

Public Comment

Council File No. 13-1493

Title: Street Vending / Special
Sidewalk Vending District
Program

Council File No.13-1493-S2

Title: Vending Permit Process /
City Parks and Recreational
Facilities

The Facts on Street Vending: Reality not Racism

25 Aug 2015 Written by Jay Handal

GUEST COMMENTARY-When civil conversation ends up with "you are racist", there must be something deep down that someone is afraid of.

The debate about legalizing street vending continues to miss the point. The City is attempting to abrogate its authority to control street vending.

Let's discuss food vendors: To state that giving them a city permit makes them legal is a lie, period.

The majority of the carts are misplaced Smart and Final carts, loaded with charcoal, topped with a five dollar sheet pan, selling bacon wrapped hot dogs -- completely illegal under County Health Permit requirements. So, even if the City issues permits to these vendors, they still will not be complying with County health requirements. That will put all the weight of enforcement on the County, which is already extremely under-staffed and unable to meet even its current inspection obligations to existing brick and mortar locations.

In addition, the county-approved carts cost thousands of dollars, and must be stored in a county- approved "Barn," costing vendors more money each month that they will not be able to afford.

And how about liability insurance? Workers comp? Sales tax? City business fees?

Now, what about locations? Who gets to go where? Who will enforce it? Ever call LAPD for a non-emergency response? You have a better chance of getting a yellow cab before a police response. And now you want them to enforce a hot dog vendor?

In the past, the Office of Finance could not even collect Parking Lot Fees. How will the City keep track of street vendors?

LAPD is one of two city enforcement agencies that can write Administrative Citations (ACE). Why are they not writing them now? Is this what we are to expect in the future?

And what about all of those current street vendors who cannot afford the proper equipment? They will not get a permit. And they will continue to violate the current and future laws due to the economic impact on them.

So, how about the gangs that purchase carts and "rent" them to the vendors, taking large amounts of money from them in return? Have we ceded the streets to the gangs?

It's the Elephant in the Council Chambers: gangs that control many of the street vendors will only become more powerful and more dangerous.

If your ear is to the rails in LA, you hear more and more people complain that we have become a Third World city. Not really fair to the Third World cities around the world.

It's time for the City Council to stop giving up city authority, to stop attempting to be a social service agency to everyone in town, to begin a policy of only passing legislation that can and will be enforced.

They need to focus on our local problems -- gangs, graffiti, homeless, jobs, etc. -- instead of spending so much time passing non-binding resolutions that concern policy in other states and countries.

It's time for the City Council to stop running for office (theirs or the next one) and start running our City.

(Jay Handal is chair of the West Los Angeles Neighborhood Council and Co-Chairs the Neighborhood Council Budget Advocates Committee.)

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COMMENTARY

Regulate out-of-control street vending in L.A.

By **Richard H. Close**
and **Jay C. Weitzler**

No matter how far Angelenos may drive to work, shop or play, their neighborhoods are where they share carpools, celebrate holidays and spend most of their free time.

Neighborhoods bring together this far-flung city, and they require more than just great neighbors to make them strong. They need thriving local businesses to provide the services residents need — from dinner to dry cleaning.

These small businesses invest in our neighborhoods. They make up 99 percent of employer firms in California, and employ one out of every two private workers in California.

But small businesses need our support. Half of all small businesses close their doors in the first five years, often leaving vacant storefronts and employees out of work.

That is why we are joining more than 700 small businesses and business improvement districts throughout the city in asking the Los Angeles City Council to regulate out-of-control street vending. As leaders of the Sherman Oaks Homeowners Association, we support everyone's right to make a living — just not at the expense of the small-business owners who serve our neighborhoods.

Already, an estimated 50,000 unlicensed and unregulated street vendors sell food and other products on Los Angeles'

streets. They create congestion, generate trash, crowd sidewalks and hurt small businesses that are properly permitted by the city.

The small-business owners must pay rent, utilities, property taxes, the costs of permits and comply with multiple rules and regulations — from food safety to fire safety. Many say they simply can't compete with street vendors who sell the same or similar goods outside their stores and don't have to pay all these costs.

Under Los Angeles' current ordinance, street vending should only take place in designated vendor districts, which can only be created in commercial areas. The ordinance sets out a process for establishing

vending districts and requirements for vendors in those districts. However, no such districts currently exist.

Rather than establish these districts, street vendors are asking the council to change the ordinance to allow unlimited city-wide sidewalk vending in residential and commercial areas. If the council allows city-wide sidewalk sales, residents could end up with no say in where street vendors locate, how they dispose of trash or what hours they operate.

Brick-and-mortar businesses located in commercial areas are often required to obtain a conditional use permit to operate. Through the conditional use permit process, residents and other businesses have a say in

how these brick-and-mortar businesses operate, including their hours of operation, parking restrictions and other potential impacts on the neighborhoods.

If the council is going to change the law, it should create a level playing field for all entrepreneurs. It should also require those who sell on sidewalks to obtain permits and community support like every other business in the city.

Other cities have imposed such regulations. Portland, for instance, requires street vendors to get written permission from nearby businesses before setting up shop. San Francisco prohibits street vending in neighborhoods and requires vendors to be a certain distance from restaurants

and other facilities.

Our preference is enforcement of the current law. The city can create vendor districts and ensure vendors meet all the legal requirements.

But if changes must be made, the council should give residents and businesses the right to choose whether or not vending should be allowed on sidewalks in their neighborhoods. Then the city should enforce the law so the public would be protected and the small businesses that are so important to our neighborhoods and our economy can continue to thrive.

Richard H. Close is president and Jay C. Weitzler a member of the board of the Sherman Oaks Homeowners Association.