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Date: 5/13/14

Submitted in Econ. Dev. Committee

Council File No: 13-1493

Item No.: 1

~~Report~~: Communication from the AB12

COPY

May 8, 2014

Council Member Curren D. Price
District 9
City of Los Angeles City Hall
200 N. Spring Street, Room 420
Los Angeles, CA 90012

SUBJECT: Concerns Regarding Proposed Legalization of Sidewalk Vending

Dear Council Member Price,

On behalf of the LA Fashion District BID Board of Directors and its 1200 property owners we urge you to consider a number of problems that would be created if legalized sidewalk vending is approved by the City of Los Angeles.

As you know, the retail areas of the LA Fashion District already exemplify the walkable neighborhoods you are striving to create all over your Council District. Pedestrian counts show that streets around Santee Alley have pedestrian traffic that rivals those on Third St. Promenade & Hollywood Boulevard.

The LA Fashion District is already overwhelmed by mobile food vendors occupying metered parking spaces in the district. On Saturday March 22, 2014, 91 mobile food vendors were counted in the district. (see attached map). These vendors are concentrated in retail areas with the highest volumes of pedestrians and storefronts. For example on the 2 block stretch of Maple Avenue between Olympic Blvd & 11th St. we counted 17 mobile food vendors. Our first restaurant at Maple and Olympic recently closed because of the large number of mobile vendors here. The City has no regulatory control over the number and location of mobile food vendors. These vendors already locate below residential units after bars close at 2am creating significant noise & obnoxious odors for the thousands of residents living in CD 14.

Our experience with mobile food vendors has shown a growing level of public safety concerns for pedestrians as they try to navigate by store entrances, window shoppers and mobile food customers standing in line waiting to order food. Legalizing sidewalk vending would substantially add to these public safety concerns by taking sidewalk space from pedestrians.

The County of Los Angeles Health Department is already overwhelmed in its effort to enforce health standards on mobile food vendors. On April 8, 2014 the Los Angeles Times outlined the public health hazards of mobile food vending already present in Los Angeles because of the County inability to enforce public health standards on these types of food vendors.(see attached article) Legalizing sidewalk vending would only exacerbate these public health hazards in Los Angeles.

The Bureau of Street Services is also totally overwhelmed enforcing illegal vending regulations in Los Angeles. Mobile food vendors already place ice chests, chairs, tables & even umbrellas on the sidewalk with impunity as there is negligible enforcement by the City.



In 1998, McArthur Park was used as a pilot project for sidewalk vending. It was a failure because of a lack of enforcement of illegal vending elsewhere. There was no reason for vendors to obey the rules & locate within the vending district. The City does not & will not have the capability to enforce sidewalk vending rules.

There are other concerns about legalizing sidewalk vending in Los Angeles as outlined in the bullet points below:

1. **Sidewalk Repairs:** Sidewalk vending would allow the private commercial use of the sidewalk at a time when the City of Los Angeles is considering making the adjacent property owner responsible for sidewalk repair & replacement. Allowing sidewalk vending could prevent the City from assigning responsibility of sidewalks to property owners.
2. **Liability:** The City already pays millions of dollars in claims for slip & falls on sidewalks. Allowing private commercial use in the form of sidewalk vending blurs the responsibility for sidewalk slip & falls...how can property owners take responsibility for this when they do not control the use of the sidewalk. Property owners cannot be held responsible for the sidewalks when the City permits the private use of these sidewalks for vending without their consent.
3. **ADA Compliance:** Sidewalks are often narrow & sidewalk vending can put the City at risk for ADA lawsuits & force pedestrians onto the street creating safety hazards. The City does not have the capability to enforce sidewalk vendors to comply with ADA .
4. **Trash Removal:** Sidewalk vending generates trash and unlike BIDS where property owners and merchants pay for trash removal on the public sidewalk there is no mechanism to ensure the payment of trash removal by sidewalk vendors. The Fashion District has operated a volunteer program for trash removal generated by mobile vendors for a number of years but with no enforcement, only 4 mobile vendors out of more than a hundred pay for this service. Almost all the rest of the mobile vendors use BID receptacles at no charge or dump their trash in the street.
5. **Permit Compliance:** Normally when the City allows private use of the public sidewalks, permits are required. In the case of sidewalk dining these permits are revocable & are expensive as well as being strictly enforced. Even special events using the public sidewalk require permits. This gives the community and neighbors a chance to comment & express their concerns about the use of the sidewalk. How will the public have input on sidewalk vending in their neighborhood?
6. **Sales Tax and BID Assessments:** Commercial districts are integral to creating great walkable neighborhoods and the addition of ground floor small businesses have been the key ingredient in the revitalization of every neighborhood in Los Angeles from downtown to Eagle Rock. Sidewalk vendors do not pay BID assessments and do not contribute to these neighborhoods. Bricks & mortar small businesses go through an expensive permitting process and spend a large amount of money providing restrooms and common areas for their customers. Sidewalk vendors have no such requirements & therefore have a competitive advantage over these neighborhood small businesses. In fact their common

area is the public sidewalk which is paid for by property owners and merchants through their rents not by sidewalk vendors. There is also no mechanism to ensure that sales taxes paid will benefit the City of Los Angeles. This is especially true when many commissaries are located outside the City of LA.

Our business owners provide LA with:

- **Jobs** for staffing stores, showrooms and restaurants
- **Sales and Property Tax Revenue**
- **BID Assessment Dollars** that provide services the City cannot deliver such as regular sidewalk cleaning, tree trimming, trash and illegal dumping collection, graffiti removal and safety patrols

Brick and mortar businesses, the lifeblood of vibrant and walkable streets are already competing with online commerce and mobile vendors with no stake in neighborhoods. Adding sidewalk vending will jeopardize their ability to thrive in Los Angeles.

We appreciate your consideration of these points in deciding on the feasibility of legalizing sidewalk vending in Los Angeles.

Sincerely,



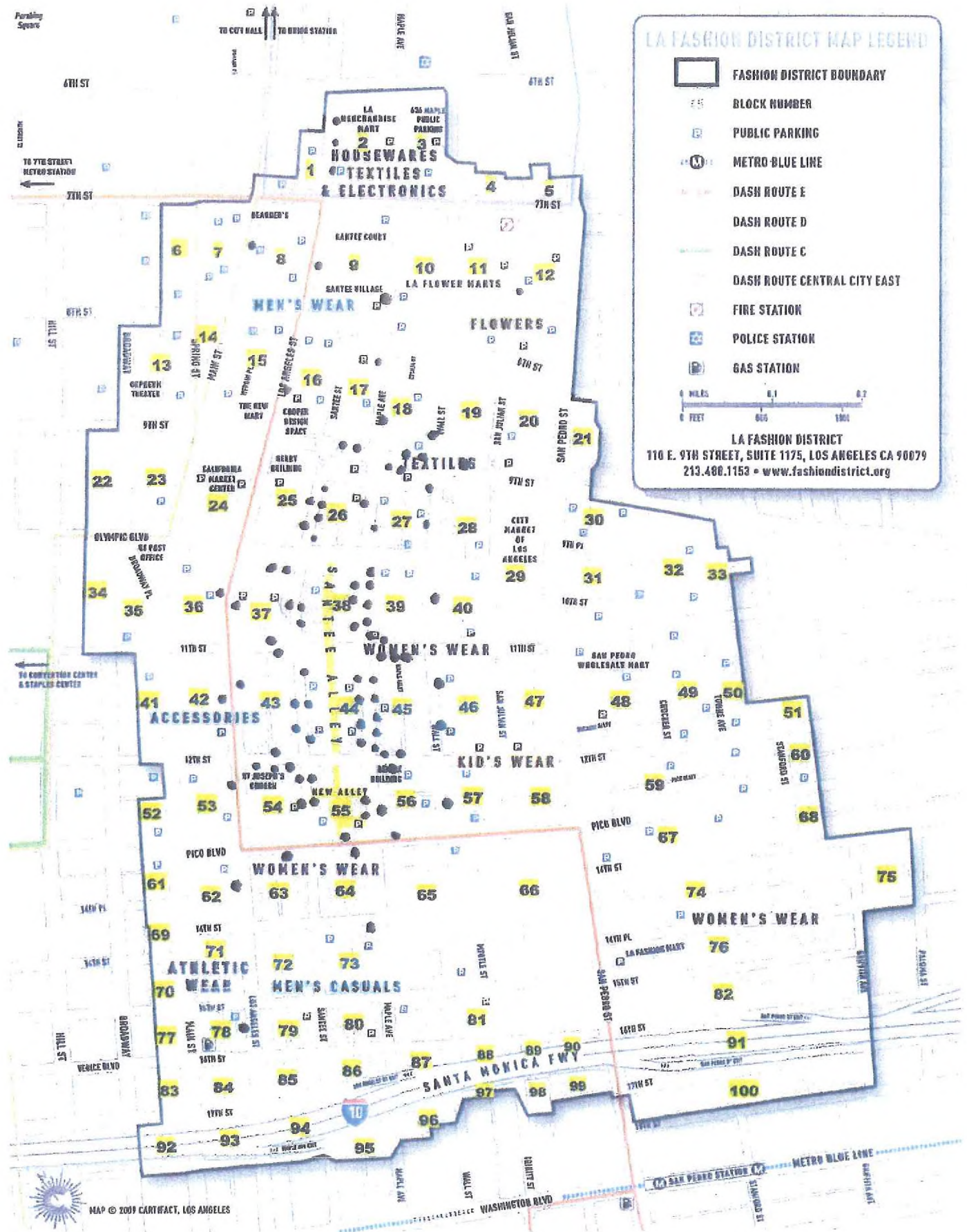
Kent Smith, Executive Director
LA Fashion District BID

Enclosures: Map of Mobile Vendor locations
LA County food-truck safety program leaves a bad taste in the mouth.
LA Times article: April 7, 2014

Cc: Council Member Paul Krekorian, District 2
Council Member Jose Huizar, District 14
Council Member Gilbert A. Cedillo, District 1
Council Member Nury Martinez, District 6
Holly L. Wolcott, Interim City Clerk

Mobile Food Vendors Total: 91

Sat. March 22, 2014



● = Mobile Food Vendor

latimes.com/business/la-fi-lazarus-20140408,0,2474071.column

latimes.com

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.

David Lazarus

5:49 PM PDT, April 7, 2014

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

advertisement

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?

"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.

Add about 1,800 "low-risk" trucks serving packaged goods, such as ice cream, and health officials have roughly 5,000 vehicles to keep track of. That's a tall order for the county's 15 field inspectors and their two supervisors.

Bellomo said staffing isn't the main concern, though he could probably use a few more inspectors. The biggest problem at the moment, he said, is knowing where food trucks and carts can be found at any given time.

"We might have a list of 10 that are scheduled for inspection but only be able to find three," Bellomo said. "In many cases, we just don't know where they are."

Food trucks and carts that receive complaints from the public are generally a higher priority for inspections, he said. Others are scheduled on a rotating basis.

While I can understand the challenge of tracking down mobile operations, it may not be as difficult as officials think. For example, I found that the owner of the hot dog cart patronized by the Cohens was regularly tweeting where it could be found.

I bet that many other food trucks and carts are similarly active on social media.

Equipping such vehicles with GPS systems would seem an obvious solution. Bellomo said officials are considering this, "but we're still looking at the cost factor."

He also said he hopes the Department of Public Health's website will become more user-friendly by next year, allowing consumers to easily search for — and find — safety information about all vehicles.

In the meantime, keep this in mind: If you dine alfresco in L.A. County, you're taking your chances.

Think of it as the culinary version of Russian roulette.

David Lazarus' column runs Tuesdays and Fridays. He also can be seen daily on KTLA-TV Channel 5 and followed on Twitter @Davidlaz. Send your tips or feedback to david.lazarus@latimes.com.

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