



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

January 24, 2011

To: Mayor Michael D. Antonovich
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to be "W. T. Fujioka", written over a horizontal line.

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

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Fourth District

MICHAEL D. ANTONOVICH
Fifth District

MOBILE AND FIXED FOOD ESTABLISHMENT TASK FORCE

On September 21, 2010, on motion by Supervisor Knabe, your Board instructed the Chief Executive Officer (CEO) to: convene a taskforce that includes representation from the Southern California Mobile Food Vending Truck Association (SCMFVTA), the Restaurant Association (RA), the Department of Public Health (DPH), the Small Business Commission (SBC), and other interested parties; and report back in 90 days with recommendations that this Board could consider that would facilitate the co-existence of both types of retail food enterprises in ways that also serve the public interest.

This memorandum provides our complete report, including recommendations to your Board, and the various issues and concerns discussed by the Mobile and Fixed Food Facilities Task Force (Task Force).

BACKGROUND

Mobile Food Facilities (MFFs) have been in existence in Los Angeles County for at least 30 years. Historically, locations lacking foodservice, such as business parks, manufacturing facilities, and construction sites have been served by MFFs. Collectively, such sites have been the basis for an MFFs daily business route, with the particular MFF stopping at each location for 15-30 minutes before moving to the next location. An exception to this practice has been a small number of taco trucks/loncheras that remain in one location for extended periods of time. In general, taco trucks operating in this fashion have often become fixtures in the community and have posed minimal conflict with the surrounding fixed food facilities (FFFs) and other businesses.

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In recent years, MFFs have evolved and now offer a broad array of food choices to a diverse clientele. MFFs are now more visible, frequent sites for longer periods of time, vend in high-density areas, and service the same clientele as FFFs. Issues, such as parking, trash disposal, and public health and safety, have resulted in conflict and confrontation between the MFF and FFF industries.

TASK FORCE MEMBERSHIP

Establishment of the Task Force membership was guided by your Board's motion which directed inclusion of the SCMFVTA, the RA, DPH, the County's SBC and other interested parties, thereby securing an equitable balance of representation.

To this end, an equal number of FFF and MFF operators and their respective industry associations were invited to participate in the Task Force. The business community at large was represented by regional and local chambers of commerce, an independent business owner, as well as the County SBC. Representation from city government was provided by city attorneys and a planning director from two jurisdictions. Representatives from local universities with backgrounds in marketing, planning, and public policy provided an academic perspective and a voice for the general public. Aside from representation from my Office and DPH staff, a total of 19 people were invited to participate as members of the Task Force discussion.

The Task Force meeting was held on Tuesday, November 16, 2010, and of the 19 non-County individuals invited to participate in the Task Force meeting, 14 were in attendance. In addition to providing first-hand input at the meeting, additional comments by the Task Force members were welcomed through November 23, 2010. For a complete list of the individuals invited to participate as members of the Task Force and their affiliation, please see Attachment.

The Task Force identified the following issues and concerns in the areas of Self-Regulation and industry involvement; Parking; Public Safety; Public Health; and Public and Industry Perceptions. Additionally, the noted findings and recommendations were cited.

SELF-REGULATION AND INDUSTRY INVOLVEMENT

Task Force members noted that in order to achieve optimal cooperation and adherence to any policies and/or industry regulations, members of the industry themselves should first be given the opportunity to develop policies/regulations.

Findings/Recommendations

- Prior to the introduction or proliferation of governmental regulation of the industry, the MFF industry should first attempt to self-regulate themselves/their industry and develop a set of "best practices" in order to serve as a guide for doing business as an MFF, over and above statutory regulations, and in an effort to be a "good neighbor," thereby reducing conditions that give rise to business conflict with FFFs; and
- Whenever policy matters are discussed or developed, all stakeholders should be involved in the process, including traditional lunch truck operators and loncheras.

PARKING

FFF operators noted that they rely on street visibility and easy access to attract customers. MFFs that are parked in front of or adjacent to an FFF not only impede street visibility and access to the location, but also create unfair business competition as the FFFs cannot themselves mobilize/set-up and provide foodservice utilizing the sidewalk in front of their business without the appropriate permitting or authorization. In some extreme cases, MFFs were alleged to set up tables and chairs on parkways/sidewalks and/or operate in groups or clusters with other MFFs. A related concern was the perceived misuse of the time allotted for parking (e.g. posted signs or meters) in certain areas by the MFFs. It was noted that the intended use of extended parking times in certain locations was in consideration of the public patronizing a nearby attraction/location, such as a museum or restaurant, not for MFFs to park in these locations and operate for an extended period of time.

MFF operators noted that parking spaces can be used for purposes of commerce as long as posted signs/meters are obeyed. MFF operators also expressed concerns of parking being restricted on the basis of competition rather than safety. It should be noted that MFF operators are currently unable to secure exclusive street parking by permit in contrast to FFFs, which is often permitted for the purposes of providing valet parking.

Findings/Recommendations

- Appropriate agencies (i.e. zoning, planning, transportation, etc.) and local communities need to be involved in the resolution of parking issues and the development of equitable use programs that facilitate mobile vending while respecting fixed/stationary businesses and community traditions;

- Parking restrictions, if required, should be developed based on public safety and not for the purpose of regulating the MFF industry; and
- Zoning and parking policies need to be transparent and consistent to allow all parties the same opportunities/access to city/County services regarding street use and requirements.

PUBLIC SAFETY

While members of the Task Force stated that attempts are made to provide MFF customers with areas to stand/congregate and eat, it was generally recognized by the Task Force that pedestrian traffic is obstructed when MFF customers line up for service. Blocking the public right-of-way on a sidewalk could impact customer access to FFFs, could impede emergency services such as fire response, and/or divert pedestrians into the street around the MFF and their customers awaiting service. In the latter two examples, the public may be placed at risk for harm or injury. In addition, FFF operators raised the concern of liability for accidents occurring on the sidewalk directly in front of their business or on private property as a result of MFFs operating at the location.

PUBLIC HEALTH

The unorganized gathering of multiple MFFs at a single location or street was said to exacerbate the conditions identified above as well as possibly cause other public health concerns. The practice of MFFs clustering for extended periods of time raises the question of trash/garbage collection and disposal. MFFs are not suited, due to space limitations, to haul away several hours worth of waste generated by food production and customers. It is typically not clear who has the responsibility for trash and garbage removal when more than one MFF operates in general proximity to one another. FFF operators pointed out that the lack of trash containment impacts the cleanliness of the sidewalk and the area in front of their businesses.

Also associated with MFF clustering was a concern for the provision of public restrooms for patrons. It was pointed out that FFF operators must secure permits to hold similar public gatherings, and such permits require the provision of public restrooms, refuse collection, and fire protection for the purposes of public safety and sanitation. MFFs that cluster together do not have to obtain a permit to meet the same public safety concerns/standards that FFFs must obtain.

Finding/Recommendation

- The MFF industry should work with regulators to create guidelines/regulations that address the sanitation problems that result from multiple MFFs congregated/clustered at a single location/vicinity. The guidelines should include a method of assigning responsibility to specific MFFs for ensuring that certain sanitation and public health and safety measures are taken.

PUBLIC AND INDUSTRY PERCEPTIONS

The Task Force recognized that the public and business owners, including other types of foodservice operators, often have incorrect information about MFFs. This includes the perception that MFFs do not pay taxes, are not required to obtain permits, or have no overhead costs such as rent, insurance, workers' compensation, etc. It was agreed that such misconceptions may lead to the lack of recognition of MFFs as legitimate and viable businesses that contribute to the community.

In addition to the presence of various potential misconceptions, another issue/concern shared by the Task Force membership was that the distinction between the traditional lunch trucks/loncheras and gourmet food trucks should be recognized. As mentioned above, traditional lunch trucks/loncheras/taco trucks have generally experienced less conflict with FFFs and should not necessarily be identified as a significant contributor or participant in the conflict between MFFs and FFFs.

Finding/Recommendation

- MFF operators should develop a foodservice industry and consumer awareness campaign to eliminate inaccurate, negative perceptions about MFFs.

CONCLUSION

While the issues and concerns raised by the Task Force are fairly specific, it should be noted that all carry an undercurrent of concern for equity in regulation and policy between the two retail food enterprises. The solutions required will challenge traditional approaches in street use, community development, and planning; therefore, requiring the involvement of multiple agencies and consensus among the County and cities in order to ensure consistency and the continued success of the two enterprises. It was made clear by the Task Force that one solution does not fit all situations and that MFFs are welcomed and considered part of the business community in some neighborhoods. Conversely, in other areas, particularly commercial zones, food trucks are in direct conflict with FFFs and are considered undesirable to the area.

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We thank the Task Force for their time and participation in this important health and safety issue. To build upon the collaborative efforts of the Task Force, DPH's Bureau of Specialized Surveillance and Enforcement will work with and facilitate follow-up meetings with the group as appropriate. Additionally, DPH will keep your Board apprised as to the Task Force's efforts in developing policies/regulations with a progress report in ninety (90) days.

If you have any questions, please contact me or your staff may contact Sheila Shima, Deputy Chief Executive Officer, at (213) 974-1160 or sshima@ceo.lacounty.gov or Terrance Powell, Director of DPH's Bureau of Specialized Surveillance and Enforcement, at (626) 430-5330 or tpowell@ph.lacounty.gov.

WTF:SAS
MLM:RM:gl

Attachment

c: Executive Office, Board of Supervisors
County Counsel
Public Health

012411_HMHS_MBS_MOBILE AND FIXED FOOD INDUSTRIES

MOBILE AND FIXED FOOD FACILITIES TASK FORCE

| | Task Force Member and Organization/Affiliation | Meeting Attendance |
|----|---|---------------------------|
| 1 | Matthew Geller, Chief Executive Officer, Southern California Mobile Food Vendors' Association | Yes |
| 2 | Michele Grant, Owner Operator The Cheese Truck | Yes |
| 3 | Erin Glenn, Chief Executive Officer Asociacion de Loncheros L.A. Familia Unida de California | Yes |
| 4 | Alfredo Magallanes, Owner Operator Mobile Food Facility | Yes |
| 5 | Andrew Casana, California Restaurant Association | No |
| 6 | Jay Handel, Operator San Gennaro Café Chair, West Los Angeles Neighborhood Council | No |
| 7 | Paul Scrivano The Blue Dog Beer Tavern Highwood Properties | Yes |
| 8 | George Abou-Daoud Restaurant Owner, Hollywood Chamber | No |
| 9 | Yibin Shen Deputy City Attorney City of Santa Monica | Yes |
| 10 | David Martin Director Planning & Community Development City of Santa Monica | Yes |
| 11 | Judith Reel, Deputy City Attorney City of Los Angeles | Yes |

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| 12 | Valarie Flores, Assistant City Attorney City of Los Angeles | Yes |
| 13 | Tom Dhalgren, Member Wilmington Chamber of Commerce | No |
| 14 | Sam Garrison, Vice President Public Policy Department Los Angeles Chamber of Commerce | No |
| 15 | Sean Piazza Piazza Family Restaurants Commissioner, Los Angeles County Small Business | Yes |
| 16 | Kenia Davalos, Smart Business Services Instructor-Finance, UCLA Governors Taskforce on Health Care Chair of Education and Health Care Commissioner, Los Angeles County Small Business Commission | Yes |
| 17 | Barry Paulk Quest Executive Recruiting | Yes |
| 18 | La Vonna Lewis, Ph.D, MPH Associate Professor USC School of Policy, Planning and Development | Yes |
| 19 | Andrew Ainslie , Associate Professor UCLA School of Business | Yes |
| 20 | Terrance Powell, Department of Public Health, Environmental Health | Yes |
| 21 | Clement Shoola, Department of Public Health, Environmental Health | Yes |
| 22 | Teresa Johnson, Department of Public Health, Environmental Health | Yes |

Attachment

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| 23 | Hector De La Cruz, Department of Public Health, Environmental Health | Yes |
| 24 | Annette Medina, Department of Public Health, Environmental Health | Yes |
| 25 | Richard Martinez, Chief Executive Office | Yes |