

Communication from Public

Name: Vivian Hartman, So. Cal Restaurant Association.

Date Submitted: 10/21/2019 03:45 PM

Council File No: 13-1493

Comments for Public Posting: On behalf of retail constitutes we demand your support for rules and regulations for health and safety, sidewalk space, fines, and a new permit system in The Council's next street vending venue set for November. WE ARE STRONGLY NOT AGAINST STREET VENDING. WE BELIEVE The Governor did not consider the outbreak of full on STREET RESTAURANTS OPERATING UNDER TENTS - using the VENDOR LAW as a push to mainstream this HEALTH, SAFETY AND WELFARE CONCERN and we ask for a RECLASSIFICATION turning this "New classification" over to the laws that govern all food preparation business set forth by the State of California

<http://www.publichealth.lacounty.gov/eh/docs/RefGuideFoodInspectionReport.pdf>
Public Education for PREVENTION OF FOOD BORNE INFECTIONS - DISEASE - CONTAMINATION <https://www.cdc.gov/foodsafety/foodborne-germs.html>.
Health Code Requirements for. Health Code Requirements. Community Events in LA County - including Farmers Markets.

<http://www.publichealth.lacounty.gov/eh/docs/Events/EventRequirements.pdf>
County of Los Angeles • Department of Public Health ENVIRONMENTAL HEALTH. FY 2019-2020 PUBLIC HEALTH AND FINANCIAL MANAGEMENT FEE SCHEDULE. <http://publichealth.lacounty.gov/eh/docs/LicensePermitFees.pdf>
Cottage Food Operation - AB 1616.

<http://www.publichealth.lacounty.gov/eh/misc/CAHomemadeFood.htm> We ask your support to Support our plea to keep the guidelines Points and Authorities:

VENDORS - Right now... Los Angeles does not have licensing systems in place for street vendors. That means street vendors are fairly free and clear to function under this new legislation until a licensing system is in place. California street vendor licensing systems must adhere to the following: California cities cannot ban vending in parks. Cities cannot determine where vendors can operate unless there is a health, safety, or welfare concern. Street vendors are no longer required to ask permission from adjacent businesses to operate. With SB 946's licensing guidelines encouraging local governments to determine what works best. Los Angeles can determine whether to require business licenses, taxes, and health regulations for vendors selling fresh fruit or bacon-wrapped hot dogs. When street vendors violate the law, local governments can fine the offenders, or repeal operating licenses. (This did not include STREET RESTAURANTS OPERATING UNDER TENTS - using the VENDOR LAW as a push to mainstream this HEALTH, SAFETY AND WELFARE CONCERN (See definitions below). NEW CONCERNS: We are not against street vending. We are against the NEW issue or Full on STREET RESTAURANTS OPERATING UNDER TENTS - using the VENDOR LAW as a push to mainstream this HEALTH, SAFETY AND WELFARE CONCERN. Our Business Plea is that there must be consideration for the Dreamers who invested their life savings, working countless hours to build their Brick and Mortar Restaurant business - now being threatened by the Abuse of these "VENDORS" (Full on STREET RESTAURANTS OPERATING UNDER TENTS - using the VENDOR LAW as a push to mainstream this HEALTH, SAFETY AND WELFARE CONCERN) who are currently setting business on the sidewalks in front of already established Business and Retail Districts not discussed or considered through SB 946 law. Again, there is no opposition to the VENDORS, only to the NEW growing public issue of STREET RESTAURANTS OPERATING UNDER TENTS - using

the VENDOR LAW as a push to mainstream this HEALTH, SAFETY AND WELFARE CONCERN #2 & #3 is not acceptable: Today, local restaurants are losing essential business due to blatant use of street and sidewalk space in front of existing PERMITTED business. Currently, financial loss is resulting in layoffs, and possible financial ruin, leading to possible CLOSURES. This will cause possible Commercial vacancy and loss of tax revenue for LOS ANGELES and for the STATE. And Currently the "STREET RESTAURANTS operating under the guise of VENDOR are establishing themselves on YELP, INSTAGRAM, Grub Hub and utilizing the PICK-UP AND DELIVER business, using registers, collecting UNREPORTED cash sales. - The LOURE of existing customers from Brick and Mortar business and THE BLATANT use of their address to promote the sale of the sidewalk business in front of existing permitted business - The "TENT Food Restaurant NON PERMITTED "Sidewalk Vendors" are taking necessary parking and operating without respect or regard to California State Laws in the sale of complete menu driven food. The full on operation offers a more than one type of food, thus, competition for customer is a MAJOR CONCERN. The right to operate in the normal and customary way of doing business is difficult when the Vendor can freely operate in front of business district without police, fire, health, street rules or regulations making this a complete free for all . The losers are those who follow the law. THIS HAS TO CHANGE. 2. A NON-COMPETE CLAUSE IS REQUESTED. STREET RESTAURANTS OPERATING UNDE

So. Cal Restaurant Association Org.

14435 Sherman Way Unit #204
Van Nuys, CA.
(818) 714-3208

Re: Item No (1) - 13-1493, 13-1493-S5, 19-0600-S155
City Administrative Office and Bureau of Street Services reports relative to the establishment of permit fees for the Sidewalk and Park Vending Program (Also referred to the Public Works and Gang Reduction Committee, health Education, Neighborhoods, Parks Arts, and River Committee, Personnel and Animal Welfare Committee and Budget Finance Committee.

On behalf of retail constitutes we demand your support for rules and regulations for health and safety, sidewalk space, fines, and a new permit system in The Council's next street vending venue set for November.

WE ARE STRONGLY NOT AGAINST STREET VENDING. *WE BELIEVE The Governor did not consider the outbreak of full on **STREET RESTAURANTS OPERATING UNDER TENTS - using the VENDOR LAW as a push to mainstream this HEALTH, SAFETY AND WELFARE CONCERN** and we ask for a **RECLASSIFICATION** turning this "New classification" over to the laws that govern all food preparation business set forth by the **State of California***

<http://www.publichealth.lacounty.gov/eh/docs/RefGuideFoodInspectionReport.pdf> **Public Education for PREVENTION OF FOOD BORNE INFECTIONS - DISEASE - CONTAMINATION** <https://www.cdc.gov/foodsafety/foodborne-germs.html>. **Health Code Requirements for. Health Code Requirements. Community Events in LA County - including Farmers Markets.** <http://www.publichealth.lacounty.gov/eh/docs/Events/EventRequirements.pdf> **County of Los Angeles · Department of Public Health ENVIRONMENTAL HEALTH. FY 2019-2020 PUBLIC HEALTH AND FINANCIAL MANAGEMENT FEE SCHEDULE.** <http://publichealth.lacounty.gov/eh/docs/LicensePermitFees.pdf> **Cottage Food Operation - AB 1616.** <http://www.publichealth.lacounty.gov/eh/misc/CAHomemadeFood.htm>

We ask your support to Support our plea to keep the guidelines

Points and Authorities:

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1. California cities cannot ban vending in parks.
2. Cities cannot determine where vendors can operate **unless there is a health, safety, or welfare concern.**
3. **Street vendors are no longer required to ask permission from adjacent businesses to operate.**

With **SB 946's** licensing guidelines encouraging local governments to determine what works best. Los Angeles can determine whether to require business licenses, taxes, and health regulations for **vendors selling fresh fruit or bacon-wrapped hot dogs**. When street vendors violate the law, local governments can fine the offenders, or repeal operating licenses. *(This did not include **STREET RESTAURANTS OPERATING UNDER TENTS - using the VENDOR LAW as a push to mainstream this HEALTH, SAFETY AND WELFARE CONCERN** (See definitions below).*

NEW CONCERNS:

We are not against street vending. We are against the NEW issue or Full on **STREET RESTAURANTS OPERATING UNDER TENTS** - using the **VENDOR LAW** as a push to mainstream this **HEALTH, SAFETY AND WELFARE CONCERN**.

Our Business Plea is that there must be consideration for the Dreamers who invested their life savings, working countless hours to build their Brick and Mortar Restaurant business - now being threatened by the Abuse of these "VENDORS" (Full on **STREET RESTAURANTS OPERATING UNDER TENTS** - using the **VENDOR LAW** as a push to mainstream this **HEALTH, SAFETY AND WELFARE CONCERN**) who are currently setting business on the sidewalks in front of already established Business and Retail Districts not discussed or considered through SB 946 law.

Again, there is no opposition to the VENDORS, only to the **NEW** growing public issue of **STREET RESTAURANTS OPERATING UNDER TENTS - using the VENDOR LAW as a push to mainstream this HEALTH, SAFETY AND WELFARE CONCERN**

1. **#2 & #3 is not acceptable:** Today, local restaurants are losing essential business due to blatant use of street and sidewalk space in front of existing **PERMITTED** business. Currently, financial loss is resulting in layoffs, and possible financial ruin, leading to possible **CLOSURES**. This will cause possible Commercial vacancy and loss of tax revenue for LOS ANGELES and for the STATE. And Currently the "STREET RESTAURANTS operating under the guise of **VENDOR** are establishing themselves on YELP, INSTAGRAM, Grub Hub and utilizing the **PICK-UP AND DELIVER** business, using registers, collecting **UNREPORTED** cash sales. - The **LOURE** of existing customers from Brick and Mortar business and THE **BLATANT** use of their address to promote the sale of the *sidewalk business in front of existing permitted business - The "TENT Food Restaurant **NON PERMITTED** "Sidewalk Vendors" are taking necessary parking and operating without respect or regard to California State Laws in the sale of complete menu driven food. The full on operation offers a more than one type of food, thus, competition for customer is a MAJOR CONCERN. The right to operate in the normal and customary way of doing business is difficult when the Vendor can freely operate in front of business district without police, fire, health, street rules or regulations making this a complete free for all . The losers are those who follow the law. THIS HAS TO CHANGE.*

2. A NON-COMPETE CLAUSE IS REQUESTED. **STREET RESTAURANTS OPERATING UNDER TENTS** - using the **VENDOR LAW** as a push to mainstream this **HEALTH, SAFETY AND WELFARE CONCERN** *Should have permits only at locations designated in surrounding areas away from existing business where one or more Restaurant operate. This will prevent unnecessary COMPETITION for customers and necessary parking needed for the RIGHT TO DO BUSINESS AS USUAL.*

3. HOURS OF OPERATION: Should Los Angeles continue allow **STREET RESTAURANTS OPERATING UNDER TENTS** - using the **VENDOR LAW** as a push to mainstream this **HEALTH, SAFETY AND WELFARE CONCERN** to operate without **RULES OR REGULATIONS** set forth in SB 946 - **HOURS must be determined.** *The average Professional Permitted Brick and Mortar business should have precedence over hours and most agree that hours should be determined where "VENDORS" are allowed during the hours of 10 pm to 6:30 am. NON COMPETE.*

4. VENDORS GRACE PERIOD - The requested **6 month grace period for vendors** as requested by the "LA Street Vendor Campaign". is not challenged, We believe that after the initial contact by **STREET SERVICES** sharing all rules and regulations for **HEALTH, SAFETY AND WELFARE CONCERN**, and after

contact is made to the locations operating **STREET RESTAURANTS UNDER TENTS** - using the **VENDOR LAW**, they must provide their personal and business information, and that they had the outreach **EDUCATION**, and be given a set amount of days to comply and apply for said operating permits. (This is not harassment)

5. **ADA** - consideration for rights of passage for disabled and those who live with disabled <http://www.losangelesadasettlement.org/examples-of-access-barriers.html>. Possible new lawsuits to include sidewalk vending.

6. **Permits for tents though building and safety** - Preventing Wind driven accidents when the tent flies into oncoming traffic or to the sidewalk and people in harms way. There are rules in place for Health and Safety.

RIGHT NOW: a Vendor is considered **Temporary** - Considering the Tents are currently without Building and Safety permits, music being played loudly and seating provided - Consideration is that they are now **Special Events (TSE) are a temporary use of building, property, or public way for the express purpose of allowing it to be used on a limited basis. As of January 2014, the current cost to file an application with LADBS is \$137.80 per event. Permits are required for temporary special events** within the City that are not more than 5 days. The following qualify as a TSE, provided they have a maximum duration of 5 consecutive days: Tents or canopies, larger than 450 square foot, on a residential property. **Tents or canopies, larger than 12 feet in length or width, on a commercial property.** <https://www.ladbs.org/services/core-services/plan-check-permit/types-of-plan-checks-permits/special-event-permit>

7. **Fire Permits** - With heightened fire danger, **STREET RESTAURANTS OPERATING UNDER TENTS** - using the **VENDOR LAW** as a push to mainstream this **HEALTH, SAFETY AND WELFARE CONCERN** to operate without **RULES OR REGULATIONS** set forth in SB 946 - must abide by **fire safety**, since many are using **fryers, propane stoves and gas generators**. <https://www.lafd.org/fire-prevention/industrial-and-commercial>

8. **HEALTH DEPARTMENT** - After Education, must abide by Health and Safety

STREET RESTAURANTS OPERATING UNDER TENTS - using the **VENDOR LAW** as a push to mainstream this **HEALTH, SAFETY AND WELFARE CONCERN** to operate without **RULES OR REGULATIONS** set forth in SB 946 *must abide by State Laws for food preparation* <http://www.publichealth.lacounty.gov/eh/docs/RefGuideFoodInspectionReport.pdf> **Public Education for PREVENTION OF FOOD BORNE INFECTIONS - DISEASE - CONTAMINATION** <https://www.cdc.gov/foodsafety/foodborne-germs.html>.

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Cottage Food Operation - AB 1616

<http://www.publichealth.lacounty.gov/eh/misc/CAHomemadeFood.htm>

We ask to be part of the discussion and all of our Reasonable requests are heard and considered the process of defining the rules and regulations for Vending.

Again, we are not against the Vendors. Again, there is no opposition to the VENDORS. We OPPOSE the new growing public issue of **STREET RESTAURANTS OPERATING UNDER TENTS - using the VENDOR LAW as a push to mainstream this HEALTH, SAFETY AND WELFARE CONCERN.**

Thank You,

Vivian Hartman
Businesswoman
Advocate

DEFINITIONS

VENDOR /ˈvɛndə-/ noun. plural vendors. Learner's definition of VENDOR

1: a person who sells things especially on the streetNa hot dog vendor

2 : a business that sells a particular type of product vendors of computer parts software vendors. **A street vendor is a person who offers goods or services for sale to the public without having a permanently built structure but with a temporary static structure or mobile stall (or head-load).**

RESTAURANT (French: [ʁɛstɔʁɑ̃] (listen)), or an eatery, is a business which prepares and serves food and drinks to customers in exchange for money. Meals are generally served and eaten on the premises, but many restaurants also offer take-out and food delivery services.

Fast food restaurants are also considered a restaurant. The travelling public has long been catered for with ship's messes and railway restaurant cars which are, in effect, travelling restaurants. What is the full form of 'TIP' in restaurants?

STREET RESTAURANTS OPERATING UNDER TENTS - using the VENDOR LAW as a push to mainstream this HEALTH, SAFETY AND WELFARE CONCERN to operate without RULES OR REGULATIONS -

Restaurant. An eatery, is a business which prepares and serves food and drinks to customers in exchange for money. Meals are generally served and eaten on the premises, but many restaurants also offer take-out and food delivery services. AN EATERY OPERATING ON THE DIRT, SIDEWALK, Private PARKING LOT, Commercial property parking lot, including gas station, without Permits violating the **SB 946's licensing guideline.** “**Cities cannot determine where vendors can operate, unless there is a health, safety, or welfare concern.**”

FOOD VENDOR <http://www.publichealth.lacounty.gov/eh/docs/vip/>

PLAN CHECK GUIDELINES 1.pdf. PLAN CHECK GUIDELINES FOR MOBILE FOOD FACILITIES AND MOBILE SUPPORT UNIT. These guidelines have been established to assist in the permitting process for a mobile food facility. The following requirements are extracted from the California Health & Safety Code, California Retail Food Code (Cal Code).

A Mobile Food Facility is any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. A Mobile Food Facility does not include a transporter used to transport packaged food from a food facility, or other approved source to the consumer. The Mobile Food Facility shall be designed as a self-contained unit. The cart design shall take into consideration local environmental conditions for a safe food operation and storage of the Mobile

food Facility. **STORAGE OF THE MOBILE FOOD FACILITY OR ANY TYPE OF FOOD PRODUCT AT HOME IS NOT APPROVED.**