



Mar Vista Community Council



AGENDA Packet Supplement

Regular Meeting of the Board of Directors

<http://www.marvista.org/minutes-and-agendas.php>

Tuesday, August 14th, 2018, at 7:00pm

Mar Vista Recreation Center Auditorium
11430 Woodbine Street, Mar Vista, CA 90066

MOTIONS WITH ASSOCIATED POLICY WORDING OR INFORMATIVES

14. Unfinished Business and General Orders

14.1. Extension of L.A.M.C. 85.02 – Discussion and possible action regarding a motion from the Transportation & Infrastructure Committee requesting extension of L.A.M.C. 85.02.

Policy Motion: “Extension of LAMC 85.02”

WHEREAS, Los Angeles Municipal Code (LAMC) Section 85.02, “Use of Vehicles as Living Quarters,” went into effect on November 22, 2016, and

WHEREAS LAMC Section 85.02 shall expire on July 1, 2018 unless extended by ordinance, and

WHEREAS the Mar Vista Community Council supports extending LAMC 85.02 beyond July 1, 2018 without any sunset provision, and

WHEREAS the City of Los Angeles and all relevant departments should solicit public input for updated revisions to the associated 85.02 map accommodating the impact of vehicular residency on permanent residents – including unsanitary conditions, litter, noise, crime and sporadic violence,

THEREFORE, the Mar Vista Community Council advises the City Council of Los Angeles, including our local Council members Bonin and Koretz, to update the associated 85.02 map immediately with accommodations, and pass an ordinance retaining LAMC 85.02 permanently.

Informatives/Information:

From: Claudia Martin <claudia.martin@lacity.org>

Sent: June 27, 2018 12:31

To: Elliot Hanna <elliot.hanna@marvista.org>

Subject: 85.02

...

Can you let your members know that the extension of lamc 85.02 passed today with an urgency clause which means it will remain in effect until January 2019.

...

Claudia Martin

MVCC AGENDA Packet Supplement (Continued, 8/14/18)

14.2. Classification of Director Attendance – Discussion and possible action on a proposal that departure of a board member from a meeting after the establishment of a quorum be considered an absence.

Policy Motion: “Director Attendance”

Be it resolved that a departure of a board member from the meeting after a quorum has been established shall be considered an absence. This shall be inserted into the Bylaws in Article V, Section 2.i.

14.3. Discussion of Centinela Blvd. Street-Sweeping Services – Discussion and possible action regarding street-sweeping route and Services for Centinela Blvd. between Palms Blvd. and National Blvd., and for all major thoroughfares within the Mar Vista Community Council’s geographic area.

Policy Motion: Establishment of Street-Sweeping Route and Services for Centinela Boulevard Between Palms and National Boulevards. “Centinela Street Sweeping”

WHEREAS: The Mar Vista Community Council (MVCC) supports maintenance and repairs on all of its major infrastructure assets, including vital thoroughfares such as Centinela Boulevard, and

WHEREAS: It has come to the attention of the MVCC that there is no street sweeping route on Centinela Boulevard between Palms and National Boulevards,

WHEREAS It is suggest that there are no resources currently allotted towards this essential street maintenance,

THEREFORE, LET IT BE RESOLVED: That the CD11 office will work with L.A. Bureau of Street Services (BSS), and LADOT to implement regular and ongoing street sweeping along Centinela Boulevard between Palms and National Boulevards,

THEREFORE, LET IT ALSO BE RESOLVED: That the CD11 office, the CD5 office, BSS, and LADOT will review the status of street sweeping and other vital maintenance along all major thoroughfares within MVCC's confines.

15. New Business –

15.1. Discussion of the City of Los Angeles’ sidewalk vending program – Discussion and possible action regarding the restoration of the “opt-out” clause in the City of Los Angeles’ sidewalk vending program.

Policy Motion: MVCC Support for the restoration of the “Opt-out” clause in the City of Los Angeles Sidewalk Vending Program Council File No: 13-1493, Related Legislation: SB 946. “Street Vending”

WHEREAS, the City Council, on April 18, 2018, adopted an Ordinance creating a Sidewalk Street Vending Program and,

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WHEREAS, in the final draft of said ordinance, the “opt out” provision was removed, at the last minute, prior to approval, and

WHEREAS, local brick and mortar enterprises along Venice Blvd in Mar Vista, have spent years establishing their businesses based on a set of assumptions and rules, such as where they can be located, the taxes they are required to pay, and the best ways to attract customers, and

WHEREAS, sidewalk vendors in the proposed ordinance will probably sell similar types of goods and services as nearby brick and mortar businesses, but not be required to adhere to the same elaborate state and local permitting and land-use regulations, and

WHEREAS, the local brick and mortar businesses on Venice Blvd in Mar Vista, have contributed to the “main street” atmosphere that local residents value, and

WHEREAS, the local brick and mortar businesses along Venice Blvd in Mar Vista are mostly small ones, with small profit margins, and

WHEREAS the presence of sidewalk vendors along Venice Blvd in Mar Vista, for the reasons specified above, would constitute unfair competition for the local brick and mortar businesses on the same stretch.

THEREFORE, the MVCC urges restoration of the “opt-out” clause of the Los Angeles Sidewalk Vending Ordinance.

WHEREAS: The Mar Vista Community Council (MVCC) supports maintenance and repairs on all of its major

Informatives/Information:

Los Angeles Sidewalk Vending Program- Informative

Timeline:	Nov 6, 2013	Joint Motion for Regulation of Sidewalk Vending Proposed by Economic Development and Public Works and Gang Reduction Committees (File 13-1493)
	Nov 22, 2016	Joint Letter from Councilmembers Price and Buscaino to the City Council proposing a general framework for the establishment of a Citywide Sidewalk Vending Program
	Jan 31, 2017	City Council considered the Nov 22 framework and takes several actions: 1) Approved in concept the Nov 22nd Proposal 2) Requested the City Attorney to present and prepare Ordinances relative to decriminalization of sidewalk vending and issuance of permits and to develop a potential amnesty program for vending misdemeanors 3) Instructed City Staff to report relative to rules and regulations 16. for a potential sidewalk vending program, a staffing plan and budget 17. including recovery options
	Nov 3, 2017	Report by the Chief Legislative Analyst which addressed the framework of a Sidewalk vending Program, including: 1) Application Process 2) Operational and location requirements 3) How other cities account for brick and mortar businesses 18. adjacent to proposed vending locations 4) A 2-tiered penalty system 5) A process to create Special Vending Districts

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6) Incentives to promote the sale of healthy food

- Jan 29, 2018 Senate Bill 946 Introduced by Senator Lara, which would bar cities from regulating or barring sidewalk vending unless they have a licensing system that meets several requirements of the Bill. Bill has not yet been voted on or approved
- April 17, 2018 Motion (By councilman O'Farrell) to amend the Proposed Sidewalk Vending Program to require that the fee study and budget plan contained with the Program contain recommendations for full cost recovery and otherwise full budgeting to cover the City's costs for confiscation and storage of property related to the program
- April 18, 2018 City Council adopts motion as amended
- July 2, 2018 Ordinance Filed by City Attorney establishing Sidewalk Vending Program
- July 16, 2018 Comments and Considerations from the Bureau of Street Services to the Public Works and Gang reduction Committee as to:
- 1) **Confiscation: that unpermitted carts be confiscated under 19. existing LA Municipal Code Section 56.11 rather than after a 20. hearing process**
 - 2) **Require background checks for vendors choosing to vend within 21. 500 feet of schools**

CIS Filed: 23

Some additional notes:

- **The Sidewalk vending ordinance was created to eliminate criminal prosecution of same and "to create**
- **An effective regulatory system to protect health and increase public safety and economic activity. Such a policy should also consider the rights and investments of brick and mortar businesses, including opportunities to expand and promote their businesses through street vending with the overall goal of**
- **Enhancing economic growth and viability of neighborhoods"**
- A) **The ordinance does not apply to food trucks. As vehicles, they are governed by separate set of regulations**
- B) **The ordinance mandates the creation of Service Providers with experience in business development to administer the program**
- **The Los Angeles County Dept of Public Health has agreed to participate by dispatching inspectors to work with the above-mentioned service providers to ensure that Vending Permit applicants meet all the Department's application requirements. Subsequent enforcement seems to be assigned to Bureau of Street Services**
- **The text of the "Opt Out" clause is attached**


General arguments for and against the opt out clause:

For: Shopkeepers have argued that sidewalk vendors can undercut their business and that they have blocked and sullied nearby walkways

Against: Street vendors and their advocates argue that it would be unfair to give shops that kind of veto power over other entrepreneurs

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- In the revised proposal that was adopted, shops would not be able to simply prohibit (via petition) vending on adjacent sidewalks, but would be alerted when sidewalk sellers seek permits to do business outside their doors, and would be able to lodge an appeal.
- The revised proposal also loosens some of the proposed rules (there are many) surrounding where sidewalk
- Vendors can set up on each block.
- No mention has been made of residents' opinions and the proposal does allow sidewalk vending in residential areas as long as each sale does not last more than seven minutes.
- The revised proposal does still allow the banning of vending based on health and safety concerns as will be determined by individual council members in consultation with the City Attorney and other city depts.
- The proposed MVCC motion does not seek to be a referendum on Sidewalk Vending. It merely seeks to let individual communities have their own discussions on where and when it may take place in their communities. The restoration of the "opt out" clause would allow for this to happen.
- A 2014 MVCC Motion and corresponding CIS on Sidewalk Vending are attached



**Mar Vista
Community Council**
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Mar Vista, CA 90066
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Officers 2014-2015
Chair
Bill Koontz
bill.koontz@marvista.org

1st Vice Chair
Mitchell Rishé
mitchell_rishe@marvista.org


2nd Vice Chair
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Bill Duckett
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**Board of Directors
2014-2015**

Zone Directors
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Ken Alpern
Zone 2
Brad Wilhite
Zone 3
Bill Scheduling
Zone 4
Michael Millman
Zone 5
Michelle Krupkin
Zone 6
Valerie Davidson
At-Large Directors
Robin Dayno
Bill Duckett
Yvette Molinaro
Mitchell Rishé
Melissa Stoller
Bill Scheduling
Community Director
John Kuchta



Certified Neighborhood Council
August 13, 2002


Re: Council File # 13-1493

MVCC wishes to express deep concerns regarding the Chief Legislative Analyst report 14-05-0361, dated May 13, 2014, relative to various recommendations relating to the City's Street Vending Policy. MVCC believes the following issues must be resolved before any ordinance moves forward.

- Overlapping regulatory responsibility and possible gaps in enforcement requirements,
- Liability
- Trash Locations and /or zones where permitted
- Resources for permit compliance given the mobility aspects of these carts
- Allocation of scarce sidewalk space-other uses must be permitted to use the public right of way
- ADA compliance/obstruction of the public right of way
- noise
- odors
- hours of operation
- Sanitary conditions for food vendors-restrooms; hot water, etc.
- Impacts upon brick and mortar stores and JOBS—Business Improvement Districts have to pay for services, and sidewalk vendors pay nothing. Sales Taxes are not necessarily collected

The MVCC further requests that neighborhoods be allowed to opt in to any proposed sidewalk vending ordinance as in the precedent set by the murals ordinance.

Thank you for your consideration in this matter,



Bill Koontz, Chair
Mar Vista Community Council

Contact Information
Neighborhood Council: Mar Vista Community Council
Name: Bill Koontz
Phone Number:
Email: billk@marvista.org
Date of NC Board Action: 08/12/2014
Type of NC Board Action:

Impact Information
Date: 11/19/2014
Update to a Previous Input: No
Directed To: City Council and Committees
Council File Number: 13-1493
Agenda Date:
Item Number:
Brief Summary: MVCC wishes to express deep concerns regarding the Chief Legislative Analyst report 14-05-0361, dated May 13, 2014, relative to various recommendations relating to the City's Street Vending Policy. Please see the attached motion which passed the board unanimously.
Additional Information:

Contact Information
Neighborhood Council: Mar Vista Community Council
Name: Bill Koontz
Phone Number:
Email: billk@marvista.org
Date of NC Board Action: 08/12/2014
Type of NC Board Action: Against unless Amended

Impact Information
Date: 11/19/2014
Update to a Previous Input: No
Directed To: City Council and Committees
Council File Number: 13-1493
Agenda Date:
Item Number:
Brief Summary: MVCC wishes to express deep concerns regarding the Chief Legislative Analyst report 14-05-0361, dated May 13, 2014, relative to various recommendations relating to the City's Street Vending Policy. Please see the attached motion which our board of directors passed unanimously.
Additional Information:

SPECIAL SIDEWALK VENDING DISTRICTS

In its action of January 31, 2017, the City Council instructed our Office to report on the creation of “special vending districts to be initiated by Council, the Board of Public Works, or petition, based on legitimate public health, safety and welfare concerns that are unique to specific neighborhood with special circumstances.” However, on the same date, the City Council also approved an Amending Motion that requested our Office to report on options to establish criteria that would create a list of additional “no-vending” areas that may include any of the following:

- 1) City alleys
- 2) City-owned property
- 3) Options that provide the City Council the ability to:
 - a) Opt out of certain streets by Council action with an accompanying petition of a majority of business/property owners and/or area residents; and,
 - b) Opt out of certain streets by Council action.

Council direction on where sidewalk vending may occur will determine the extent and staffing needs for the Proposed Program.

If the Council wishes to opt out any areas based on criteria provided below, it is recommended that this process be completed prior to issuing any Certificates of Operation. At that time, each Council Office will have the opportunity to identify and communicate to the Bureau of Engineering (BOE), with the assistance of the CLA, any additional restrictions to either expand, limit or prohibit sidewalk vending in their district. The City Attorney advises that the Council approve a set of criteria by which to impose such additional restrictions. Below are some examples:

- Inadequate parking that creates unsafe conditions
- Narrow sidewalks
- Sloping sidewalks
- Declaration by the Department of Public Works that a sidewalk is unsafe for pedestrians or installation of food equipment
- Alleys
- City-owned property
- Pedestrian safety (high commercial activity and visitor pedestrian traffic)
- Compliance with Community Plans

Hollywood Boulevard, for example, may require restrictions given the level of safety concerns raised as a result of high commercial activity and the number of visitors. There may be other areas of the City that require similar restrictions.

Once areas for sidewalk vending are identified, BOE will incorporate the approved vending locations, restricted vending locations and no-vending locations into mapping technology known as NavigateLA. The final maps and any subsequent changes will require Council approval. The final mapping technology will assist the service provider with the identification of total available vending locations.

from [Claremont Journal of Public Policy and Law Review article](http://5clpp.com/2017/04/26/one-dollar-one-dollar-legalizing-street-vending-in-los-angeles/) - <http://5clpp.com/2017/04/26/one-dollar-one-dollar-legalizing-street-vending-in-los-angeles/>)

“One Dollar, One Dollar!” — Legalizing Street Vending in Los Angeles

Claremont Journal of Law and Public Policy / April 26, 2017

Until this year, out of the ten largest metropolitan areas in the United States, Los Angeles was the only city where selling food or merchandise on the streets could still be charged with a criminal misdemeanor.[1] Under the current LA Municipal Code, the use of sidewalks for vending anything other than items protected under the First Amendment is banned.[2] The Trump administration’s crackdown on immigrant law enforcement has spurred the

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City Council to change this law; claiming a time-sensitive need to decriminalize the livelihood of many Angeleno immigrants, Councilmembers Joe Buscaino and Curren Price submitted a proposal last year delineating a sidewalk vendor permit system for Los Angeles. After a period of public comment, the full Council adopted the amended proposal on January 31, 2017.[3]

On February 21, the Department of Homeland Security released its memo prioritizing the deportation of undocumented immigrants who “have been convicted of *any* criminal offense,” “have been *charged* with any criminal offense that has not been resolved,” or “have committed acts which constitute a *chargeable* criminal offense.”[4] Two days later, the LA City Council passed an ordinance – with an urgency clause that makes it “effective upon publication” – to de-escalate the enforcement of this ordinance. Violators of the ban can now only be penalized under the Administrative Citation Enforcement Program.[5] Although street vending is still technically illegal until the details of the permit system are formalized, this ordinance dissolves the threat of jail time and a lasting criminal record, replacing criminal charges with administrative citations that can be resolved by paying a fine. In order to further protect undocumented immigrants who have already been charged for street vending, advocates have also requested an amnesty clause expunging previously charged vendors. While the City Attorney’s office responded that such a clause was not under the jurisdiction of the Council, it did refer to the ability of individuals to petition to have their criminal charges removed from the record.[6]

A Brief Look at the Proposed System

The licensing system to be implemented will issue permits for stationary vending between 9am and 5pm in commercial and industrial zones, with a maximum of two vendors per block. This model was adopted over a district-based system, which would allow vending only in specific, pre-designated vending districts. Neighborhood councils in opposition to the proposal have argued that districts should affirmatively opt into the system. Northridge East, for instance, has requested that “before any such district can be formed, [each neighborhood council’s] approval shall be required.”[7]

Yet such a model has already been tested in Los Angeles. In 1994, LA tried unsuccessfully to create Special Vending Districts in commercial zones. The process of establishing a special vending district proved to be “too cumbersome,” and the only such district created – the MacArthur Park Special Vending District – is no longer in existence.[8] The proposal adopted in January is a blanket ordinance over all commercial and industrial sidewalks in Los Angeles, but includes a provision for the Council to create special districts for enhanced or reduced regulations. Other areas exempt from vending include alleys, city-owned property, and sidewalks that are too narrow to accommodate vendors without violating ADA regulations. Vendors in residential areas are limited to mobile carts, and must stay 500 feet away from schools unless they exclusively sell healthy foods.

The Business Interest

During the public comment period, 23 neighborhood councils submitted Community Impact Statements. The most frequently cited concern was the fear of negative impact on adjacent brick-and-mortar businesses. Westwood Neighborhood Council stated in its Community Impact Statement that because “sales taxes are not necessarily collected” from street vendors, brick-and-mortar establishments that do pay business taxes face unfair competition from adjacent sidewalk vendors – especially if those vendors are selling the same goods.[9] Some neighborhood councils argued for the exclusion of Business Improvement Districts (BIDs), where property

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owners and businesses owners have to pay extra taxes according to the value of their property – fearing a situation where “BID’s have to pay for services and sidewalk vendors pay nothing.”[10] Street vendors operating in BIDs have had contentious relationships with these business lobbies in the past; in 2015, a coalition of vendors and advocates sued the Fashion District BID for coalescing with the LAPD to seize and destroy their carts.

The adopted proposal calls for a process by which BIDs would collect fees from street vendors. It also requires permit applicants to provide the address of their proposed vending location, a list of merchandise or food to be sold, and the written consent of the immediately adjacent business-owner. To spatially restrict vendor sprawl, each vendor is limited to three vending locations, and mobile vendors provide their exact vending route. The fourth recommendation in Amendment 30-A to the initial proposal included “economic” as an allowable reason to petition for special opt-out districts, along with public health, safety, and welfare concerns.[11]

Concerns of Street Vendor Advocates

These restrictions have come under the scrutiny of street vendor advocates. In New York City, the Food Vendors’ Union and the Street Vendors Project claim that the Street Vendor Review Panel, created in 1995 to determine which streets would be closed to vending, have become mere agents who carry out “the bidding of powerful business interests.”[12] In 9 years, the Review Panel closed more than 130 blocks and opened zero streets to vending; vendor advocates fear that the same will happen if too many accommodations are given to the BIDs in LA.

Moreover, vendor advocates point to preliminary economic analyses that portray street vending positively. According to the 2015 Economic Roundtable report “Sidewalk Stimulus,” there are approximately 50,000 micro-businesses on the streets of Los Angeles every year, comprising an informal economy worth \$504 million. Vendors make about \$75 a day selling goods that they purchase from legal suppliers, and use that income on groceries, retail, and clothing, directly contributing back to the local economy (*see Figure 1*). Based on three case studies of Boyle Heights, Downtown, and Hollywood, the nonprofit research organization estimates that street vending creates 5,234 jobs by this reverberating multiplier effect (*see Figure 2*).[13]

Advocates also frown at the limit of two vendors per block, arguing that the concentration of vendors provide them with community solidarity as well as safety in numbers. For instance, in the Piñata district, there are easily 100 vendors lining East Olympic Boulevard on the long block between Kohler and Merchant streets.[14] Other cities that have implemented hard numerical caps on the number of permits have seen disparity between supply and demand leading to black markets. In New York, 70-80 percent of official holders of vehicle vending permits – of which there are only 2,800 available – simply keep renewing their permits to lease them out for \$15,000 to \$25,000 in a secondary black market.[15] Vendors pay 30-40 percent of their daily pay, which may be as low as \$100 in certain areas, to the legal permit holders.[16] The waiting time for a new vehicle permit is now up to ten years – so long that the city rarely adds new names to the list.

In contrast, Portland’s cart vendors have naturally clustered around parking lot perimeters, unregulated by the city’s zoning laws. This has led to Farmer’s Market- style food cart pods, with each vendor paying a modest rent for a vending slot and infrastructure for electricity, waste disposal, and running water. The tight competition arising from the concentration of vendors has driven down prices and raised the quality, earning Portland the nickname of “cart-topia.”[17] Several councils, including the Empowerment Congress of Southwest Area, have

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endorsed this kind of organically occurring street vending zones.[18]

Enforcement Concerns

But not everybody endorses such conglomeration. The Harbor Gateway North Neighborhood Council has cited the “creation of a blighted look to neighborhoods by the display of goods on fences” as one of its many reasons for opposing legalization, a concern echoed by several other councils.[19] To address this issue, the proposal calls for seven-day enforcement task force that will provide immediate and same-day response to complaint-driven reports about blight, noise, safety and health complaints. It also advises data collection for proactive enforcement in “re-occurring areas of concern,”[20] and suggests that vendors be trained to use City apps to report blight and crime.[21]

Across cities, the responsibility of enforcing the street vending rules has usually been consolidated in one agency, aided with licensing by different departments. In Seattle, the Department of Transportation receives complaints by email or phone through its Street Use reception line, which is staffed during regular business hours “by a live person.”[22] Inspectors are in the streets for the majority of the day, ready to issue written warnings for first-time infractions, monetary citations with fines that increase with each subsequent complaint. They can also revoke permits or confiscate equipment for more serious and repeated violations. Along with this progressive enforcement structure, the city has also experimented with random nighttime inspections which has increased regulation compliance; Los Angeles’ enforcement structure can be informed by these examples. Vendors in Portland, a city praised to have seamlessly incorporated vendors into its landscape, must display all these licenses, along with proof of a contract with a licensed disposal service[23] – an additional requirement that may assuage concerns that street vending creates “an unhealthy environment by generating trash, food and beverage residue... all in the public right-of-way.”[24]

The Devil in the Details

The adopted proposal for Los Angeles recommends a health permit, business tax registration certificate, liability insurance, and ADA clearance to accommodate disabled pedestrians. During the permitting process, vendors must provide photos of their proposed vending locations for review, to ensure there are no obstacles such as fire hydrants or telephone poles.

But overly stringent requirements or prohibitive fees can backfire, encouraging vendors to find loopholes or continue vending without a permit. In Portland, strict requirements on gas canisters have led vendors to heavily favor push-carts over vehicles, limiting the range of foods that vendors can sell to heavily processed pre-packaged items. More directly, Chicago restricts food cart vendors to selling raw, uncut produce or frozen desserts, limiting their entrepreneurial potential.[25]

In New York, complicated rules governing where and when licensed vendors can operate have effectively closed off most of Manhattan to street vending (*see Figure 3*), creating “a strange hierarchy” of competition among the vendors. Vendors cannot sell within 20 feet of entrances or on sidewalks less than 12 feet wide, and have been ticketed for being inches off of the regulations. Inspectors are given significant discretion in applying the strict numerical standards, leading to inconsistent application of the law. Vendors fear that the LA proposal’s time limits – Monday to Friday from 7am to 9pm with “no vending allowed one hour before, during, and one hour

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after special events” – may become just as complicated as those in New York over time. In Manhattan, one cannot vend between E. 46th Street and E. 55th Street from 9am to 6pm on weekdays, but can sell anytime on the weekends, while on the adjacent streets from the 55th to the 59th Street, the no-vending times are from 10am to 7pm. Such un-intuitive requirements have given the areas with the most stringent requirements the nickname of “midtown gridlock.”[26]

Advocates of street vendors argue that these prohibitive fees for business and other licensing go against the spirit of the legislation to encourage micro-business, and expound upon the need to protect diversity and fairness of entry into market. This concern about over-regulation is reflected in some of the Community Impact Statements. Downtown Neighborhood Council’s position states that the purpose of the permit system should be to provide “an entry point for *unsophisticated micro- entrepreneurs*, should not be overly burdensome, and encourage participation from vendors of *various economic backgrounds and capabilities* so that they have a fair opportunity to become licensed and legitimate business operators.”[27]

The Arlington Heights Neighborhood Council stated that its constituents have “no faith in new rules and regulations being enforced” due to the lack of current enforcement of the present ban on sidewalk vending.[28] According to the City Attorney, of the estimated 50,000 vendors in Los Angeles, just 35 charges were filed in 2016.[29] Currently, the Street Vending Compliance Program of the LA County Department of Health has been in charge of inspecting and issuing public health permits to unlicensed vendors, as well as responding to reports of unlicensed vendors. But the program is run by a meager team of ten inspectors tasked with answering reports from the entire county; even its website apologizes that “[d]ue to limited resources, the size of county, and the number of complaints received each day, it may take some time to address each complaint.”[30] From the other side, street vending advocates argue that creating a permit system would digitize records of the sites of mobile food vendors, facilitating the enforcement of the new regulations.

Implementing the System

The Council admitted that the full permit system could take “months” to establish. Licensing vendors and policing the new regulations will require training new or existing administrative officials. The proposal aims for a self-sustaining system that will “require minimal assistance from General Fund;” the proposal suggests that the costs of enforcement should be paid for by a single fund sourced by the permit fees and penalty fines, which will then be used to pay enforcement officials. The Council also needs to determine whether the General Fund will subsidize permit fees for certain groups of people, and how Angeleno vendors, many of whom are monolingual Spanish speakers, will be informed about the details of the new permit system.

The city of Los Angeles is home to the largest Latino population in the nation.[31] Many are undocumented Mexican and Central American immigrants who continue to sell on the sidewalks despite regular harassment; they do not have much other choice, barred from most jobs due to lack of education or discrimination. These street vendors’ bacon-wrapped hot dogs, Mexican-style corn and tacos, discounted clothing, and seasonal trinkets have been a hallmark attribute of the Los Angeles streetscape for many decades. But in order to finally incorporate them into the official economy, regulations must be clear, concise, and consistently enforced. Late in the game of licensing street vending, Los Angeles has the fortuitous opportunity to create an efficient, effective sidewalk vending permit system informed by the mistakes and successes of previously implemented models in other cities.

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[1] “Street Food Vending Fact Sheet,” *Occidental College*, online at <https://www.oxy.edu/sites/default/files/assets/UEPI/Street-Food-Vending-Factsheet-English-Version.pdf> (visited 5 March 2017).

[2] Los Angeles, California, Municipal Code § 42.00b (amended 2017).

[3] *File No. 13-1493 Public Works and Gang Reductions Committee Report relative to creating a sidewalk vending permit system*, Los Angeles City Council, online at http://clkrep.lacity.org/onlinedocs/2013/13-1493_rpt_pwgr_01-18-2017.pdf (visited 5 March 2017)

[4] “Enforcement of the Immigration Laws to Serve the National Interest,” Memorandum to US Customs and Border Protection, *US Department of Homeland Security*, 20 February 2017, online at <https://www.nytimes.com/interactive/2017/02/21/us/politics/document-Trump-Immigration-Enforcement-Policies.html> (visited 5 March 2017).

[5] *Final Ordinance No. 184765*, Los Angeles City Council (2017), online at http://clkrep.lacity.org/onlinedocs/2013/13-1493_ORD_184765_2-21-17.pdf (visited 5 March 2017).

[6] *Report No. R17-0045*, Los Angeles City Attorney Office, 10 February 2017, online at http://clkrep.lacity.org/onlinedocs/2013/13-1493_rpt_ATTY_02-10-2017.pdf (visited 5 March 2017).

[7] *Community Impact Statement from Northridge East Neighborhood Council*, 19 August 2015, online at http://clkrep.lacity.org/onlinedocs/2013/13-1493_cis_8-23-15.pdf (visited 5 March 2017).

[8] Leslie Berestein Rojas, “Los Angeles outlines 3 possible approaches to legal street vending program,” *Southern California Public Radio*, 26 October 2015, online at <http://www.scpr.org/news/2015/10/26/55201/los-angeles-outlines-possible-choices-for-legal-st/> (visited 5 March 2017).

[9] *Community Impact Statement from Westwood Neighborhood Council*, 11 February 2015, online at http://clkrep.lacity.org/onlinedocs/2013/13-1493_cis_3-2-15.pdf (visited 5 March 2017).

[10] i.d.

[11] *Amending Motion 30-A to CF 13-1493*, Los Angeles City Council, online at http://clkrep.lacity.org/onlinedocs/2013/13-1493_mot_1-31-2017.pdf (visited 5 March 2017).

[12] “Street Vendors Unite! Recommendations for Improving the Regulations on Street Vending in New York City,” Food Vendor’s Union and Street Vendor Project, pg 2, online at <http://www.issueab.org/resources/14908/14908.pdf> (visited 5 March 2017).

[13] Yvonne Yen Liu, Patrick Burns, and Daniel Flaming, “Sidewalk Stimulus, Economic and Geographic Impact of Los Angeles Street Vendors,” *Economic Roundtable*, 2015, online at <https://economicrt.org/wp-content/uploads/2015/12/LA-Street-Vendor-Report-final-12-16-2015.pdf> (visited 5 March 2017).

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[21] Joe Buscaino and Curren Price, Letter to City Council, 22 November 2016, online at http://clkrep.lacity.org/onlinedocs/2013/13-1493_misc_v_11-22-16.pdf (visited 5 March 2017).

[22] Peter Hahn, “Street Food Vending Enforcement,” Seattle Department of Transportation, online at http://clerk.seattle.gov/~public/meetingrecords/2011/cobe20110713_4c.pdf (visited 5 March 2017).

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[25] “National Street Vending Initiative: Chicago Food Carts,” *Institute for Injustice*, online at <http://ij.org/issues/economic-liberty/vending/chicago-food-carts/>

[26] “Vending the City: Mapping the Policy, Policing and Positioning of Street Vending in New York City.”

[27] *Community Impact Statement from Downtown Neighborhood Council*, 9 September 2014, online at http://clkrep.lacity.org/onlinedocs/2013/13-1493_cis_9-9-14.pdf (visited 5 March 2017).

[28] *Community Impact Statement from Downtown Neighborhood Council*, 20 August 2015, online at

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[29] *Report No. R17-0045*, Los Angeles City Attorney Office.

[30] “Street Vending Compliance Program,” County of Los Angeles Public Health, online at <http://publichealth.lacounty.gov/eh/SSE/StreetVending/strVending.htm> (visited 5 March 2017).

[31] The Latino population in Los Angeles County outnumbered the white population as of 2015.

Javier Panzar, “It’s Official: Latinos Now Outnumber Whites in California,” *Los Angeles Times*, 8 July 2015, online at <http://www.latimes.com/local/california/la-me-census-latinos-20150708-story.html> (visited 5 March 2017).

Points to consider:

- No current pending amendment or issue is to be addressed regarding this [Council File](#).
- There is an "opt out" capacity in the ordinance, just of another name (and design).
- This issue is extremely complicated; considerable study is required simply to understand it historically and in terms of constituencies affected, etc – prior to formulating any policy.
- Considering the above, it is unclear what "our constituents" believe and how, therefore, we could accurately and validly "represent" them.

15.2. **Discussion of beach curfews** – Discussion and possible action regarding opposition to the lifting of beach curfews currently in force.

Informational re: Beach Curfew

In the 1980s many communities were struggling with high rates of violent crime and by 1988 many curfew ordinances for youth were enforced in both beachside communities and inland, along beach through-paths and on the beach itself.

By 2010 the gang and crime situation had changed and these dated ordinances were revisited amid questions regarding the regulatory authority of the Coastal Commission.

This 2010 LAT article by Tony Barboza provides a good background:

<http://articles.latimes.com/2010/nov/18/local/la-me-beach-curfew-20101117>

California coastal panel challenges beach curfews

The commission says cities' nighttime closures are illegal without state approval. The first big fight is shaping up in Los Angeles, which says the panel has little authority over local statutes.

The Westside Regional Alliance of Neighborhood Councils (WRAC) – a cooperative regional council made up of all 13 Neighborhood and Community Councils on the Westside of Los Angeles – serves to amplify our collective voices. WRAC will adopt a policy position if and only when a super majority of its constituent NCs approve a substantially similar motion.

The following has been passed by (1) Bel Air-Beverly Crest Neighborhood Council, (2) Neighborhood Council of Westchester/Playa, (3) Westside Neighborhood Council, (4) Pacific Palisades Community Council, (5) Brentwood Neighborhood Council and (6) Westwood Neighborhood Council, (7) Westwood Community Council (8) West LA-Sawtelle Neighborhood Council, and (9) South Robertson Neighborhoods Council

Motion: *The Mar Vista Community Council opposes the lifting of the beach curfew currently in place, restricting beach access from midnight to 5am, daily. This is in consideration of public health and safety concerns and in keeping with long standing practice, supported by LAPD and LA County Beaches and Harbors, who are tasked with maintaining the safety and integrity of the beach and the shoreline, respectively.*

and this more generally from the NYTimes: <http://www.nytimes.com/2010/11/26/us/26curfew.html>

At issue is whether the CoLA or the Coastal Commission (CCC) has final authority over the beaches. CoLA contends the CCC does not appreciate social concerns specific to this locality (crime, homelessness, parking); the CCC contends its authority supersedes local jurisdictions regardless.

The courts have generally approved the CCC's position and in 2015 a group of homeless and anti-gentrification activists sued the City regarding its failure to obtain approval from the CCC for curfew restrictions.

That lawsuit was settled for \$1.1m in April and the City intends to seek that approval from the CCC, which is rumored to hear the matter in November.

As stated in a 2015 letter from the CCC, The CoLA will have to show "... "credible evidence" of a continuing public safety threat to get the permit". <http://www.latimes.com/local/lanow/la-me-ln-venice-curfew-challenge20150419-story.html>.


Negotiating points employed or suggested by various coastal communities and policy makers at different times include • locations of corridor access, • curfew hours, • extent of beach access (for example, within 20 feet of "wet sand"), • compensatory enforcement appropriations • warning -> ticketing process.

Pacific Palisades has been key on this NC motion and its stakeholders particularly vocal. One proposed beach corridor could well be located at Will Rogers SP/beach, while a potential corridor at Venice Beach has been missing from periodic proposals. Here is a good article from PP: <http://www.palisadesnews.com/index.php/2018/03/26/editorial-beach-curfew-and-the-coastal-commission/>

MVCC's ROSE Subcommittee was interested to hear more about the law enforcement challenges before committing to a policy position. MVCC's PLUM Committee supports the safety concerns of the NCs in our neighboring beach communities (Del Rey, Venice, Pacific Palisades) and supports the WRAC resolution as written.

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- 15.3. **Discussion of potential locations for permanent supportive housing** – Discussion and possible action regarding a letter received from Councilman Bonin requesting MVCC’s assistance in identifying locations within Mar Vista for .permanent supportive housing



MIKE BONIN Section Break (Next Page)

City of Los Angeles
Councilmember, Eleventh District

August 3, 2018

Elliot Hanna
Chair, Mar Vista Community Council
P.O. Box 66871
Mar Vista, CA 90066
elliot.hanna@marvista.org

Dear Mr. Hanna: *Elliot*


At the end of March, I wrote to the Mar Vista Community Council, asking for the council’s partnership in solving homelessness in our neighborhoods, and asking for suggestions on potential locations in Mar Vista for supportive housing, bridge housing, or safe parking. As this crisis in our neighborhoods continues, I am writing to renew that request.

As a director of the MVCC and now as chair of the organization, you have been vocal in drawing attention to the problem of homelessness in Mar Vista. I invite your vocal engagement in identifying constructive solutions, and in joining other 11th District neighborhoods in helping to solve this region-wide crisis. My staff and I are eager to partner with you and the MVCC on those efforts.

I have asked every neighborhood and neighborhood council to become actively engaged in creating solutions, and the response from neighborhoods around our council district has been encouraging and inspiring:

- In the past few years, *Del Rey*, which shares a zip code with Mar Vista, has earned a reputation as one of the most active and solution-oriented neighborhoods in the City. With the support of the Del Rey Neighborhood Council, supportive housing has opened on both Courtleigh Avenue and on Beach Avenue. Last year, a home for homeless youth opened in Del Rey. The Del Rey Square Apartments, a building providing low income housing for seniors, includes a significant number of formerly homeless people. In the past few weeks, the Del Rey Neighborhood Council has begun an aggressive and focused effort to find potential locations for safe parking or bridge housing.
- In *Venice*, with the support of most residents, the City is proposing bridge housing on a former bus lot, while several proposals for supportive housing are in the pipeline, on both city-owned property and on private property. The Homelessness Committee of the Venice Neighborhood Council has unanimously endorsed bridge housing, and has spearheaded a program to reunify homeless people with their families. Venice is also home to St. Joseph Center and Safe Place for Youth, which provide homeless services and help find jobs and or housing for people living on the street.

Westchester Office 7146 W. Manchester Boulevard Los Angeles, CA 90045 (310) 568-8772 (310) 410-3946 Fax	City Hall 200 N. Spring Street, Room 475 Los Angeles, CA 90012 (213) 473-7011 (213) 473-6926 Fax	West Los Angeles Office 1643 Corinth Avenue, Room 101 Los Angeles, CA 90025 (310) 575-8460 (310) 575-8325 Fax
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- In *Brentwood*, the campus of the Department of Veterans Affairs is moving forward with plans to build more than 1000 units of supportive housing for homeless veterans. The VA campus is home to the first Safe Parking program on the Westside, and in partnership with the City, bridge housing is in the works there as well.
- In *West LA*, the City and County operate the Emergency Winter Shelter program. The Neighborhood Council of West LA/Sawtelle, by an 11-1 vote, approved supportive housing for the homeless at the former WLA Animal Shelter. The neighborhood council is now considering potential Safe Parking locations. Additionally, with community support, a recently approved project at Olympic and Bundy will include homeless housing.
- In *Pacific Palisades*, the Pacific Palisades Community Council helped form the Pacific Palisades Task Force on Homelessness, which has raised money, hired its own social service agency, and successfully housed dozens of people. The PPCC recently formed a new task force to identify potential locations for bridge or crisis housing for homeless women in the community.

This response from neighborhoods has been exciting, and is showing Los Angeles that residents of the Westside are eager to lead and be part of the solution. I hope that the Mar Vista Community Council will show similar leadership. I know that the Homeless Issues Committee has been engaged in this issue for some time, and I have been grateful to work with Susan Klos, Robin Dwyne and members of that committee, and understand you have named new members as well. I am eager for suggested solutions from the Mar Vista Community Council and believe that with your support, the MVCC can join and complement these other 11th District efforts, actively participating in the solution. As you have noted, the situation is dire, and demands urgent action.

I have attached a copy of my previous correspondence to MVCC, as well as a list of types of programs and projects the City and County are investing in.

Respectfully,

MIKE BONIN
Councilmember, 11th District

Cc: MVCC Board of Directors