



March 26, 2014

Honorable City Council
200 South Spring Street
Room 395
Los Angeles, California 90012

RE: Legalization of Sidewalk Vending

Honorable City Council:

On March 26th, 2014 the Historic Core Business Improvement District discussed the motion to legalize sidewalk vending throughout the City of Los Angeles. Based on a history of vending in Downtown and Hollywood and due to concerns outlined below, the board would like to urge that the motion be reconsidered.

- Liability

In the City of Los Angeles, property owners are being held responsible for sidewalk repair, maintenance, and subsequently, liability. This responsibility cannot continue if the City permits the private use of these sidewalks for commercial enterprise without their consent.

Without a mechanism to track down a transient vendor, these vendors have no liability nor do they pay restitution when customers fall victim to food poisoning. By sanctioning sidewalk vending, the City assumes responsibility for thousands of vendors to operate without the enforcement resources to keep people healthy and safe. As a result, this permission opens up nearby merchants and property owners to litigation.

- Trash and BID/Special Assessment Funding

Sidewalk vending generates enormous amounts of trash. In many areas, property owners pay for trash removal on the public sidewalk via additional assessments. Currently, most mobile vendors use BID receptacles or dump their trash on the street with impunity. BIDs are paying millions of dollars per year to keep the sidewalks clean and supplement City services by daily sweeping, trash collecting, and pressure-washing. Sidewalk vendors do not contribute to these communities through BIDs and do not offset the costs to area property owners and businesses.



- Resources and Permit Compliance

In a recent LA Times article, it was reported that the majority of mobile food trucks operating in the County have not been inspected by the Health Department due to a lack of resources. In a recent audit by the Historic Core, all eighteen newsstands in the district operating under LAMC 42.00 were in violation--from ADA compliance and particular items sold to the required posting of permits and hours of operation. Street Services stated a lack of resources for inspectors to issue corrections for these violations. Additionally, many sidewalk vendors operate after normal business hours—for example, setting up outside bars after closing. Proper oversight would require a much higher volume of personnel, and a budget for overtime for both the County and City. Based on current conditions, it seems unlikely either department will have the financial capacity *to expand* the enforcement required to keep most consumers healthy and safe.

- Compounding Other Crimes, Sidewalk, and ADA Violations

In the areas of the Historic Core and Skid Row (3rd-7th and Spring to Alameda,) we already mitigate sidewalk obstructions as a result of the Jones Agreement, which allows for encampments from 9:00pm until 6:00am. All other obstructions are a violation of LAMC 56.11. In addition, the LAPD already enforces 56.11 for retail tenants that display merchandise on public sidewalks. Vendors set up in high pedestrian traffic areas by nature. Without a mechanism to control the number of or positioning of vendors, sidewalk vending can put the City at risk for ADA lawsuits and force pedestrians onto the street creating safety hazards.

- Diminished Quality of Life for Businesses and Residents

Ground floor small businesses have been the key ingredient in the revitalization of every neighborhood in Los Angeles from Downtown to Granada Hills and Lincoln Heights. Although it has been reported by the CLA that the City Attorney is not interested in arguing on behalf of brick and mortar establishments, the legalization of commerce in the public right of way and its impacts is of huge concern to the property owners and businesses in our district.

Small mom and pop businesses go through an expensive permitting process and spend a large amount of money providing restrooms and common areas, and sidewalk seating for their customers. Sidewalk vendors have no such requirements and there is no mechanism to enforce a legitimate use of restrooms for hygienic purposes. Sidewalk vendors therefore have a competitive advantage over these neighborhood small businesses.

Although the mobile food truck industry is not is not a part of this motion, the current climate can be reviewed to demonstrate its impact to communities. The BID receives numerous complaints from area residents and businesses that have trucks set up outside their windows kicking up exhaust and food smells for hours at a time, and unfairly competing with businesses.



We have heard the argument for legalization of sidewalk vending compared to farmers' markets. Farmers' market vendors pay fees to a market operator and manager which contributes to market promotions, clean up, and supervision. They are also subject to regular inspections due to the stability of their locations. They have canopies, netting, sinks, and other safety requirements which restrict their mobility, but keep patrons safe. Mobile vendors have no such oversight, could have no such cumbersome restrictions and still be mobile, therefore they would be impossible to regulate in a similar manner.

Although legalization does take away the criminalization component, it does nothing to address the quality of life issues that result from unregulated sidewalk vending. We urge you to review the financial impacts on the city and neighborhood businesses and property owners, and please consider restricting sidewalk vending to areas with a dearth of food and retail.

Thank you for considering our concerns.

Respectfully,

A handwritten signature in blue ink, appearing to read "Blair Besten". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Blair Besten
Executive Director