


FORM GEN. 160 (Rev. 8-12)

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: October 21, 2024

TO: The Honorable City Council
DocuSigned by:  for Keith Mozee

FROM:  Keith Mozee
Executive Director and General Manager
Bureau of Street Services

SUBJECT: **SIDEWALK VENDING PROGRAM OUTREACH AND ENFORCEMENT (CF 13-1493-S17)**

RECOMMENDATION

That the City Council receive and file this report, as it is provided for informational purposes only.

SUMMARY

On June 21, 2024, the City Council adopted recommendations pursuant to Motion (Soto-Martinez - Price) which instructed the Bureau of Street Services (BSS) to report on implementation plans for sidewalk vending enforcement, education, outreach, a process for receiving complaints, and related matters. This report provides a response to the adopted recommendations, and outlines the Sidewalk and Park Vending Program's protocols and practices that are currently in place.

BACKGROUND

The BSS Investigation and Enforcement Division (IED) is primarily responsible for enforcing municipal ordinances and laws pertaining to public right-of-way violations including: Americans with Disabilities Act (ADA) accessibility, and public right-of-way obstructions; illegal signs; storm drain violations; and non-compliant vending. There are currently 41 BSS IED Investigators conducting enforcement Citywide. In FY 2023-24 BSS IED Investigators received, and addressed, over 57,000 public right-of-way related complaints, including 10,077 non-compliant vending complaints via MyLA311.

Since the establishment of the Sidewalk and Park Vending Program in January 2020, BSS IED has been tasked with its implementation. The primary goal of the program is to raise awareness and understanding among vendors as well as brick and mortar businesses, by providing them with information on the rules and regulations for vending on the public right of way, and the process of obtaining the appropriate permits as per the City's

requirements. In accordance with this goal, BSS IED tasks include: permit application review and issuance; outreach to vendors; education of rules and regulations; and enforcement of rule violations.

DISCUSSION

Permit Issuance

BSS IED is responsible for the review and issuance of sidewalk vending permits. Prospective vendors can apply for a vending permit by appointment at one of two locations: The Public Works Building located at 1149 S. Broadway, Room 350, Los Angeles, CA 90015 (Monday through Friday 7:00am-3:30pm); and The Marvin Braude Building located at 6262 Van Nuys Bl., Suite 420, Van Nuys, CA 91401 (Tuesdays and Wednesdays 7:00am-3:00pm). Appointments can be made via telephone at 213-847-6000.

In order to obtain a City sidewalk vending permit, prospective vendors need to obtain a City Business Tax Registration Certificate, a California Department of Tax and Fee Administration Seller's Permit, and pay the annual vending permit fee of \$27.51. Furthermore, food vendors are also required to obtain an LA County Public Health Public Health Permit in order to qualify for a City permit. City permits are valid for one-year.

During the permitting process, vendors are educated by BSS IED staff on the City's rules and regulations, and provided with brochures/documentation in English and/or Spanish. All of the aforementioned information is available, and regularly updated on the BSS website at streetsla.lacity.org/vending. BSS IED staff are also available to answer questions and provide information via telephone at 213-847-6000.

As of September 30, 2024, there are 687 vendors with active permits, consisting of 53 food vendors, and 634 merchandise vendors. This equates to 1.4% of the 50,000 estimated vendors operating in the City.

Outreach and Education

Since the program's inception, BSS IED has engaged with various outreach and community engagement consultants including the Coalition for Humane Immigrant Rights, East LA Community Corporation, The Imagen Group, Inclusive Action for the City, and MCG & Associates. The services provided by these consultants included:

- Development of educational materials, infographics, and brochures;
- Development of website and social media assets, training decks;
- Interpreting and translation services for educational materials, website, and social media;
- On-the-ground vendor outreach and education, and online webinars/workshops;
- Development and presentation of webinars for neighborhood councils, business groups, vendor suppliers and other stakeholder associations;

- Training for community organizations, technical assistance for vendor permit applications, tabling at community events; and
- COVID-19 vaccine education, and PPE distribution for vendors.

On June 18, 2024, BSS IED issued its most recent Task Order Solicitation (TOS) to have consultants provide updated educational materials based on recent policy changes, community outreach, as well as translation and interpreting services.

BSS IED attends various community outreach meetings where vendors can learn about the rules, ask questions, and receive guidance on compliance. BSS IED is also committed to continuing to organize and attend quarterly meetings with the vending community, and other public agencies to listen to and address their concerns.

Vendors can also communicate complaints against another vendor or BSS IED staff via telephone by using the BSS IED vending hotline at 213-814-1144. All complaints are referred to a supervisor for investigation, and resolution. If there is a criminal complaint it is referred to the LAPD for follow-up.

Non-Compliant Vending Enforcement Protocols

As previously stated, BSS IED received a total of 10,077 non-compliant vending complaints via MyLA311 in FY 2023-24. While investigating these complaints, BSS IED's approach is to begin with education and warnings first. A BSS IED Investigator makes initial contact with the vendor to inform them of the violation, and ensure that they are familiar with the rules and regulations, and what constitutes compliance.

In addition to verbal communication, BSS IED staff provide flyers in English and Spanish to educate vendors on the City's rules and regulations for sidewalk vending. If the violation continues, BSS IED will issue a written warning, also known as a Notice of Violation (NOV) without a monetary fine attached. If the violation persists, the maximum penalty that can be imposed (pursuant to CA Senate Bill 946) is the issuance of an Administrative Citation Enforcement Program (ACE) citation. ACE citation fines can range from \$250 to \$1000, and are not a criminal violation. Starting in January 2024, BSS IED Investigators stopped mailing out ACE citations for non-compliant vending violations, and are only serving ACE citations for these violations in person.

Additionally, BSS IED does not confiscate vending carts or related vending equipment, nor does it coordinate with the LA County Public Health and LAPD on enforcement actions related to sidewalk vending.

Enforcement Challenges

On September 17, 2018, former Governor Brown signed Senate Bill 946, also known as the Safe Sidewalk Vending Act. This law legalized sidewalk vending in California and allows municipalities to adopt non-criminal laws to protect public health, safety and

welfare. Pursuant to this state law, the maximum penalty for sidewalk vending-related violations is the issuance of an ACE citation. It should be noted that an ACE citation can only be issued if the individual in violation presents valid identification. BSS IED Investigators cannot legally compel any individual to present identification. If the person in violation does not provide accurate information, the ACE citation cannot be processed.

While BSS IED issues the citations, it is the Office of the City Attorney that is responsible for processing the citation and determining the amount of the fine accompanying the citation. The tables below show the amount of ACE citations and written warnings issued by BSS IED, in comparison to the ACE citations processed by the Office of the City Attorney in Fiscal Year (FY) 2023-24:

FY 23-24 BSS ACE and NOV Issuances	
BSS ACE Citations Issued	Amount
Rules and Regulations - LAMC 42.13(C)(1)	776
No Vending Zones - LAMC 42.13 (C)(2)*	981
BSS Written Warnings (NOVs) Issued	Amount
Rules and Regulations - LAMC 42.13(C)(1)	2407
No Vending Zones - LAMC 42.13 (C)(2)*	2
<i>*LAMC 42.13(C)(2) enforcement halted in January 2024</i>	
FY 23-24 City Attorney ACE Citations Processed and Paid**	Amount
Non-Compliant Vending ACE Citations Processed	131
Non-Compliant Vending ACE Citations Paid	25
<i>**All for Rules/Regs Violations LAMC 42.13(C)(1)</i>	

Moratorium on Enforcement of Vending Without a Permit

At the City Council meeting on June 29, 2021, the City Council voted to establish a moratorium on the enforcement of vending without a valid permit (CF 20-0147-S27) until January 1, 2022. Much of the public testimony submitted prior to, and during, the meeting described the difficulties, and exorbitant costs associated with obtaining an LA County Public Health permit. Additionally, only 1.4% of the 50,000 estimated vendors operating in the City have an active permit, which further illustrates these difficulties. Upon the expiration of the moratorium, BSS opted not to resume enforcement of vending without a permit as the barriers for vendors to obtain an LA County Public Health permit still exist.

Given these factors, BSS IED is no longer conducting enforcement of sidewalk vending rule violations nor for vending without a permit. Sidewalk vending complaints are now only investigated if there is a potential ADA violation or other serious threat to public

safety. When investigating potential ADA violations related to vending, BSS IED takes a primarily education-based approach, with ACE citations being a last resort.

BSS IED Self-Defense Equipment and Peace Officer Status

BSS IED Investigators are certified law enforcement officers with the primary mission of maintaining and enhancing the quality of life for Angelenos by enforcing state and municipal laws pertaining to public right-of-way violations including: Americans with Disabilities Act (ADA) accessibility, and public right-of-way obstructions; illegal signs; storm drain violations; and non-compliant vending. Investigators have the power of arrest of a peace officer as authorized by California Penal Code (PC) Section 830.7(j). Investigators are legally authorized to use reasonable force when making arrests, including the use of pepper spray, batons, and handcuffs. As law enforcement officers, Investigators are required by law to meet state mandated selection standards for peace officers and state training requirements for law enforcement officers.

There is a serious threat of danger associated with the enforcement activities assigned to Investigators. In past instances, Investigators have been physically assaulted, and received death threats in person, as well as over the phone. Providing Investigators appropriate protective, self-defense equipment is essential to the success of their mission.

Investigators are currently authorized to carry the JPX International pepper spray gun, a less-lethal projectile device. As an industry best management practice, the design of the pepper spray gun makes it less cumbersome for Investigators to deploy the device in emergency situations, without the need for additional training. The design takes advantage of the muscle memory, and firearm training that Investigators receive. Changing the device would require re-training for all existing and future BSS IED Investigators, as well as the costs associated with the acquisition of the new devices.

Pursuant to a Memorandum of Agreement with the Los Angeles Police Department, BSS must track all use of force incidents, and discharge of weapons. Additionally, as part of that agreement, any major use of force involving major injury or death must be investigated by the LAPD Force Investigation Division, in cooperation with BSS. BSS has never discharged their weapons nor does it have any record of use of force incidents. Lastly, BSS IED has never made an arrest related to a non-compliant sidewalk vending complaint. These dedicated public servants deserve adequate protection from assault while enforcing the City's laws and ordinances.

If you have any questions concerning this matter, please contact Chief Street Services Investigator II, Gary Harris at 213-847-6000.

KM/ATR/GH:ay