



December 1, 2016

Councilmember Joe Buscaino
Chair, Public Works & Gang Reduction Committee
Councilmember Curren Price
Chair, Economic Development Committee
200 N. Spring Street
Los Angeles, CA 90012

Re: **CF 13-1493 Sidewalk Vending Policy**

Dear Chairmen Buscaino & Price,

Established in 1924, the Central City Association (CCA) is Los Angeles' premier business organization, with 450 members employing over 350,000 people in the Los Angeles region. As the voice of business, we recognize the critical role that vibrant commercial corridors play in supporting business growth and retention.

CCA recognizes the time and effort your offices have spent on this incredibly complex issue. We thank you and appreciate the opportunity to comment on the proposed regulatory framework that would implement a sidewalk vending program for food and merchandise sales on the city's sidewalks. We believe it is a well-crafted framework, as it recognizes the importance of brick and mortar businesses, sports and entertainment venues, and location filming. We do have concerns regarding the special district vending model as it is proposed in the framework, and will work to make it a process that can be utilized by communities.

We support your efforts to end the use of misdemeanors for sidewalk vending violations under Los Angeles Municipal Code 42.00. This is an important action for the city to take immediately, while the sidewalk vending program is being fully developed and funded.

CCA is pleased to comment on the framework and offer the following recommendations:

Special Vending Districts

We know a one-size-fits-all program for sidewalk vending will not work in a city as diverse as ours and within the framework, special vending districts are the only opportunity for a community to collectively weigh-in regarding vending. CCA believes allowing communities to opt-in instead of the proposed special vending district provided greater flexibility; however we are willing to support this framework if we believe it is feasible to create a district.

The language surrounding the establishment of a district gives us great concern. It can be interpreted that, in order to establish a more restrictive or a more permissive special vending district, a community must find that specific "public health, safety and welfare" concerns exist. We believe this process to establish a special vending district must be objective, straight-forward, clear and user-friendly.

We believe strongly that the required 20% threshold should be retained but request that the “public health, safety and welfare” language be modified to reflect the need for objective and specific conditions that will provide communities with a meaningful opportunity to opt-out.

Property Owner/Business Owner Consent

We appreciate that this provision was included in the framework and want to make sure that it is respected by the city permitting agency and vendors. It is important for brick and mortar business owners and property owners to retain control over what happens on their doorsteps. Especially since sidewalk repairs will soon be the responsibility of property owners.

CCA believes a business or property owner must have the final determination on vending in front of their business. **We want to emphasize that under no circumstances should the consent of an adjacent property owner or business be overruled by a special vending district.**

We recommend that the city notify property and businesses owners about this program and utilize an established mechanism such as the business registration tax mailing list. We believe providing written notice as well as web-based information about the sidewalk vending program and its provisions is essential.

Ease of Implementation

The framework supports implementation by calling for stationary vendors in commercial and industrial areas and liability insurance indemnifying the city, property owners and business improvement districts (BID). It also limits the amount of vendors to two per city block. These are smart provisions that we support.

We believe once a formal policy is adopted, there will be instant demand from vendors to obtain permits. It will be critical to have the necessary city infrastructure ready to support this demand. For example, maps of sidewalks that are available for vending should be easily accessible so vendors and property owners are informed of where vending will and will not be permissible.

The city will also need to establish a clear application process that includes approvals from other permitting agencies like the Los Angeles County Department of Public Health and the city’s Office of Finance. And, most importantly there needs to be a sufficient number of city personnel in place to manage and implement the program. If this program is to be successful, the city must have enough trained staff available to meet the expected demand.

We ask that, as you contemplate the vending program, you also identify and allocate the resources that are necessary for the program to work. We also request that you consider a fixed permit allotment for the first year of program operation. A permit allotment for the initial year could assist in determining resource allocation and be revisited within the annual status reports.

CCA also proposes that there be a period of time between the adoption of the vending program ordinance and the effective date. This period of time should allow for education and outreach about the vending program.

Requests for Additional Information

We believe it's important, that you ask the following questions to city departments in their various reports regarding the program:

1. Will the city have the ability to confiscate unpermitted food vending materials or must County Health be present to confiscate as well? We would like for the city to have the ability to do this.
2. Are permits issued to individuals only and is there a limit to how many permits one person can receive? Similarly, will corporations/businesses be allowed to apply for permits? We believe the intent of a sidewalk vending program is to promote micro-enterprise and believe permits should be limited to individuals and one permit per person.
3. Under what circumstances can the city deny vending permit approval? What will the permitting criteria be composed of?
4. How long are vending permits valid for?
5. Will there be a process to withdraw property or business owner consent if the vending proves to be disruptive?
6. Will vending regulations be monitored proactively or complaint-driven?
7. Will city staff be made available before/after city business hours to monitor and implement the vending program?
8. If a Councilmember initiates a special vending district can it be approved administratively?

We believe receiving answers to these questions will provide more clarity about the vending program, which will help with successful implementation.

Thank you for consideration and leadership on this matter. We look forward to our continued work together.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Lall', written in a cursive style.

Jessica Lall
Incoming CEO & President

CC: Honorable Members of the City Council