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October 24, 2024

BPW-2024-0604

The Honorable City Council
Room No. 395
City Hall

**REVISED RULES AND REGULATIONS – SIDEWALK AND PARK VENDING
PROGRAM**

As recommended in the accompanying report of the Director of the Bureau of Street Services, which this Board has adopted, the Board of Public Works recommends that the City Council:

1. APPROVE the revised Rules and Regulations for Sidewalk Vending (Rev. 9/2024) and forward them to the City Council for its approval.

Fiscal Impact: There is no impact to the General Fund

Sincerely,

TJ KNIGHT,
Acting Executive Officer, Board of Public Works

FC:lc



DEPARTMENT OF PUBLIC WORKS

BUREAU OF STREET SERVICES

REPORT NO. 1

DATE: October 25, 2024

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CD: ALL

Honorable Board of Public Works Commissioners
of the City of Los Angeles

**REVISED RULES AND REGULATIONS FOR THE SIDEWALK AND PARK
VENDING PROGRAM**

RECOMMENDATION

1. The Board approve the revised Rules and Regulations for Sidewalk Vending (Rev. 9/2024) and forward them to the City Council for its approval.

TRANSMITTALS

1. Revised Rules and Regulations for Sidewalk Vending (Rev. 9/2024).

DISCUSSION

In 2018, the City Council adopted City Ordinance No. 185,900 which amended Los Angeles Municipal Code (LAMC) 42.13 to create the Sidewalk Vending Program. Subsequent amendments to LAMC 42.13 have also been adopted to update the Program to the current Sidewalk and Park Vending Program.

Pursuant to L.A.M.C. 42.13.B.1, in 2018, the Bureau of Street Services (StreetsLA), developed Rules and Regulations for Sidewalk Vending (Rules and Regulations) which were subsequently approved by the Board of Public Works (Board) and the City Council. The restrictions contained in the Rules and Regulations were based directly on objective health, safety, and welfare concerns. Vendors found violating the Rules and Regulations, including vending without a vending permit, can be issued a verbal or written warning, or an administrative citation.

ADOPTED BY THE BOARD
PUBLIC WORKS OF THE CITY
of Los Angeles California

OCT 25 2024

AND REFERRED TO THE CITY COUNCIL

Executive Officer
Board of Public Works

DEPARTMENT OF PUBLIC WORKS

BUREAU OF STREET SERVICES

REPORT NO. 1

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Sidewalk Vending Litigation

In December, 2022, a lawsuit (*Community Power Collective, et al. v. City of Los Angeles, et al.*) was filed against the City challenging certain sidewalk vending restrictions in LAMC 42.13 and in the Rules and Regulations (including designated no vending zones), alleging that they violated Senate Bill No. 946, a California statute establishing statewide standards for local governments' regulation of sidewalk vendors. Following negotiations between the parties, on August 28, 2024, the City Council voted to approve a Settlement Agreement in the *Community Power Collective* lawsuit.

Prior to the approval of the Settlement Agreement in the *Community Power Collective* lawsuit, the City Council adopted City Ordinance No. 188,123 on February 6, 2024 which amended LAMC 42.13.C to remove the designation of specific, named locations where sidewalk vending is prohibited (no vending zones).

In addition, as part of the Settlement Agreement in the *Community Power Collective* lawsuit, the City agreed to amend the Rules and Regulations to:

- *Remove the City's prohibition of sidewalk vending within 500 feet of all kindergarten, elementary, or secondary schools within the City, including postsecondary education facilities attended by secondary pupils;*
- *Replace the City's prohibition of sidewalk vending within 500 feet of (i) permitted farmers' markets and swap meets and (ii) areas designated for a temporary special permit authorizing events such as "filming, parades, or outdoor concerts" with an exclusion of such vending limited only to "within the immediate vicinity" of such events consistent with Cal. Gov't Code § 51038(d)(1) and (d)(2).*

Community Power Collective Settlement Agreement, Paragraph 4.

Following the approval by the City Council of the *Community Power Collective* Settlement Agreement, StreetsLA has prepared revised Rules and Regulations (Rev. 9/2024) for adoption by the Board and the City Council. The primary purpose of this revision is to comply with the *Community Power Collective* settlement. The revised Rules and Regulations provide clear and reasonable limits on the time, place and manner of sidewalk vending based directly on objective health, safety, and welfare concerns.

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Accordingly, StreetsLA requests that the attached Rules and Regulations be approved making the following revisions:

- Rule 3 - Removal of the specific, named restricted vending locations (no vending zones) (Harmonizing the Rules and Regulations with the changes adopted in Ordinance No. 188,123);
- Rule 3 - Removal of prohibition of sidewalk vending within 500 feet of all kindergarten, elementary, or secondary schools within the City. (Per the *Community Power Collective* Settlement Agreement);
- Rule 2(i) - Replacement of 500 foot Vending restriction for farmers' markets, swap meets, and special event permit locations with restriction "within the immediate vicinity" of such events. (Per the *Community Power Collective* Settlement Agreement);
- Rule 2 - Replacement of five foot pedestrian passage on sidewalks with three feet passage; and
- Rule 2 – Removal of blanket prohibition of Vending adjacent to red curbs.

StreetsLA recommends that the Board approve the proposed revisions to the Rules and Regulations consistent with the *Community Power Collective* Settlement Agreement and recent ordinance amending LAMC 42.13 and submit them to the City Council for approval.

(GH)

Respectfully submitted,



for

Keith Mozee

Executive Director and General Manager
Bureau of Street Services (StreetsLA)

Prepared by:

David Rivera, Chief Street Services Investigator I

Investigation and Enforcement Division

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CITY OF LOS ANGELES / BUREAU OF STREET SERVICES
SIDEWALK AND PARK VENDING PROGRAM
RULES AND REGULATIONS

Pursuant to Los Angeles Municipal Code (LAMC) 42.13.B.1, the Bureau of Street Services (StreetsLA) has developed the following revised Rules and Regulations for vending on sidewalks in the Sidewalk and Park Vending Program. Upon approval by the Board of Public Works and the City Council, all sidewalk vending shall be governed by these revised Rules and Regulations:

1. *Trash:*

All food vending carts or kiosks shall be equipped with refuse containers large enough to contain all refuse generated by the operation of such cart or kiosk, and the operator of the food vending cart or kiosk shall pick up all refuse generated by such operation within a 50-foot radius of the cart or kiosk before such cart is moved. All recyclable materials shall be separated from other refuse and disposed of in a manner consistent with the current City of Los Angeles (City) recycling policy.

2. *Placement:*

No person shall install, use, or maintain any vending cart or kiosk which projects onto, into, or over any sidewalk or parkway when such installation, use or maintenance endangers the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such cart or kiosk unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, the ingress into or the egress from any residence or place of business, or the use of poles, posts, driveways, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said locations. No vending cart or kiosk shall be so placed that the clear space for the passage of pedestrians upon the sidewalk is reduced to a width of less than three feet. No mobile or street vendor shall obstruct or cause to be obstructed the passage of any sidewalk, street, avenue, alley or any other public place, by causing people to congregate at or near the place where goods, wares, food, or merchandise of any kind is being sold or offered for sale.

- a) Distances from the following above ground facilities (AGF) shall be no less than three feet:
 - (1) Street lights
 - (2) Edges of tree wells
 - (3) Parking meters
 - (4) Above ground utility structure
- b) Distances from fire hydrants shall be no less than five feet;
- c) Distances from any existing subsurface utility box, valve, or vault shall be no less than two feet;
- d) Distance from face of curb and from edge of existing driveways shall be no less than 18 inches; (See Diagram 1)
- e) Distances between vendors shall be three feet clear; (See Diagram 2)
- f) No vending spaces will be permitted at bus stop locations, or at locations where there are existing above ground amenities such as street furniture (benches, bike racks), and newsstands; (See Diagram 3)
- g) No vending spaces will be permitted in roadways, medians, pedestrian islands, bike lanes, and bikeways;
- h) No stationary vending location shall be placed directly in front of any building. All stationary vending locations shall be placed 18 inches from the curb face;
- i) No vending in areas located within the immediate vicinity of permitted activities including construction related street or lane closures, special events, swap meets, filming, and farmers' markets;
- j) Distance from an entrance way to any building, store, theatre, movie house, house of worship or place of public assembly shall be a minimum of 20 ft. of any boundary line of the permitted activity;

3. *Restricted Vending Locations:*

- a) Vending at Venice Beach is limited to First Amendment protected expressive activities, as set forth in LAMC 42.15.
- b) Any other location as determined pursuant to LAMC 42.13.C.1 and detailed in these Rules and Regulations and adopted by the City Council through resolution, including legally sufficient findings.

4. *Vending of Produce:*

All produce regulated by the California Department of Food and Agriculture (CDFA) shall be handled, transported, displayed or disposed of in accordance with all CDFA regulations as they now exist or as amended from time-to-time, but not limited to the following:

- a) All produce or commodities under quarantine by the CDFA will be protected or safeguarded in an approved manner by being bagged or screened to prevent infestation; any open display is prohibited;
- b) All produce, commodities, or their husks, cores, rinds, or pits shall be sealed in plastic bags before disposing;
- c) Every food vendor shall have a receipt, invoice, bill of lading or other acceptable proof of origin of all produce or commodities under quarantine;
- d) All produce or commodities under quarantine that are sold, offered for sale, or transported within the quarantine area, must be of commercial origin;
- e) Any violation of this section may result in the seizure of produce or commodities.

5. *Permits:*

All sidewalk vendors must possess all applicable business, tax and health permits required by the State, County, and City.

STREETS LA



City of Los Angeles Sidewalk Vending Rules

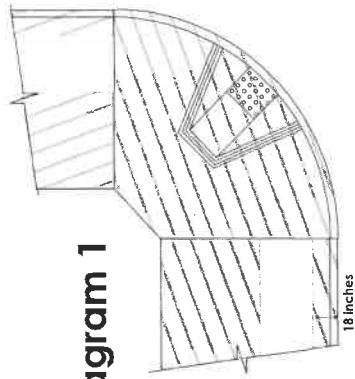


Diagram 1

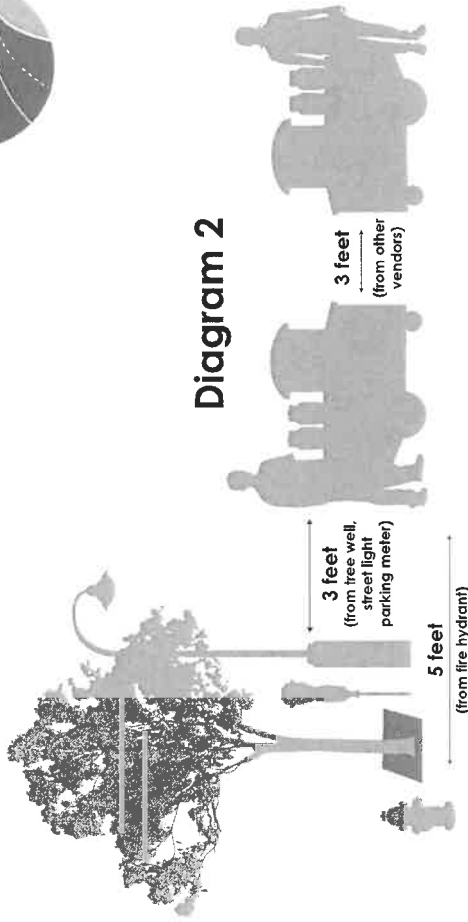
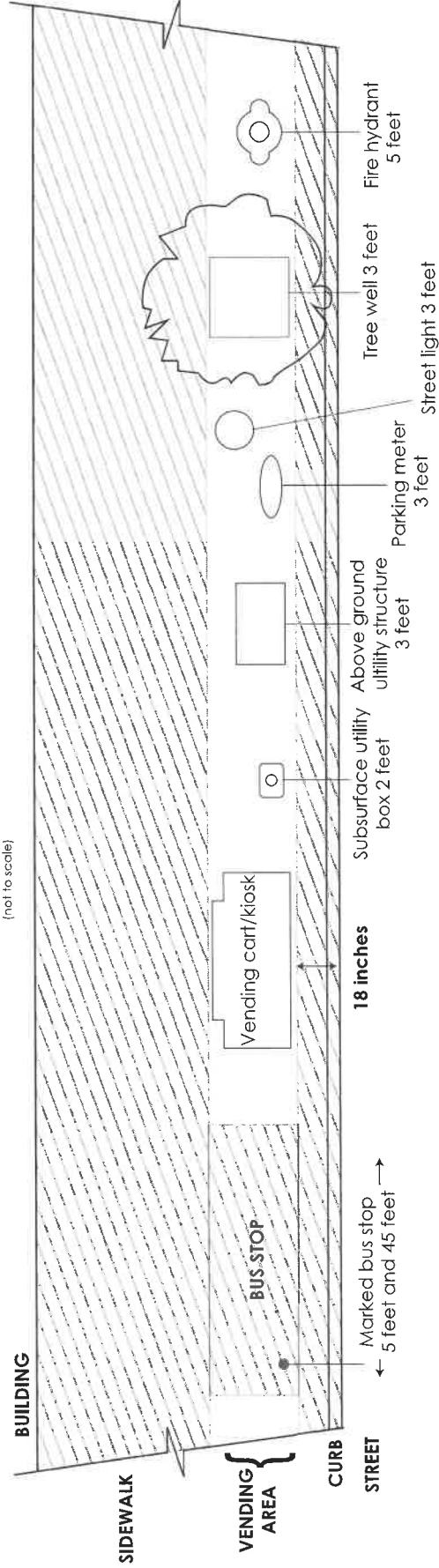


Diagram 2

Restricted Area

Diagram 3
(not to scale)



<https://streetsla.lacity.org/vending>
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