirements pertaining to obstructions, vending location, vending appearance and Exclusive Healthy Food Vending Areas shall be subject to the penalties described above, beginning immediately on the effective date of this ordinance.

**Relevant Definitions**

**“City”** shall mean the city of Los Angeles.

**“City Park”** shall include every public park, roadside rest area, playground, zoological garden, beach or other recreational facility area, together with any parking lot, reservoir, pier, field, trail or other recreational facility, or structure thereon, in the City of Los Angeles and under the control, operation or management of the board of Recreation and Parks Commissioners.

**“Code”** shall mean the Los Angeles Municipal Code.

**“Compliance Department”** shall mean the Department charged with enforcing the provisions of this ordinance. For vending in City Parks, the Compliance Department shall be the Department of Recreation and Parks, Park Ranger Division. For vending on the Public Right of Way, the Compliance Department shall be the Investigation and Enforcement Division of the Bureau of Street Services of the Department of Public Works

**Food”** shall mean any type of edible substance or beverage.

**“Food Cart”** including **“Healthy Food Carts”** shall mean any wheeled vehicle, pushcart or other device used by a food vendor, other than a motor vehicle, which may be moved without the assistance of a motor and which does not require registration by the department of motor vehicles.

**“Goods or Merchandise”** shall mean any items that are not Food.

**“Healthy Food”** shall include, but not be limited to, the following:

- (i) Raw fruits and vegetables
- (ii) Low fat or nonfat milk products
- (iii) Nondairy milk
- (iv) Drinking water
- (v) 100% fruit juice
- (vi) Uncooked beans
- (vii) Uncooked whole grain rice
- (viii) Unsalted nuts and seeds
- (ix) Commercially packaged foods that meet at least one of the following criteria:
  - 1. A whole-grain rich product

2. Any food item that has as the first ingredient a fruit, vegetable, dairy product or protein food

3. Combination food that contains at least one cup of fruit and/or vegetable

**“Healthy Food Cart”** shall mean a Food Cart permitted to sell only Healthy Food, as defined above.

Healthy Food Carts are prohibited from vending commercially packaged sugar-sweetened beverages.

**“Healthy Food Corners”** shall mean those intersections, designated in this Section, located in areas of the City that lack sufficient access to healthy food options, where vending is reserved exclusively for Healthy Food Vendors.

**“Mobile”** shall mean that any vending operation shall be entirely self-contained within a Food Cart, Healthy Food Cart, stand or other fixture or device used for display and capable of moving from one location to another without undue delay.

**“Permitting Department”** shall mean the Department responsible for reviewing Vending Permit Applications and issuing Vending Permits. For applicants who wish to vend in City Parks, the Permitting Department shall be the Department of Recreation and Parks. For applicants who wish to vend on the Public Right Of Way in the City, the Permitting Department shall be the Public Works Department, Bureau of Street Services.

**“Public Right of Way”** shall mean any public street, sidewalk, parkway, plaza, alley or other locations owned or otherwise controlled by the City for the benefit of the general public.

**“Sidewalk”** shall mean any surface in the public right-of-way provided for the exclusive use of pedestrians.

**“Stand”** shall mean any nonpermanent table, bench, booth, rack, handcart, or any other fixture or device used for the display, sale, storage or transportation of food or merchandise offered for sale by a Vendor.

**“Vend or Vending”** shall mean to sell or offer for sale food, goods, wares, or merchandise not otherwise prohibited by this section from a Food Cart, Stand, or from one’s person on the public right-of-way.

**“Vendor”** shall mean a person who vends, including the employers, employees, and agents of a Vendor.

**“Vending Operation”** shall mean a Food Cart, Stand, pushcart, vehicle or any other structure or method that will constitute the means by which a Vendor will display and offer for sale any goods, wares, merchandise, beverages or food of any kind on the public right-of-way. Each individual Food Cart, Stand, pushcart or display shall be considered a separate Vending Operation.

**“Vending Permit”** shall mean a permit issued by the Permitting Department, pursuant to [subsection] of this Section [42.00.2]