



JOSE HUIZAR
COUNCILMEMBER, 14TH DISTRICT

November 8, 2017

Honorable Members of the City Council
% City Clerk
Los Angeles City Hall
200 N. Spring Street, Room 395
Los Angeles, CA 90013

RE: CF 13-1493 (Sidewalk Vending)

Dear Honorable Members:

Despite the vibrant sidewalk vending culture that has existed in Los Angeles for decades, Los Angeles is the only major city without a sidewalk vending program. It's been over four years since Councilmember Price and I first introduced a motion (13-1493) to create a regulated citywide sidewalk vending program and nearly one year since the entire City Council voted to move forward with a proposed framework.

I am pleased with the substantive report the Chief Legislative Analyst (CLA) has produced in support of the Economic & Development and Public Works committees to move forward with a recommendation for implementation of a citywide sidewalk vending program.

As we move forward, our vision for a citywide sidewalk vending program must be one that promotes entrepreneurship over criminalization, inclusion over exclusion, and a program that conforms to our county's health and safety standards. The results of a regulated system benefit everyone: consumers can trust the food they purchase is safe, sidewalk vendors will contribute to our local economy without fear of criminal sanctions, and our City's resources will be more effectively dispersed once we have a clear set of citywide rules.

With these principles in mind, I offer the following recommendations to help build a successful program.

- 1. Decriminalization:** In keeping with the Council's legislative intent to decriminalize sidewalk vending, we must amend the Los Angeles Municipal Code (LAMC) to

decriminalize sidewalk vending from Sections 80.73 and 63.44 per the motions I co-introduced with Councilmembers Cedillo and O'Farrell.

2. **Expungement of Previous Convictions:** The CLA should be instructed to consult with our City Attorney and report back on a process by which sidewalk vendors previously convicted under LAMC Section 42.00 can expunge those convictions from their criminal records.
3. **Accessibility to Existing Sidewalk Vendors:** The City needs further analysis of (a) the adequate number of Certificates of Operation the City will need to issue to meet demand under this program; and (b) further analysis on implementing a reasonable fee that ensures adequate oversight and regulation, while also ensuring vendors are not priced out of participating in this program.
4. **Adequate Enforcement Is Important for a Successful Program, Supported by Robust Outreach and Education:** To ensure a successful citywide sidewalk vending program the City must provide adequate enforcement resources. It would be unfair to newly licensed vendors for our City departments to not immediately enforce unlicensed vendors after the citywide program is implemented. My office recommends an approach to enforcement whereby there is a comprehensive education and outreach campaign 120-days prior to implementation. I also recommend that for the first six months of implementation of the program our enforcement agencies be directed to issue warnings for first offenses.
5. **Incentivizing Healthy Food Carts:** I agree with the CLA recommendation to provide incentives to those vendors that choose to sell healthy and nutritious food options. We can do this by only allowing vendors who sell fruits and vegetables to sell near our schools and providing these applicants with a waiver or reduction of fees.
6. **Pursuing CDBG Funding:** The goal of a citywide sidewalk vending program is to promote micro-entrepreneurism. My office agrees with the CLA recommendation to instruct our Housing and Community Investment (HCID) and Economic and Workforce Departments (EWDD) to pursue federal funding that is well suited for the goals of our program.
7. **Micro-Lending Program, Cooperatives, and Business Incubators:** Opportunities for creativity and supplemental resources will be plentiful under a citywide program. The EWDD and our Small Business Source Centers should explore developing opportunities for program applicants that are tailored for micro-entrepreneurs. The long-term success of the program will depend on creating partnerships with small businesses and non-profit organizations that can serve as business incubators. Furthermore, existing non-profit organizations are great resources for future development of business cooperatives and the creation of micro-lending programs.

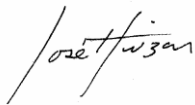
- 8. County and State Law Amendments:** The CLA report adequately points out that “state law does not specifically address sidewalk [vending] . . . as a consequence food carts are treated the same as brick and mortar establishments and food trucks.” As recommended by the CLA, our relevant City departments and the County of Los Angeles Department of Public Health should form a task force that will advise on seeking potential state legislation to address this concern, similar to the approach taken by Multnomah County, Oregon. Amending the California Retail Food Code with provisions specific to sidewalk vending ensures that rules and regulations are in place to adequately regulate a citywide sidewalk vending program.

For the first time in our City’s storied history, we have taken a proactive approach in creating a citywide sidewalk vending program. We must not lose sight of the importance of establishing a comprehensive program that creates entrepreneurial opportunities for the countless hardworking sidewalk vendors in our City who have been ignored for far too long.

The City Council voted to move forward with a proposed framework for a citywide program nearly one year ago. The recommendations I mention here will help guide our discussion as we move forward toward full program implementation.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Jose Huizar". The signature is written in a cursive, slightly slanted style.

JOSE HUIZAR

Councilmember, 14th District