

MOTION BY SUPERVISOR HILDA L. SOLIS

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Sidewalk Vending Pilot Program and Framework Implementation

On November 7, 2018, the Los Angeles County (County) Board of Supervisors (Board) directed the Department of Consumer and Business Affairs (DCBA) to collaborate with relevant departments to identify options and recommendations for a sidewalk vending regulatory program applicable to the unincorporated County areas, as informed by:

- Extensive stakeholder engagement including 16 meetings with brick-and-mortar business owners and sidewalk vendors and over 1,200 survey responses.
- Best practices from cities, counties, states, and other government agencies;
- Past County efforts related to sidewalk vending; and
- Current county policies and codes that impact sidewalk vending.

The Board action was a result of the Safe Sidewalk Vending Act (SB 946), which became effective on January 1, 2019. The bill defines a sidewalk vendor as a person who sells food or merchandise from a pushcart, stand, display, pedal driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one's person, upon a public

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sidewalk or other pedestrian path. Sidewalk vending is a prevalent industry and is a means of earning a living for many people in Los Angeles County, especially women and immigrants. The passage of SB 946 has impacted vendors, brick-and-mortar businesses, and community residents.

Key provisions of SB 946 include the prohibition of counties and cities from limiting where sidewalk vendors can operate, including public parks (unless there is an exclusive concessionaire under contract). The law also prohibits requiring sidewalk vendors to ask permission from brick-and-mortar businesses or others to operate. SB 946 allows for regulations that are necessary to ensure health, safety and welfare, including limiting hours, requiring sanitary conditions, Americans with Disabilities Act compliance, and requiring sidewalk vendors to obtain a permit and/or license. Local authorities may adopt additional requirements regulating the time, place, and manner of sidewalk vending, such as operating hours, sanitary conditions, business licenses, and seller's permit, among others as appropriate and necessary.

Based on these provisions, DCBA is proposing a multi-pronged pilot program in high-concentration vending areas. The pilot is comprised of education and outreach along with a community-based compliance approach for existing statutes and regulations on food safety, obstruction of public right of way, trespassing on private property, vending near freeway on- or off-ramps, illegal dumping of hazardous materials and food waste in the public sewage system, and excessive noise. The pilot, to be carried out over a period of four to six months, will allow for the County to gather information regarding best practices in the context of its unique and diverse communities and to assist in creating a permanent local regulatory framework. Developing a robust outreach and education pilot

by partnering with community-based organizations with expertise on vending issues will increase public awareness and understanding of existing statutes and regulations. Furthermore, the County's Office of Immigrant Affairs will coordinate with the community-based organizations to address any issues related to immigrant rights.

With local jurisdictions adopting a diverse set of policies on sidewalk vending, the County is positioned to take a phased in and comprehensive approach. The pilot will help inform the implementation of a permanent holistic program that tackles issues of public health, food safety, overconcentration of vendor businesses in residential areas and commercial corridors. The program will also aim to help vendors come into compliance through a model that encourages transitioning from the informal economy to a formal economy. The goal is to improve the quality of life of all County residents and ensure that everyone has economic opportunity.

Additionally, the COVID-19 pandemic has increased concerns over the health and safety of vendors, their customers, and community members, and the economic security of many who rely on sidewalk vending to feed their families. At the same time, however, the pandemic offers an opportunity to focus energies on creative solutions that not only protect health and safety, but support the economic security and advancement for the vending community. A comprehensive strategy for vendors that includes reducing the cost of code-compliant cart ownership, identifying creative commissary space, establishing street vending business associations, and positively increasing the connectivity between regulators and vendors will enhance the effectiveness of a regulatory program.

I, THEREFORE, MOVE that the Board of Supervisors:

1. Direct County Counsel, in collaboration with DCBA, the Department of Public Health (DPH), the Department of Public Works (DPW), and other relevant departments to prepare ordinances to implement the regulatory framework on Options and Recommendations for a Sidewalk Vending Program in Unincorporated Areas that prioritizes outreach, education, technical assistance and compliance and look into establishing a “County Streets Ambassador” program similar to City of Los Angeles StreetsLA program to address Sidewalk Vending education, outreach, and compliance and other quality of life issues within the Public Road right-of-way. This pilot program should focus on prioritize local hire and collaborate with local community-based organizations for implementation;
2. Direct DCBA, DPH, DPW, the Department of Regional Planning (DRP) and other relevant departments to initiate a pilot described above and report back on outcomes within 30 days of the completion of the pilot program;
3. Direct DCBA, in partnership with the Chief Executive Office (CEO), DPH, DPW, and the Los Angeles County Development Authority, to develop a strategy to increase the effectiveness of a sidewalk regulatory program and enhance economic development outcomes for sidewalk vending. The strategies should include facilitating the design of a low-cost, code-compliant vending cart(s); identify opportunities to utilize existing and underutilized restaurants as commissary space as well as other opportunities to increase commissary availability; in collaboration with community-based organizations, foster the development of street vending

business associations with whom the County and other cities can work to implement sidewalk vending regulatory program and share information.

4. Direct DPH to collaborate with cart designers and manufacturers as they develop plans and construct model food carts that meet the requirements of the California Retail Food Code with the goal of designing low-cost food vending carts.
5. Authorize DCBA to enter into agreements with community-based organizations and nonprofits to develop a collaborative and community-based approach approved by DCBA and DPH to educate vendors and to bring vendors into compliance with public health guidelines;
6. Authorize DCBA to engage and enter into agreements with educational institutions and/or nonprofits to design a lower cost, code compliant mobile food cart to facilitate compliance with food safety laws and setup a working group consisting of relevant staff from DCBA and DPH and all stakeholders to provide input and oversight;
7. Allocate \$1 million in one-time funding from the Economic Development budget unit from funding initially earmarked for the Manufacturing Revolving Loan Fund at Supplemental Changes Budget FY 2020-21 to the Sidewalk Vending Program to be administer by the DCBA;
8. Direct DRP and DCBA to conduct outreach to businesses to allow vendors to utilize private property for vending and to inform/educate them on existing allowable and unpermitted activity;

9. Direct DCBA and DPH to seek partnerships with existing restaurants and other facilities that have commercial kitchens and storage to serve as an alternative to the traditional commissary to support food vendors;
10. Authorize DCBA and County Counsel to utilize up to \$300,000 of consumer protection civil penalties to fund County employees working on the implementation of the pilot program to protect consumers; and
11. Direct the CEO to work with DCBA, DPH, DPW, County Counsel and other relevant departments and report back in writing to the Board within 30 days of the completion of the pilot program identifying necessary staff and resources to ensure the appropriate administration of a permanent sidewalk vending program.

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