

Stakeholder concerns about licensing Street Vendors

Neither the City nor the County has sufficient resources to inspect or regulate merchandize vendors let alone food vendors on our sidewalks.

The Police are presently stating that they need more manpower without adding this to their duties

There are only 2 people in Street Services that work on Street Vendor problems

There are only 10 employees at the County health department that deal with food trucks and vendors. Presently only 60% of the food trucks and food carts (Approximately 3200) on the road have been inspected. Food trucks are supposed to be inspected twice yearly. 60% of them have only been checked out once a year. 40% have NEVER been inspected in the field by health officials since letter grades were introduced over three years ago. There is presently no way to readily look up information about a mobile eatery's safety record.

The County is 491 miles square. County Health people don't work past 5:30PM and that is when most bootleg sidewalk kitchens appear in our Neighborhood

Licensing Bureaucracy

Enforcement

Liability-If a customer of a street vendor is being served food by a street vendor and trips and falls The vendor will move away and leave the injured person to sue the property owner of the City

Sanitation-No provisions for hand washing--- No bathrooms provided ---Trash Removal, no trash cans with food carts. --property destroyed (Grease dumped in planters-kill plants)--- Sidewalks littered—Food contamination-unhealthful processing of food NO Enforcement of unsanitary food carts-no refrigeration

Location No vending near churches, Schools or parks--- General merchandising vendors must have a cart and sell only in permitted assigned locations during specific hours.

Financial

in Jan 1992 a City Administrative report estimated that it would cost \$1.1 million to fund a CITYWIDE street vending program for just 6 months That was over 20 years ago!! **The CLA report does not estimate the total cost in 2014 dollars but does predict that JUST one Special Sidewalk Vending District (SSVD) program would require approximately \$500,000 in funding.**

in 1995 city council approved a petition to approve 50 vendors in MacArthur Park in March 1996 an expenditure of \$235,308 was appropriated and another \$140,000 was paid to a manufacturer to design and build 50 carts ---Fifteen Vendors signed up and generated \$3589 in permit fees and \$1500 in Business Tax certificates for six months

Stakeholders should be able to comment and express concerns about where and when vendors can operate. There are concerns about blocking the sidewalks Perhaps street vendors should NOT BE mobil they could be confined to selling only at a designated street corner. Many sidewalks are not wide enough for a cart and a wheelchair. We need to be very concerned about ADA compliance. We need to be able to weigh in on hours carts are allowed to operate.

Brick and mortar Food businesses pay all kinds of different permit fees and are monitored for sales and business taxes and have to pay Property taxes and street food vendors have few of these and no agency to check on collectable sales tax.

The number of citations issued for street vendors is laughable. The Police simply do not enforce these laws against street vendors

STREET VENDORS

Most of the comments in my talk here are, I believe, taken from a memo from the Downtown LA Neighborhood Council to the public. Someone passed it on to me and I am using many of their comments. In the handouts provided are an article from the April 7th LA Times about FOOD TRUCK safety as well as an article from the May 13th CITYWATCH which most of you receive weekly via e-mail

There are many problems with this issue.

First and foremost is **ENFORCEMENT** we do not have a regulatory agency that can handle this problem and we do not have enough Law enforcement personnel to supervise the numbers of street vendors as to which are legal and which are illegal. This legalization of street vendors would cost the taxpayer more revenue than what would come in to offset the costs.

LA County and City Staff simply do not have enough staff to enforce any regulations that would be created. We would have to hire a much larger staff in the health department to patrol these vendors 24 hours a day seven days a week.

There was a Los Angeles times article last April that reported that "about 40% of the food trucks and carts cooking up meals in the area (CERRITOS) have never been inspected" THESE ARE 3200 FOOD TRUCKS THAT ARE SUPPOSEDLY LICENSED HOW CAN WE EXPECT THE CITY TO REGULATE AND INSPECT THOUSANDS OF STREET VENDORS?

In Sun Valley we have had problems with street vendors setting up almost full kitchens on Lankershim Blvd and on San Fernando Road. They do cause a lot of problems

They do not have sanitary conditions to wash their hands there are no toilet facilities for the vendors or the customers there is no inspection of the conditions under which the food is prepared.

Trash Removal They sometimes dump grease and other trash in landscaping from the businesses they set up in front of. Their customers contribute to this trash problem by littering the sidewalks. These vendors will not contribute to a BID assessment and will benefit from a service paid for by brick and mortar establishments whose business they are taking. The restaurants in Sun Valley are not doing a landslide business many of them are small Mom and Pop businesses these street carts are taking business away from them.

Sales Tax and Property taxes Commercial Districts are integral to creating great neighborhoods and the addition of small businesses have been the key ingredient in every revitalization of every neighborhood in Los Angeles from Downtown to Granada Hills and Lincoln Heights. Sidewalk Vendors do not pay BID assessments and do not contribute to these neighborhoods. Brick and mortar small businesses go through an expensive permitting process and spend a great deal of money providing restrooms and common areas for their customers Sidewalk vendors have no such requirements and, like food trucks, have a competitive advantage over these small neighborhood businesses There is also no mechanism to ensure that taxes will be paid.

LIABILITY The City Already pays Millions of Dollars in claims for slip and falls on sidewalks. Allowing private commercial use in the form of sidewalk vending blurs the responsibility for sidewalk slip and falls. If a pedestrian has an accident on a sidewalk due to a street vendor, the vendor may depart, leaving the property owner and the City Facing Litigation.

HEALTH LIABILITY Similarly if it is a food vendor and the food makes someone ill because of their preparation methods, the stricken party may sue the property owner for "allowing" the vendor to do business in front of his or her location.

QUALITY OF LIFE Residents and businesses have no say as to where food trucks, food carts, or vending carts selling goods, locate or their hours of operation. Legitimizing sidewalk vendors will continue to erode the Viability of neighborhood businesses and will ultimately lead to the deterioration of the Quality of Life of our residents

Please remember that while most of these comments are about food vendors, the ordinance that is proposed (currently City Council File # 13-1493) is for **ALL manner of Street Vending including Merchandise**. Within this Council File One of the sentences reads " An effective regulatory system has the potential to protect health and increase public safety and economic activity."

I do not believe that this city is capable of producing an effective set of regulations to protect almost anything. Please look at our marijuana ordinance and our Community Care Sober Living Ordinance that we have been working on for umpteen years and still not there. NOT EFFECTIVE!!!

SOME THINGS THAT NEED TO BE LOOKED AT ARE:

Why can't these Street Vendors be regulated to where they can only sell at organized licensed Swap Meets and Farmers Markets? We have plenty of swap meets both indoors and outdoors that are throughout the City

Specify specific areas where they can do business on their permit. There are places in New York where there are licensed hot dog carts and soft drink pretzel carts that are licensed to one vendor with specified hours of operation

Restrict the number of carts in an area NOT allowed in a residential area, or near schools-- okay within a zone near a park. Only a prescribed number allowed. Violation of the zone leads to loss of license.

Public Hearings about issuance of any food carts in an area with notification to all residents and businesses

Each licensed vendor would have to have a conditional use permit from the Licensing Regualrtory agency and violation of the rules forfeit the license. (we can't regulate or control them now how do we enforce this?)

Regulate the size of carts--- cannot impede pedestrians.

Mobile carts? Some merchandize sales people lay their wares out on a blanket and block the sidewalk

Who is liable for a slip and fall accident in front of a food Cart?

Given a few hours a lot more questions would arise

www.LA TIMES.com?business/La-fi-lazarus-20140408-Column.html#page=1

L.A. County food-truck safety program leaves a bad taste in the mouth

Field inspectors have never visited about 40% of the food trucks and carts in L.A. County. Another problem is that the public can't readily look up information about a mobile eatery's safety record.

April 07, 2014 | David Lazarus

L.A. County health inspectors often don't know where specific food... (Lawrence K. Ho, Los Angeles...)



If you've eaten from a food truck or cart in Los Angeles County, chew on this:

About 40% of the roughly 3,200 food trucks and carts cooking up meals in the area have never been inspected in the field by health officials since letter grades were introduced three years ago.

And most of the remaining 60% have been checked out only once a year, even though official guidelines call for at least two annual field inspections.

How do I know that? Because Angelo Bellomo, director of environmental health for the county Department of Public Health, told me so. He oversees inspections of all eateries, including mobile ones.

"This is an area that needs improvement," Bellomo acknowledged.

That's putting it mildly.

Bellomo and I discussed the sorry state of food-truck safety in L.A. after I presented him with what happened to Shimi Cohen.

Cohen, 52, and her husband recently bought hot dogs from a cart at a West L.A. farmers market. "We both ended up with stomach problems," she told me. "It wasn't pleasant."

The couple recovered by the next day, but Cohen was curious. How safe was this cart's food? What was its track record for health inspections?

She contacted the Department of Public Health and made her way through the bureaucratic kudzu to the agency's Vehicle Inspection Program.

Cohen provided the name of the hot dog cart, but that wasn't good enough. No record search could be done without the cart's license plate number.

OK, that's just insane. Who would have a food cart's license plate number, especially a day later?

Cohen's clever husband, it turned out. He was able to find a photo of the license plate online.

So Cohen got back in touch with the Vehicle Inspection Program and learned that there's no record of it ever having been inspected in the field since 2011.

Let's underline that. We're talking about a cart from which hot dogs that have been sitting in warm water for hours are being sold to the public, and it hasn't been given a look-see by field inspectors once in three years.

"I asked why this was," Cohen recalled, "and I was told that they just didn't have enough inspectors."

I contacted the Vehicle Inspection Program and confirmed everything she'd been told. I'm not naming the operator of the hot dog cart because, even though I have no reason to doubt her, I can't verify that Cohen and her husband were sickened by their mobile meal.

What's more important is understanding how health inspectors failed to make at least six field inspections of that hot dog cart over three years, as per county guidelines, and how this is much more common than most people probably realize.

And then there's the enormous difficulty consumers can have trying to access safety info about **the 3,200 food trucks and carts classified by the county as "moderate to high risk"** because they prepare and serve meals, as opposed to just selling packaged goods.

You can try going to the website of the Department of Public Health and clicking the link for restaurant inspections. This will take you to a page where you can enter the name of the business and then, from a drop-down menu for types of facilities, select "catering truck."

However, not all food trucks will come up in such searches. If they've been leased from other companies, as is often the case, they can't be found under their nom de street. If you don't have the name of the actual owner, you won't find it.

And if you're looking for a food cart, you can forget that altogether. The site offers no way to search for so-called limited food preparation vehicles.

Your only other recourse is to send a fax or email to the agency's Public Health Investigation Custodian of Records, which offers no guarantees that it can turn up any info.

Bellomo said county officials always knew there'd be some flies in the ointment, if not the chow, after **letter grades for food trucks were introduced in 2011.**

One problem that's become clear, he said, is that the public can't readily look up information about a truck or cart's safety record.

Another is that **health inspectors often don't know where specific food trucks and carts can be found,** making surprise inspections impossible. Such unannounced inspections are routine for restaurants.

Nearly all food trucks and carts do receive a separate certification inspection annually, Bellomo said. But this is conducted at their storage sites and not while they're operating.

"The certification inspection gives us part of the picture," Bellomo said. "It tells us that the equipment is functioning properly. What's not in the picture for many of these vehicles is what's happening out in the field where they're preparing food and serving it to people."

The uninspected hot dog cart that reportedly sickened the Cohens, he said, isn't an isolated case.

"It's a good example of what we face," Bellomo said.

CITYWATCH

Politics. Perspectives. Participation

Street Vendors Want to be Legal ... LA Councilman Wants Time to Think about It

By Jennifer Solis and Randy Waller - May 13, 2014

WESTLAKE NC

More than a hundred Los Angeles street vendors today urged the City Council Economic Development Committee to legalize their businesses. All they got after the two-hour hearing May 13 was a 90-day postponement by chairman Curren Price, who explained that the committee needs more information before recommending any change in the Los Angeles Municipal Code Section 42.00.

His committee was acting on a proposed ordinance introduced by 14th CD Councilman Jose Huizar last November 6 which seeks "an effective regulatory system [having] the potential to protect health and increase public safety and economic activity." Since then, both the City Attorney and the city's Chief Legislative Analyst have issued reports which point out more problems than solutions.

Almost all of the three dozen vendors, who testified before the committee and were each given just over a minute to speak Spanish through the staff interpreter, stated that they need the income to support their families. Most of them wore T-shirts or aprons proclaiming "Legalize Street Vending." Some complained that fellow vendors had been deported as a result of being arrested.

Committee member CD 1 Councilman Gil Cedillo remarked that "No one should be deported for selling food. The challenge is how to do this responsibly." Three representatives of the Los Angeles Police Department testified that enforcement has not been very aggressive because of lack of resources. "We warn them, and if they are cooperative and move, then there's no citation," stated Rampart Division Senior Lead Officer Gutierrez. Another reason for not arresting the vendors is that "the police do not have any facilities to store the vendors' equipment," such as cooking stoves.

Two local neighborhood council presidents asked the committee to examine carefully the details and potential problems of any proposed legalization. Patti Berman, Downtown LA NC, pointed out that it would cost the city millions of dollars to properly enforce any new regulations. Nelson Castillo, of the Westlake South NC, complained that the neighborhood councils were not given enough advance notice on this issue, since the report of the Legislative Analyst was not released until the morning of the May 13 hearing.

Several representatives of non-profit organizations testified in favor of legalizing the vendors. Doug Smith, an attorney with Public Counsel, said that the vendors produce as much as \$43-million into the Los Angeles economy, almost all of which is spent locally. It is estimated that each street vendor earns an average of about \$10,000 a year. Clare Fox, Director of Policy and Innovation at the Los Angeles Food Policy Council, also urged Los Angeles to follow the example of New York, Chicago, Philadelphia and Portland, all of which have working street vending laws.



Another community advocate from Highland Park who works with senior citizens, who, she stated, have limited mobility, said "Without street vendors, our seniors would go hungry. This is a valid form of entrepreneurship. But the vendors have to go thru too many hoops to be legal."

A half dozen representatives of business organizations who testified listed a number of current problems, such as illegal dumping, trip and fall liability, lack of facilities for food handlers to wash their hands and the fact that the city does not have enough funds to properly regulate any liberalization or expansion of sidewalk selling. Another question asked, but not mentioned in the CLA report, was the extent of gang extortion in the areas that have street vending activity, such as Westlake and Boyle Heights.

The history of the effort to control street vending goes back 40 years, when in 1974, the city council first approved an ordinance to prohibit street sales, only to have Mayor Tom Bradley veto the measure. In January 1994, the Special Sidewalk Vending District Ordinance (number 169319) was enacted to allow selling in eight pre-designated areas of Los Angeles as a two-year pilot program. When the "sunset clause" was removed after two years, it opened the possibility of creating these districts indefinitely.

In 1995, the City Council approved a petition by the *Asociacion de Vendedores Ambulantes (AVALA)* to form the SSVD at MacArthur Park in Westlake, which allowed a maximum of 50 vendors. There was a poor response to a Request for Proposals (RFP) to select a contractor to manage the project. Finally, an expenditure of \$235,308 was appropriated for a one-year management, and another \$140,000 was paid to a local manufacturer to design and build 50 vending carts. Fifteen vendors signed up and generated \$3,589 in permit fees for the next six months. The MacArthur Park SSVD was the only district formed, and it is no longer in existence.

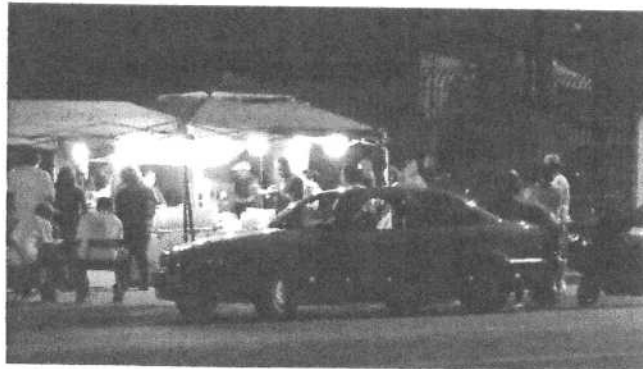
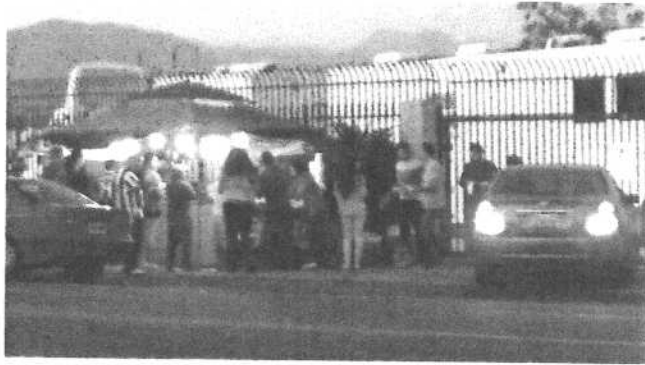
A January 9, 1992 City Administrative Officer report estimated that it would cost \$1.1 million to fund a citywide street vending program for just six months. That was over 20 years ago. The just released CLA report fails to estimate the total cost in 2014 dollars, but does predict that just one SSVD program "would require approximately \$500,00 in funding."

There are other obstacles to surmount before City Council can approve one or more of these selling districts. LAMC 42.00(m) requires the endorsement of 20-percent of local business and 20-percent of the residents. Also, the merchants immediately adjacent to any sidewalk selling site must sign an approval for those sites, which could be rescinded within 45 days. "An effective operation of a citywide legalized street vending program in Los Angeles would require coordination among law enforcement, Bureau of Street Services, City Attorney, Office of Finance, the County Health Department and community stakeholders," according to the CLA report, authored by Felipe Chavez, a city legislative analyst.

During the next 90 days, after which the street vending proposal will be revisited by the Economic Development Committee, several city departments will be asked to report on the impacts of establishing a citywide program, including number of personnel required, a vendor fee structure, and revenue projections. Another CLA recommendation would be to develop an educational campaign utilizing community stakeholders, possibly through their neighborhood councils. The Food Policy Council will be asked to identify food desserts that are considered "healthy food vending."

The Westlake North Neighborhood Council held a public hearing on the CF 13-1493 proposed ordinance last week, and after a spirited debate, five board members (a bare majority) voted to support the concept of legalizing street vending. Most other NCs are expected to take up this issue during the next couple of months.

(Solis and Waller are the elected Secretaries of the Westlake North and Westlake South Neighborhood Councils, respectively.. and are occasional contributors to CityWatch.)



Lankershim Food Vendors 5/30-5/31 2014