

UNFINISHED BUSINESS:

How Food Regulations Starve Sidewalk Vendors of Opportunity and What Can Be Done to Finish the Legalization of Street Food



ACKNOWLEDGEMENTS

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ABOUT THE ORGANIZATIONS

UCLA School of Law Community Economic Development Clinic

The Community Economic Development Clinic at the UCLA School of Law provides transactional and policy-oriented legal support to community-based organizations throughout Los Angeles, working to ensure affordable housing and living wage jobs for all. For two decades, the Clinic has represented groups that are building community-controlled economic institutions and promoting empowerment through the meaningful participation of communities in development and planning decisions which fundamentally impact their lives.

Public Counsel

Public Counsel is the nation's largest not-for-profit law firm of its kind with a 50-year track record of fighting for the rights of children and youth, persecuted immigrants, military veterans, nonprofit organizations, and small businesses. Its **Community Development Project** builds foundations for healthy, vibrant, economically stable communities by providing legal and capacity building services to community-based organizations and small businesses in the Los Angeles area. The firm supports community-led advocacy groups and community-based organizations in their efforts to advance racial and economic justice and build power in low-income communities and communities of color on campaigns related to the creation and preservation of affordable housing, tenant protections, quality employment opportunities, inclusive entrepreneurship, childcare, access to open space, and ending the criminalization of poverty. Public Counsel has provided legal and policy support to the LA Street Vendor Campaign, leading to the legalization and decriminalization of sidewalk vending across California.

Inclusive Action for the City

Inclusive Action for the City (IAC) is a community development organization that exists to bring people together to build strong, local economies that lift-up low-income urban communities through advocacy and transformative economic development initiatives. IAC is a convener of the Los Angeles Street Vendor Campaign (LASVC), which has spent the last decade pushing to legalize sidewalk vending in the state of California and Los Angeles (city and county). Following the successful passage of SB 946 (Lara) in 2018—a bill that decriminalized sidewalk vending and required local governments to create a framework for fair, inclusive rules concerning the time, location, and manner of sidewalk vending permitted in a community—IAC and LASVC continue their advocacy on behalf of sidewalk vending through efforts to reform the California Retail Food Code (CRFC) and related laws and regulations at the city and county levels in Los Angeles.

Community Power Collective

Community Power Collective (CPC) is a grassroots organization with the mission to build power with low-income tenants and workers to win economic justice, community control of land and housing, and to propagate systems of cooperation in Los Angeles. CPC is a steering committee member of the Los Angeles Street Vendor Campaign (LASVC), and leads the on the ground organizing and membership development of the hundreds of street vendors in the City and County of Los Angeles who actively participate in the campaign. Through base building, direct action, and its involvement in the LASVC, CPC aims to continue fighting for vendor's right to work without criminalization, for the implementation of a fair legal vending program, and to push back against anti-vending efforts like the proposal for No-Vending Zones in the City of Los Angeles and the use of criminal citations by the LA County Department of Public Health.

East LA Community Corporation (ELACC)

East LA Community Corporation (ELACC) is a Boyle Heights-based community development corporation that uses an equitable development model to engage residents traditionally left out of decision-making processes. In addition to affordable housing, ELACC provides financial capability services through their Community Wealth department, which supports street vendors with free tax preparation, financial coaching, technical assistance, and social loans through peer lending circles. ELACC is co-founder of the LA Street Vendor Campaign and has worked with micro-entrepreneurs for over a decade.

LA Street Vendor Campaign

The LA Street Vendor Campaign is a citywide coalition of community-based organizations, labor unions, and thousands of street vendors who have been working for years to advance and protect the rights of low-income vendors. The worker-led movement to legalize and support street vending in California has always been led by those most impacted: low-income vendors.

Land Acknowledgment

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EXECUTIVE SUMMARY

Despite the landmark effort to legalize sidewalk vending in California, little-known and poorly designed food laws still make it functionally illegal for most vendors to sell food. In 2018, Senate Bill 946 ended decades of economic exclusion by decriminalizing sidewalk vending and preventing local jurisdictions, including the City and County of Los Angeles, from enforcing sidewalk vending bans. But the full promise of SB 946 is not yet realized. While non-food merchandise vendors now have a relatively clear path to legal vending, most sidewalk food vendors are still denied access to the formal economy by a potent combination of inaccessible permitting procedures, exorbitant costs, incompatible equipment and design standards, and punitive enforcement measures. Together, these barriers—all products of an antiquated state Retail Food Code and county guidelines not drafted with vendors in mind—make it impossible or prohibitively expensive to obtain a permit to legally vend food. Of an estimated 10,000 sidewalk food vendors working in the City of Los Angeles, only 165 have received permits.

Sidewalk food vending is an integral part of the cultural and civic fabric of Los Angeles. Across the county, thousands of low-income entrepreneurs help our neighborhoods come alive by providing fresh fruit and paletas in the heat of summer, offering tacos and birria after late nights, and providing culturally significant food and goods not available in brick-and-mortar restaurants and retail stores. Sidewalk food vending provides

vital economic opportunities for low-income and immigrant workers, while playing a critical role promoting food access across the sprawling Los Angeles metropolis.

Sidewalk food vending provides an opportunity for entrepreneurial members of our community to start from almost nothing and build businesses to support themselves and their families. Many sidewalk food vendors view sidewalk sales as the first rung on an economic ladder, dreaming of turning their cart-based business into a truck and then eventually a brick-and-mortar restaurant. For others, vending is a way to augment low wages or respond to the problem of wage theft. Many Angelenos work as vendors to allow flexibility in their schedule to care for family members, from small children not yet in school to elderly parents or grandparents needing at-home care. For most, sidewalk food vending is an economic lifeline—a way to pay rent and medical bills, put food on the table, and otherwise survive extreme poverty.

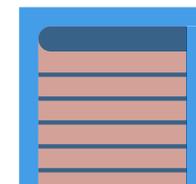
Beyond these individual benefits, sidewalk food vendors play a crucial connective role in the broader Los Angeles community and often provide access to healthy food in areas with few other options. On any given day, vendors are found selling tacos to departing nightclub-goers late at night, offering affordable lunches to custodians on their break, and serving hearty breakfasts to domestic workers at the start of their day. Many children who eat



fresh cut fruit from vendors on a summer day face difficulty obtaining an equally healthy and affordable snack from local convenience stores. Sidewalk vendors provide a way to celebrate and express culture in historically disinvested communities. In these instances and many others, sidewalk food vendors are far more than a cultural reference or a tourist's novelty in one of the nation's largest and most diverse cities: they are engines of economic productivity and pillars of their communities.

Unfortunately, despite the "legalization" of sidewalk vending under SB 946, there are still significant legal barriers that make it virtually impossible for sidewalk food vendors to formalize their businesses. For the vast majority of sidewalk food vendors who cannot overcome these barriers, the promise of legal vending remains elusive. Instead, most sidewalk food vendors remain exposed to the daily threat of ticketing, harassment, and fines, which perpetuate an unending cycle of criminalization and poverty.

This cycle is the result of outdated and inapt state and local laws governing the sale of food. The California Retail Food Code (CRFC) imposes requirements on all retail food sales, including brick-and-mortar restaurants, farmers' markets, food trucks—and sidewalk carts. Violations of these regulations can lead to criminal penalties for sidewalk vendors, even though as this report shows, they were not designed with these vendors in mind. In Los Angeles County—excluding the cities of Pasadena, Vernon, and Long Beach which have their own health departments—retail food requirements are implemented and enforced through regulations and procedures adopted by the Environmental Health Division of the Los Angeles County Department of Public Health (DPH). Any vendor who wishes to sell food must first obtain a permit from DPH. In the City of Los Angeles, the agency that regulates sidewalk vending locations – StreetsLA – will not issue a city permit to sidewalk food vendors who are unable to obtain a DPH permit. That same agency uses armed officers to enforce a prohibition on vending without a permit. For most types of food vending, the process for securing a DPH permit erects a range of insuperable barriers that are not only impossible for sidewalk food vendors to overcome but unnecessary to ensure food safety. This report groups these barriers into the following categories:



Accessibility barriers that prevent vendors from even starting the process of applying for a DPH permit, including a history of harmful interactions with enforcement agents, a lack of easily understandable educational materials, and inaccessible program regulations that are not translated into commonly spoken languages.

Permit barriers that prevent vendors from successfully navigating the DPH permit approval and inspection process, such as a lack of standardized cart design blueprints and operating procedures, and hard-to-reach offices.

Equipment barriers that make it physically impossible or prohibitively expensive to construct and operate a sidewalk vending cart, including arbitrary prohibitions on slicing fruit and hot-holding and reheating common sidewalk vending food items, unreasonably large food storage requirements, and exceedingly cumbersome sink requirements rendering carts too heavy and too big for sidewalks.

Logistical barriers that prevent low-income sidewalk food vendors from accessing spaces to safely prepare food and store and clean equipment, such as unnecessary exclusion of sidewalk vendors from programs that enable home kitchen food preparation, and a severe shortage of available commissary space.

Enforcement barriers that make it prohibitively difficult for vendors to build their businesses, such as unnecessarily aggressive enforcement practices, criminalization, harassment, and unjust property seizures.



Together, these barriers prohibit a lot of sidewalk food vending as we know it. The CRFC ban on slicing fruit or re-heating previously prepared food prohibits the core functions of two of the most iconic southern California street vending operations—the fruit cart and the taco stand. And where compliance with technical requirements is theoretically possible, a dizzying array of design requirements for integrated multiple-compartment sinks, plumbing, ventilation, refrigeration and food storage all combine to require a cart that, in many cases, would be too large for most sidewalks and too heavy to push. Any narrow path to obtaining a viable, code-compliant cart and permit will likely cost more than ten thousand dollars—an astronomical price for a subsistence earning population.

Although all of these barriers predate the COVID-19 pandemic, the events of the pandemic have exposed the depths of systemic inequality permeating our entire legal system, including the systems governing sidewalk vending. Sidewalk vendors were among the first businesses to be shut down by local governments when the pandemic struck, and often the last to be included in economic recovery efforts. Throughout the pandemic, officials promoted flexibility and created exceptions to retail food laws for brick-and-mortar restaurants, while rigidly enforcing rules and stepping up penalties against vendors. Not only have local officials not removed barriers to vendor permitting during the pandemic, in some cases they have erected new, literal barriers by erecting fences to displace

vendors from beloved community spaces like Echo Park Lake and the Avenue 26 Night Market.

The barriers to sidewalk vending detailed in this report deny tens of thousands of entrepreneurs the ability to enter the formal economy, which threatens public health by systematically excluding nearly an entire sector of the food economy from operating within a safe regulatory system. Needlessly complicating the system for sidewalk food vending, some of these barriers are imposed by DPH with no basis in state law, while others stem from requirements found in the CRFC. Accordingly, to make real the promise of legal sidewalk food vending—actually bringing vendors into the formal economy and promoting their economic security—urgent changes must be made to both DPH regulations and the CRFC.

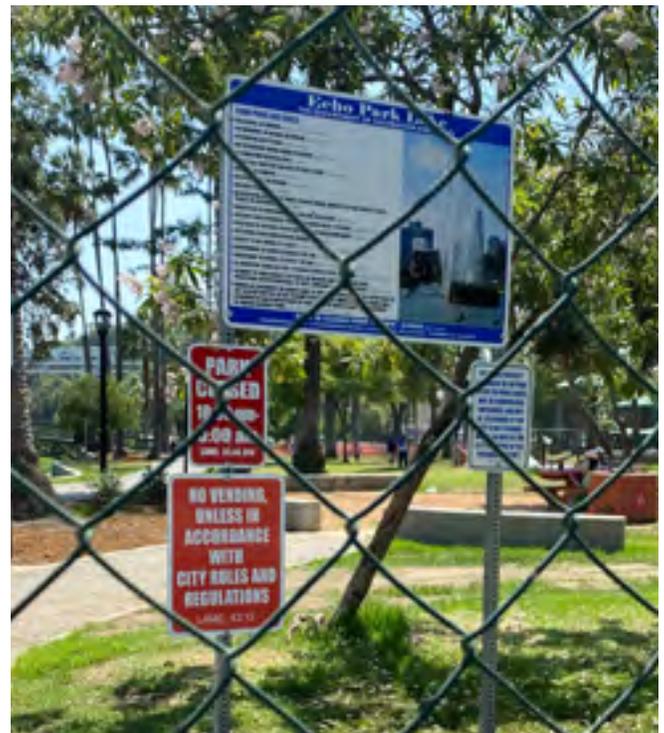
Toward that end, this report proposes targeted reforms at the local and state levels to reduce regulatory barriers and promote safe sidewalk food vending. Reforms at *both* levels are necessary to eradicate the barriers outlined above. DPH regulations that have no basis in the CRFC can be changed directly by the county to provide immediate benefits to sidewalk food vendors, while barriers imposed by the CRFC must be changed by state lawmakers to provide necessary relief. In addition, this report proposes changes to City of Los Angeles policies to create a fully integrated regulatory framework that supports legal sidewalk food vending.

DPH Policy Reform

The following changes to DPH regulations are consistent with existing state law, can be adopted immediately by the county, and will greatly improve access to permits and affordable vending equipment.

- **Provide authentic access to information.** DPH should create new materials and curriculum summarizing application and operating requirements *specific to* sidewalk vendors, using visual diagrams and accessible language. DPH should translate and publish these new materials, along with the Mobile Food Facility Plan Check Guide, in at least the five most common languages in LA County.
- **Increase accessibility.** DPH should establish new locations for approval checks, encourage on-site visits, incorporate resources for permit prerequisites like Individual Taxpayer Identification Number (ITIN) applications and food handler's permits, and streamline permitting so the entire process can occur in a single visit.
- **Pre-approve cart design blueprints and template Standard Operating Procedures (SOPs).** DPH should work with manufacturers to pre-approve cart design blueprints for a variety of affordable cart types that meet health code standards, along with corresponding template SOPs for common sidewalk vending food items. Vendors should then be allowed to purchase carts manufactured according to these pre-approved blueprints and bypass the costly and time-consuming plan check requirements.
- **Reduce permit costs.** DPH should significantly decrease permit and plan check fees, including permit and inspection fee waivers for low-income vendors.
- **Approve neighborhood-based auxiliary sinks to service vending carts.** DPH should work with vendors to develop protocols to allow several vendors to operate in close proximity to an auxiliary sink unit (strategically placed on city- or county-owned properties in areas with a high concentration of vending), eliminating the need for large and expensive sinks to be located on the primary food cart.

- **Reduce on-site food storage requirements.** DPH should decrease the current dry and refrigerated food storage requirements to safe and appropriate levels for sidewalk food vending in order to reduce cart size and cost.
- **Clarify overhead fire suppression system requirements.** DPH Guidelines unnecessarily require unenclosed sidewalk food vending carts to include a full overhead fire suppression system, *in addition* to a separate state law requirement for a mechanical exhaust ventilation system. DPH should not require any fire suppression standards beyond what is already required by state law.
- **Increase access to food preparation, equipment cleaning, and storage space.** DPH should approve the use of underutilized kitchens in restaurants, food businesses, schools, community centers, and places of worship for sidewalk vending food preparation, equipment cleaning, and storage.
- **Commit to an equitable and just framework for compliance.** DPH should immediately end the practice of including the Sheriff's Department in DPH enforcement activities and discontinue the seizure of vending carts and equipment.



State Legislation

The following amendments to the CRFC are necessary in addition to the DPH reforms to meaningfully reduce barriers to legal sidewalk food vending and promote overall public health across California.

- **Lessen the plan check burden.** The CRFC should be amended to provide a streamlined process to inspect and approve manufactured carts without an initial plan check requirement.
- **Enhance safe on-site food preparation.** The CRFC should be amended to include reasonable standards that enable slicing of fruit and vegetables and safe reheating and hot-holding of common sidewalk vending food items.
- **Reduce onerous sink requirements.** The CRFC should be amended to remove the requirement for a three-compartment warewashing sink *and* handwashing sink, and to reduce potable water requirements for small-scale sidewalk vending operations.
- **Expand access to safe food preparation.** The CRFC should be amended to modify Microenterprise Home Kitchen Operation and Cottage Food Operation standards to be more inclusive of sidewalk vending, and to expand the use of home kitchens, along with underutilized community kitchens, as safe food preparation and equipment storage spaces.
- **Decriminalize sidewalk food vending.** Sidewalk vendors have only recently been promised the legal opportunity to enter the formal economy after decades of exclusion. To make this promise real, the CRFC should be amended to replace criminal misdemeanor penalties with non-criminal, education-based compliance strategies for addressing unpermitted vending.

City of Los Angeles Policy Reform

The following changes to City of Los Angeles rules and regulations are necessary to support and fully integrate sidewalk food vending into the small business economy.

- **Maintain a moratorium on citations for unpermitted vending until permit barriers are removed.** It is fundamentally unjust to cite a vendor for failing to acquire a permit that is impossible to obtain. Until these barriers are effectively removed and sidewalk food vendors are given a viable path to acquiring code-compliant equipment and DPH permits, the city should prohibit the issuance of a citation for vending without a permit.
- **Reorient StreetsLA enforcement practices away from punitive law enforcement and toward business facilitation.** StreetsLA should shift its role to prioritize culturally-fluent education to vendors regarding the process for obtaining relevant permits, rather than employing a punitive response. StreetsLA should also prioritize the education of brick-and-mortar business owners, the general public, and its own enforcement officers about the rights of vendors to legally operate their businesses.
- **Replace “no vending zones” with special vending districts.** The city currently encourages restaurant sidewalk dining in some of the exact same locations that sidewalk vending is banned, disproportionately harming low-income and immigrant vendors. The city should end the disparate treatment of sidewalk vending and eliminate “no-vending zones.” The city should instead implement special vending districts in areas with unique safety and accessibility concerns, giving vendors an opportunity to self-organize and work with area residents and businesses to develop specialized regulations that ensure safety and economic inclusion.
- **Enhance small business support.** The City should investigate opportunities to better support sidewalk food vendors with ongoing business operations, training and resources relating to banking, building credit, implementing cashless and other alternate payment methods, and fundamental business skills.

These recommendations strengthen the sidewalk vending economy while promoting public health during this critical time. Adjusting retail food regulations in the manner described will not diminish food safety. Rather, these recommendations are measured steps that open the door to tens of thousands of food businesses coming into a system of food safety regulations. Absent these changes, sidewalk food vendors will continue to work outside the formal economy without coordinated touch-points with public health professionals in DPH. No one benefits from this status quo: not the vendors forced to work in the shadows; not the DPH professionals whose mission is to support public health; and not the consumers who want to enjoy LA's iconic street food.

A return to the status quo is indefensible. We need equitable public health standards that promote economic and racial justice. That means prioritizing the needs of low-income entrepreneurs and finally finishing the work of legalizing sidewalk food vending. To join the movement for street vendor justice, please get in touch with the LA Street Vendor Campaign or reach out to Public Counsel, Community Power Collective, Inclusive Action for the City, or East LA Community Corporation.

INTRODUCTION

This report identifies and analyzes specific legal and regulatory barriers that prevent sidewalk food vendors¹ from obtaining a permit to sell food, and proposes solutions to ensure that sidewalk food vendors can access opportunities and safely join the Los Angeles economy. Part I provides a quantitative and qualitative overview of the current state of vending in Los Angeles by providing original data on sidewalk vending operations, describing the existing legal framework for sidewalk vending, and highlighting the stories of three sidewalk food vendors whose personal experiences illuminate and reinforce the barriers to vending described throughout this report. Part II details the precise legal and policy barriers at the state and local levels that prevent vendors from obtaining permits. Part III provides recommendations to remove these barriers, including immediate changes to local programs that will enable greater access to the permitting process and reforms to the California Retail Food Code (CRFC) that would require state legislation.

The barriers identified in this report have existed for many years and are part of a legacy of destructive systems of criminalization and exclusion. These challenges predate the COVID-19 pandemic, and yet the events of the pandemic have exposed the depths of systemic inequality permeating our entire legal system, including the systems governing sidewalk vending. Sidewalk food vendors were among the first businesses to be shut down by local governments when the pandemic struck, and often the last to be included in economic recovery efforts. At the height of the public health emergency, local governments found ways to be flexible and creative to support brick-and-mortar restaurants, while the same rigid rules were never once adjusted or waived for struggling sidewalk vendors.² The state legislature is currently considering several changes to retail food permitting requirements to ease the administrative burden on brick-and-mortar restaurants as they recover,³ but is not doing the same for sidewalk food vendors. This report's recommended actions to remove barriers for sidewalk food vendors are important to promote public health and an inclusive economy. They are also necessary for a just and equitable recovery from the COVID-19 pandemic.

The recommendations contained in this report are health promoting. Adjusting retail food regulations in the manner described will not diminish food safety. Rather, these recommendations are measured steps that open the door to thousands of food businesses *coming into* a system of food safety standards, enhancing overall food safety and public health. Absent these changes, sidewalk food vendors will continue to work outside the formal economy without sustained engagement with the public health professionals in DPH. No one benefits from this status quo: not the vendors forced to work in the shadows; not the DPH professionals whose mission is to support public health; and not the consumers who want to enjoy Los Angeles's iconic street food.

Sidewalk food vending may not be fully legal yet, but it could be. If policymakers take the time to understand these barriers, truly listen to vendors sharing their experiences and ideas, and commit to meaningful changes, then we can finally finish the work of legalizing sidewalk food vending.

PART I: SIDEWALK FOOD VENDING IN LOS ANGELES



Sidewalk food vending by the numbers

Tens of thousands of people across Los Angeles County work as sidewalk vendors. In 2014, the City of Los Angeles estimated that there are 50,000 vendors, including 10,000 food vendors, working within the city limits. The total vendor population of the entire county is unknown, but undoubtedly larger.⁴ There is no available comprehensive demographic data on the vending population, but limited surveys indicate that a majority of vendors are women, often single heads of household, and many are immigrants.⁵ Most vendors toil in the hot sun for long hours, bringing home only \$15,000 per year.⁶

Sidewalk food vendors sell a wide variety of goods, ranging from simple prepackaged chips and canned soda to complex food preparation involving intricate recipes. Inclusive Action for the City (IAC) recently surveyed 2,653 vendors, including 1,384 sidewalk food vendors, who received support through the Street Vendor Emergency Fund—an emergency basic income program established and implemented by IAC and the LA Street Vendor

Campaign to help vendors during the COVID-19 pandemic. Over 73% of surveyed sidewalk food vendors would be categorized as a “High Risk Mobile Food Facility” under county guidelines because they serve food that is cooked-to-order, food that requires refrigeration, or food that must be hot-held to remain safe for consumption.⁷ This category includes some of the most emblematic and beloved forms of sidewalk vending like bacon-wrapped hot dogs or cooked-to-order tacos. Roughly 15% of surveyed sidewalk food vendors sell only prepackaged foods (e.g. bagged chips, canned soda, paletas, and other non-perishable foods) that put them in the lowest risk level category, and approximately 11% of surveyed sidewalk food vendors sell food falling in the middle category of “Low Risk Limited Unpackaged Food” including churros, pretzels, and shaved ice snacks.⁸

Sidewalk food vendors have been devastated by the pandemic. Of all vendors surveyed by IAC—including both sidewalk food vendors and merchandise vendors—60% were behind on rent payments, 57% were behind on utility payments, and nearly half (46%) had taken out a loan to survive the economic impact of the pandemic.⁹

Individual and community benefits

Sidewalk food vending is an economic lifeline. Many people turn to vending after being excluded from other opportunities in the formal economy for a variety of reasons, including immigration status or a history of unemployment. Other vendors turn to the work because of the flexibility it provides single parents and caretakers to work around familial or other obligations. For others, vending presents an important opportunity to create and build a business.

The vending economy yields enormous community benefits.¹⁰ For example, in many historically disinvested neighborhoods, fruit and vegetable vendors are the only source of healthy food retail available. Sidewalk vendors reliably buy local—purchasing supplies from neighborhood merchants, circulating capital in neighborhoods ignored by mainstream investment, and helping to generate local tax revenue. A 2015 study estimated that vending in the City of Los Angeles generates over \$500 million in local economic stimulus, most of which stays in the local economy, and sustains thousands of local jobs.¹¹ This study estimated that once fully legalized, vendors could contribute even more—including up to \$33 million in taxes on their sales.¹²

Sidewalk vendors are a benefit, not a threat, to other brick-and-mortar businesses. A 2016 study analyzed and largely rejected the notion of direct competition between sidewalk vendors and brick-and-mortar businesses. In many cases, sidewalk vendors have fewer goods, sparser amenities, and less protection from the weather than their brick-and-mortar counterparts.¹³ One business survey in Portland, Oregon found that 69% of surveyed restaurant owners and 94% of other business owners ranked food carts as positive or very positive.¹⁴ In Los Angeles, a study found that businesses located near sidewalk vendors are actually more likely to experience job growth and maintain higher levels of employment than businesses not located near vending.¹⁵ Another case study in Chicago showed that the closure of an open-air market led to the closure of many surrounding brick-and-mortar businesses, partly due to the lost foot traffic.¹⁶

A long and unjust history of criminalization

Despite these many benefits, California has a long history of unjustly excluding sidewalk vendors from economic opportunity, inflicting great harm on a largely low-income and immigrant population. Until 2019, the vast majority of California cities and counties either completely prohibited all sidewalk vending or imposed rules so restrictive that they amounted to a de facto ban.¹⁷ In most jurisdictions, these rules of exclusion were enforced with criminal penalties, with devastating effect.¹⁸ Vendors who were charged with misdemeanors faced potential jail time and up to \$1,000 in base fines, with court fees and assessments further increasing the financial penalties. Collateral consequences of a misdemeanor charge erected new barriers to housing, education and employment. These consequences saddled low-income households with enormous criminal justice debt, driving vulnerable workers and their families deeper into poverty.

For immigrant vendors, criminalization has had particularly severe consequences. Under a Trump Administration executive order on immigration enforcement, officials were instructed to prioritize for deportation those who “committed acts that constitute a chargeable criminal offense.”¹⁹ As a result, the mere possibility of criminal prosecution placed low-income immigrant workers at risk.²⁰ Many immigrant vendors charged with vending citations were at heightened risk of being transferred to, or picked up by federal immigration officials after being released from custody and undocumented vendors were at heightened risk for deportation even if they were not ultimately charged or convicted. In one example, a San Bernardino County single mother of five was cited for vending in a park, detained by federal agents upon her release, and held in a detention facility away from her children for six months awaiting deportation proceedings—all due to a sidewalk vending citation.²¹

The unfinished business of sidewalk vending legalization

In 2018, Senate Bill (SB) 946 decriminalized and legalized sidewalk vending throughout California. SB 946 prohibits local jurisdictions from criminally prosecuting sidewalk vendors and placing blanket bans on sidewalk vending. Instead, the law requires cities and counties to create systems to regulate sidewalk vending in line with legitimate health and safety rationales. This legislation provided relief from widespread criminalization and was a groundbreaking measure to better protect immigrants and low-income workers. However, despite this formal legalization, SB 946 did not make any changes to California's retail food laws, which separately apply to vendors selling food.

As a result of SB 946, cities and counties are no longer allowed to enforce categorical prohibitions on sidewalk vending. And vendors who sell non-food merchandise are generally able to work, as long as their operations are consistent with local time, place and manner restrictions adopted pursuant to SB 946. However, a separate state law—the California Retail Food Code (CRFC)—requires that vendors intending to sell food obtain a separate public health permit, usually from the local Department of Public Health.²² In Los Angeles County, sidewalk food vendors must first obtain a public health permit from the Environmental Health division of the Department of Public Health before they are permitted to operate. This “DPH permit” is issued only after DPH confirms that the operation satisfies an extensive list of requirements that includes CRFC requirements and local guidelines.²³

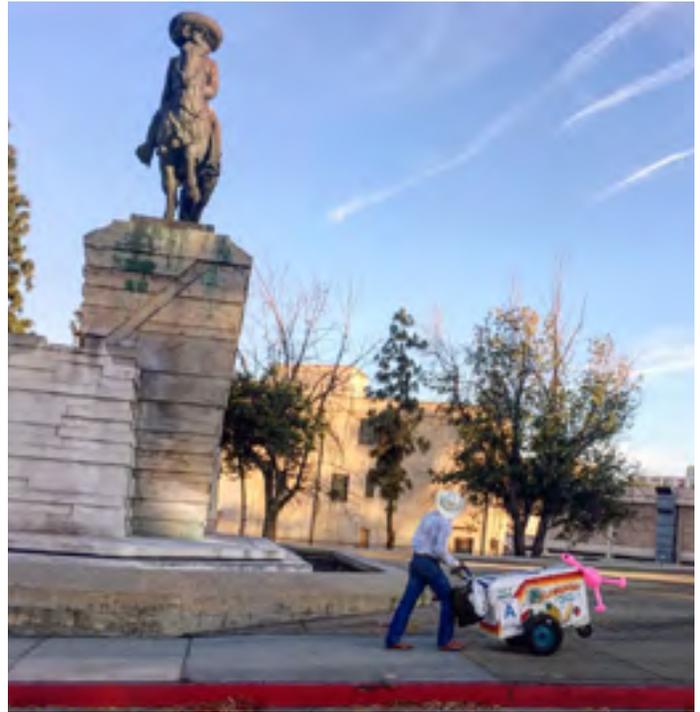
As described in detail in Part II, the standards imposed by the CRFC and DPH guidelines are incompatible with small-scale sidewalk food vending operations. Most sidewalk food vending carts are considered mobile food facilities, defined in the CRFC as “vehicle[s] . . . upon which food is sold or distributed at retail.”²⁴ However, the entire CRFC legal framework for mobile food facilities has naturally evolved around motorized food trucks and large trailers operating on the street, since those were the only facilities that were allowed by most local jurisdictions before SB 946.²⁵ As a result, the CRFC's requirements are incompatible with small-scale food vending carts that must fit on the side-

walk. As described in this report, the application and enforcement of these unfitting rules creates insurmountable obstacles to legal operation for small-scale sidewalk food vendors. To date, only 165 out of an estimated 10,000 sidewalk food vendors in the City of Los Angeles have obtained permits.

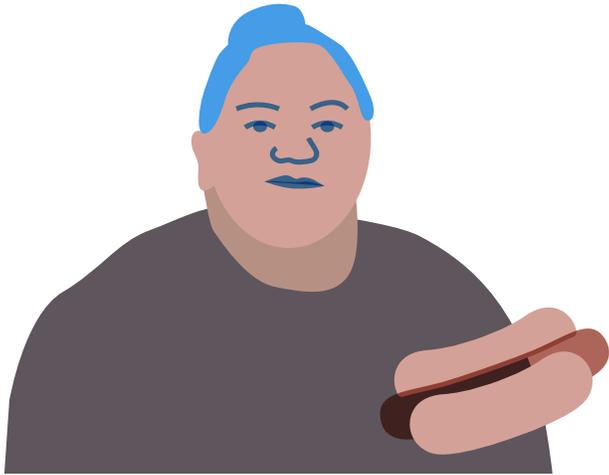
The effective ban on sidewalk food vending has devastating consequences for the tens of thousands of low-income people across California who are trying to work as vendors. DPH and the city enforcement agency—StreetsLA (also known as the Bureau of Street Services)—enforce these outdated public health laws against sidewalk food vendors. DPH cites vendors for operating without a DPH health permit, and StreetsLA cites them for operating without a city vending permit (which cannot be obtained without first producing a valid DPH permit) or for operating in an L.A. City Council-designated “no-vending zone.”²⁶ StreetsLA enforcement officers are commonly equipped with guns and dressed similarly to police.²⁷ Both DPH and StreetsLA continue to partner with armed law enforcement, and in some cases still issue criminal misdemeanor citations. Beyond issuing citations, city officials have created new, *literal* barriers to vending, erecting chain link fences and locking gates to displace vendors from beloved community spaces like Echo Park Lake, Leimert Park, and the Avenue 26 Night Market, with public officials citing--in part--vendors' lack of DPH permits as justification.²⁸

Sidewalk food vending in Los Angeles: stories from the front lines

Three sidewalk food vendors currently working in Los Angeles County were interviewed for this report.²⁹ Their experiences are summarized below and included throughout this report. The report uses only the vendors' first names and the neighborhoods in which they vend, allowing for confidentiality when requested or necessary. Together, the interviews show that: (1) while sidewalk vending is technically legal, it is so difficult to obtain a permit that the work remains illegal as a matter of practice; (2) many sidewalk vendors welcome public health regulation—they simply want it to be designed to *facilitate* rather than prevent sidewalk vending; and (3) even with the current system of inapt and impossible-to-meet food regulation, vendors find creative and functional ways to ensure that the food they sell is safe.



Rosa began vending on her own because she needed a job. She started by selling fruit from a laundry cart in Hollywood, and eventually saved enough money to purchase a hot dog cart. Vending allowed her to leave her physically demanding job as a full-time caregiver and gain more freedom and control over her time. She began selling masks out of her van during the COVID-19 pandemic. She changes what she sells depending on the time and day, accounting for what customers want to buy, as well as whether StreetsLA officers are enforcing vending permit regulations, which more commonly occurs during nine-to-five business hours.



Merlin started vending fifteen years ago out of necessity. She could find no other job and began working for another vendor for five years. After twelve-hour shifts doing all the labor and being paid only \$50 per day, Merlin started her vending business to be her own boss. As a mother to a child with special needs, the flexible schedule afforded by sidewalk vending allows her to take her child to doctor and therapy appointments. Merlin still works long days, leaving by seven in the morning to purchase fruit and hot dog supplies downtown before arriving on Hollywood Boulevard to start selling by eleven in the morning. She sells until around eleven at night. Working long days allows her to take off Monday through Wednesday to be with her child. Merlin operates both a hot dog cart and a fruit cart, facing different challenges with each. Merlin's hot dog cart—built at home by her cousin—is not permitted because neither CRFC nor DPH guidelines allow permits for homebuilt carts. The fruit cart is permitted, but Merlin had to take out a \$5,000 loan to purchase the cart and cover the \$900 commissary charge and additional health permit fees. These fees, as further detailed in Part II, are exorbitant, especially for low-income individuals, and prevent many vendors from even attempting to undergo the permitting process. Merlin only paid off her loans because her whole family came together to support her through the permit process, and they collectively paid off the loan over a two-year period. Most vendors do not have this option or support, and many may not be able to even obtain a loan, let alone pay it off within just a few years.



Pedro just started vending two years ago. He runs his business with his wife, who worked as a taco vendor for several years before she and Pedro started to operate a cart together. They regularly worked in the San Fernando Valley neighborhoods of Reseda and Northridge until the beginning of the COVID-19 pandemic in March 2020. Vending allowed them to build a community of loyal customers in the Valley, and they were just beginning to build up their business when COVID-19 derailed their plans.

Permitting and Enforcement: A Continuous Cycle

As each of the vendors' stories illustrate, the flexibility and independence of sidewalk vending attract many vendors to this work, but the barriers they encounter in pursuing legal vending and in their daily operations can be insurmountable. Just like other small businesses, sidewalk food vendors strive to ensure that all their customers eat without getting sick, enjoy their food, and recommend their business to friends. Sidewalk food vendors seek to create a community of customers whom they care for, as all small business owners must do to be successful. They deploy tried-and-true marketing tools such as branded merchandise, business cards, and even Instagram accounts. Even without a formal DPH permit, vendors work diligently to ensure their practices are clean and promote safety for themselves and their customers. But all the care and attention to food safety will not protect vendors against punitive enforcement if they do not have a DPH permit.

Rosa primarily operated an unpermitted hot dog cart in the Hollywood neighborhood, although she has maintained other vending operations (both permitted and unpermitted) at various times. She completely stopped vending in Hollywood after the start of the COVID-19 pandemic, but even before the pandemic, she had stopped vending in Hollywood as frequently because of the intensity of StreetsLA enforcement. Since the start of the pandemic, Rosa has been selling facemasks and other merchandise, first in the Adams-Normandie neighborhood of Los Angeles, and currently in the neighboring city of Pico Rivera. She sells merchandise during the day and hot dogs after five in the evening. Rosa has been ticketed frequently in the daytime. These tickets have increased in cost each time: the first was \$150, the second was \$550, and the third was \$1,050. If she does not pay them off soon, the tickets will go to debt collection.³⁰ Enforcement agents never even speak to Rosa before issuing the tickets: instead, they use her vehicle license plate information to send the citation to Rosa by mail. According to Rosa, this is customary practice for StreetsLA agents in Hollywood—they rarely speak to vendors before issuing tickets based on vehicle tags.

Rosa knows she cannot meet the impractical sidewalk food vending equipment design standards imposed by DPH—that, in fact, no one can meet them. Her experience has shown her not only that the process is difficult to navigate, but also that a cart meeting all the requirements would be too heavy and impossible to push. She has already obtained several of the prerequisite documents needed for a DPH permit and a city sidewalk vending permit, but they are not sufficient to avoid constant surveillance and ticketing.

As Merlin operates an unpermitted hot dog cart and a permitted fruit cart, she has a view of both sides of the DPH process and enforcement practices. Just like Rosa, Merlin has faced extreme enforcement actions by StreetsLA and DPH in Hollywood. Often, when StreetsLA and DPH come to enforce in Hollywood, sidewalk vendors can warn each other and disperse before they are all cited. A few times, though, DPH has checked her fruit cart permit and confiscated her hot dog cart. Unable to recover her property, she has had to purchase a new hot dog cart after each confiscation.

Pedro, like Rosa, was operating without a permit but is gathering materials to apply for the DPH permit when it is feasible for him to do so. He spent eight hours obtaining his Food Handler's Management Certificate, which is a prerequisite for obtaining a DPH permit, and he obtained his Individual Taxpayer Identification Number (ITIN) to apply for his state seller's license. Once in 2019, after DPH cited him at his taco stand for failing to have a health permit, he was asked to come to the DPH office. He lives in the Valley and was required to drive to Baldwin Park—an 80-mile roundtrip—to meet with DPH officials. They showed him sample blueprints and carts, but the only compliant cart options for selling tacos cost over forty thousand dollars.

Although vendors generally operate safely even without DPH permits, they report that both DPH and StreetsLA regularly enforce permit requirements in partnership with the Los Angeles Police Department (LAPD), the Los Angeles County Sheriff's Department (LASD), private security forces, and other armed (often unidentified) law enforcement officers. This domineering use of criminal law enforcement to address a potential health permit violation—especially without first speaking with a vendor to check for a permit—is not imposed on brick-and-mortar businesses.

DPH and city enforcement officers are not the only threat. Unfortunately, some community members see sidewalk food vendors as threats to their own business and take matters into their own hands by verbally confronting vendors or ejecting them from spaces where they may be vending legally. Rosa shared that a large department store near her regular vending location repeatedly contacted police and StreetsLA about her vending, for which she did have a permit. Only after several visits did one police officer finally inform the private security officers that Rosa had a permit to sell in that location and admonish the private security officers not to contact law enforcement again. While Rosa, Merlin, and Pedro all reported generally positive relationships with brick-and-mortar business employees at their vending locations, who often grant them bathroom access as a sign of goodwill, they also shared that some brick-and-mortar business owners make their lives much more difficult by calling enforcement agencies, being rude and unwelcoming, physically harassing vendors, or hiring private security to intimidate vendors operating nearby—all without ever knowing for certain whether the sidewalk vendors they report are breaking any laws.

PART II: LEGAL AND REGULATORY BARRIERS



As the experiences of Merlin, Rosa and Pedro illustrate, the promise of legal sidewalk food vending has yet to be realized. This part provides a detailed analysis of the regulatory barriers that work to exclude thousands of vendors like Merlin, Rosa, and Pedro from economic opportunity.

The CRFC governs most food sales across California, and local health departments like DPH must follow the CRFC as they enforce its requirements and issue permits to local food establishments and food entrepreneurs.³¹ The CRFC and DPH guidelines are intended to promote public health—a goal that is also important to the sidewalk vendor community.³² Perversely, the onerous restrictions in these laws actually operate to inhibit that goal by making it prohibitively expensive or physically impossible for sidewalk vendors with a small cart to successfully obtain a health permit, preventing nearly an entire sector of the food economy from entering a system of food safety guidance.

Appendix 1 outlines the process that a sidewalk food vendor must navigate to obtain a permit from DPH, demonstrating the shocking complexity of the

system and identifying a variety of points where vendors may reach insurmountable barriers and abandon their plans to legally vend.

The barriers preventing sidewalk food vendors from obtaining a DPH permit are so numerous that this report groups them into five broad categories: (1) program accessibility; (2) permitting procedures; (3) equipment requirements; (4) food preparation and equipment storage; and (5) enforcement. The following analysis is based on a thorough examination of the CRFC and the DPH Mobile Food Facility Plan Check Guidelines, interviews with sidewalk food vendors, input from community organizers and allies of sidewalk food vendors, and data from a recent survey of sidewalk food vendors conducted by Inclusive Action for the City.³³ For each barrier, the relevant source of law creating it—state-level CRFC or county DPH guideline—is identified. These barriers are also listed in a table in **Appendix 2**.

Barriers relating to program accessibility

Overlapping jurisdictional authority, a history of negative and harmful interactions with government agencies, exceedingly complicated technical requirements, language access barriers, and high startup costs all function to prevent many vendors from even attempting to enter the permitting process and formalize their business.

Accessibility barriers in state law

The CRFC dictates nearly every facet of a sidewalk food vending business, including the type of cart that a vendor needs to construct or purchase, the ancillary infrastructure a vendor needs to rent to support the cart, the additional permits a vendor is required to obtain, and the ongoing operations of the business once permitted. However, the statute is full of industry jargon and complex terminology, making it nearly impossible for sidewalk food vendors—or anyone for that matter—to interpret the dense technical language and determine which provisions are relevant to sidewalk operations as opposed to restaurants or motorized food trucks. Further, the CRFC also appears to be available only in English.³⁴ This presents an overwhelming barrier to entry for vendors whose primary language is not English and who do not have the training required to parse through complicated technical language.

Accessibility barriers in DPH guidelines

The only interactions that most sidewalk food vendors have ever had with DPH involve punitive enforcement and property confiscation. Accordingly, many vendors are still understandably wary of government institutions, like DPH, that have historically played an enforcement role. Absent meaningful outreach and a culture shift prioritizing coaching and support, many sidewalk food vendors will be deterred from even approaching the DPH permitting process.

Those sidewalk food vendors who do seek to navigate the DPH permitting process have found it difficult, if not impossible, to decipher exactly what they must do to comply with all the relevant rules. Like the CRFC, the DPH guidelines are full of industry jargon and complex terminology. To make matters worse, the guidelines and educational materials

provided to the public govern all mobile food facilities—a technical term encompassing large-scale catering trucks as well as small-scale sidewalk operations. There is no targeted published guidance isolating and explaining the provisions that apply specifically to sidewalk food vending, leaving a vendor to interpret and reconcile complicated technical terms and dense legislation in order to decipher which rules might apply to sidewalk carts.³⁵ DPH guidelines are also only available in English, effectively barring many vendors from obtaining critical information about the DPH permitting process.³⁶

Finally, DPH imposes substantial permitting and inspection fees, which when combined with the cost of the actual cart, will serve as a barrier to most subsistence-earning vendors. **Table 1** illustrates the fees and costs sidewalk food vendors encounter when formalizing and operating their businesses. A sidewalk food vendor selling unpackaged food must pay between \$10,490.00 and \$14,194.00 in startup fees and costs (and potentially much more depending on the type of food sold), plus an additional \$4,913.00–\$8,513.00 in recurring annual fees.

Table 1: Aggregate Fee Chart

Fee Description	Amount	Paid To	Frequency
Initial Plan Check Application Fee	\$746.00	County	Once during application
Additional Plan Checks	\$167.00	County	If initial plan is not approved, this fee is applied for every additional plan check
Mobile Food Facility Health Permit Application ³⁷	Prepackaged Food Cart: \$393.00 Unpackaged Food Cart: \$772.00	County	Annually
Business License	\$26.00 to register a Fictitious Business Name (FBN)	L.A. City	Once upon creation of the business
Food Manager/ Handler Certification Permit	\$55.00* – \$159.00	County	Once every five years
StreetsLA Sidewalk Vending Permit	\$291.00 (will increase to \$541.00 in 2022)	L.A. City	Annually
Cart Construction	Depends on type of cart and manufacturer, but a permitted cart now costs \$5,000.00 or more.	Third Party	Once for construction, again if DPH confiscates a cart
Commissary Fee ³⁸	Depends on which commissary: \$300.00 – \$600.00 (Note: first payment must typically include first month's rent, the last month's rent, and a security deposit)	Third Party	Monthly
Total Startup Fees to County	Prepackaged: \$1,194.00 – \$1,298.00 (plus \$167.00 for each additional plan check) Unpackaged: \$1,573.00 – \$1,677.00 (plus \$167.00 for each additional plan check)		
Total Startup Fees to City	\$317.00 (\$567.00 beginning in 2022)		
Total Startup Payments to Third Parties	\$8,600.00 – \$12,200.00		
GRAND TOTAL STARTUP COSTS	\$10,490.00 – \$14,194.00 to sell unpackaged food (plus additional costs for a more expensive cart or additional plan check fees or an even more expensive commissary)		
Annual Fees to City	\$291.00 in 2021, \$541.00 thereafter		
Annual fees to County	\$393.00 or \$772.00		
Annual Payments to Third Parties	\$300.00 – \$600.00 monthly (\$3,600.00 – \$7,200.00 annually)		
GRAND TOTAL ANNUAL FEES	\$4,913.00 – \$8,513.00 to sell unpackaged foods		
GRAND TOTAL FIVE-YEAR OPERATING FEES	\$30,142.00 – \$48,246.00 minimum (additional costs for more expensive cart, additional plan check fees, or more expensive commissary lease).		

*\$55.00 exam is only offered in English, with no study guide



Barriers relating to application procedures

For those vendors who are not immediately excluded or deterred from seeking a permit, the actual permit application and approval process presents a dizzying array of additional barriers.

Permitting barriers in state law

The CRFC requires sidewalk food vendors to obtain a valid permit.³⁹ In order to even apply for a permit for a new or remodeled cart, the CRFC requires applicants to first submit blueprints (to scale) of the proposed cart, before beginning construction of the cart.⁴⁰ DPH implements this requirement through complicated plan check procedures.⁴¹

Vendors rarely have access to the expensive and technical digital software necessary to render blueprints, the time or specific drafting skills for this process, or the funds to pay a professional to create plans. As a result, most sidewalk food vendors must purchase a brand new cart to have any hope of successfully navigating the state-mandated procedures.

Unfortunately, there is no broadly standardized sidewalk food cart available for vendors to purchase on the market. There are a few manufactured food carts available for narrow categories of food, but they cost a minimum of \$5,000, and many cost around \$15,000.⁴² As a result, many vendors build their own carts for three or four hundred dollars.

Even if a vendor can raise funds to purchase a professionally manufactured cart, DPH approval is not guaranteed because the vendor must provide exact blueprints of the cart before the cart will be approved. There does not appear to be any guidance

from DPH on how to purchase a manufactured food cart, nor do the DPH guidelines make any mention of such a possibility. Absent a formal pre-approval program or endorsement from DPH, manufactured carts remain a risky investment for vendors who cannot be certain that a cart they purchase will be code-compliant, and who might fear exploitation by predatory cart manufacturers.

The cart manufacturing process itself presents yet another barrier. Cart manufacturers must build the cart to the exact specifications laid out in DPH-approved blueprints. Even a half-inch difference between the blueprint and the completed cart will result in a failed inspection.⁴³ This requires vendors to have a level of technical expertise far beyond what is reasonable to safely operate food carts, and far beyond what is required of individuals in other permitting contexts.

In addition to submitting blueprints for cart design, a sidewalk food vendor handling nonprepackaged food must also develop and submit for approval written operational procedures for food handling and the cleaning and sanitizing of food-contact surfaces and utensils.⁴⁴

After securing approval of blueprints and operating procedures and completing the costly and time-consuming cart manufacturing process, a sidewalk food vendor must then submit the cart to a rigorous inspection process before a permit will be issued.⁴⁵

Finally, the CRFC requires any cart that involves the preparation, handling, or serving of nonprepackaged potentially hazardous food to have at least one person involved in the business who has obtained a Food Manager's Certification.⁴⁶ The course and exam to acquire the certification can cost anywhere from \$55 to \$159, and must be renewed every five

Merlin has used home-built carts and new carts—which both impose distinctive hardships. She purchased her hot dog cart from a cousin for \$300 and has had to replace it multiple times after DPH has confiscated it. Each time she is forced to construct a new cart, she tries her best to build it to operate safely; however, because she knows her carts cannot be constructed to meet the current code, she has not tried to get them approved or go through the plan check. While Merlin's original unpermitted hot dog cart was purchased second-hand for a modest price, she was able to purchase a manufactured fruit cart and successfully obtain a permit after taking out a loan to finance the \$5,000 purchase price. Merlin required help from her entire family to pay off the loan over a two-year period. Most vendors are unable to pay for the entire cost of the cart up-front and must work out a payment plan with the manufacturer.

years.⁴⁷ In addition to being an added cost and time commitment, it is difficult to find course materials in languages other than English and examinations are often conducted in person.

These requirements assume a code-compliant cart that can be manufactured. As described below, for some types of food, sidewalk carts are not manufactured or available for purchase because applicable equipment requirements would yield an enormous product that cannot fit on the sidewalk.

Permitting barriers in DPH guidelines

DPH implements the onerous plan check, inspection and permit application procedures dictated by the CRFC through its permitting power. However, the DPH permitting procedures are opaque, there is very little guidance concerning documents that vendors must provide and the processes they must complete before beginning a permit application, and DPH permitting and inspection services are geographically limited.

There is very little information available to vendors seeking to begin the DPH permitting process. DPH has published a “Mobile Food Facility Permit Factsheet,”⁴⁸ but this short brochure does not differentiate requirements for large-scale trucks and trailers from small-scale sidewalk carts. The brochure directs vendors to a phone number, but provides little information on the application requirements and procedures, stating only that “prior to receiving your Public Health Permit, your vehicle/cart must be evaluated to ensure it meets the mobile food facility requirements that apply, per the California Retail Food Code.” The brochure includes a link to a permit application, but at the time of publication this link was broken and there was no way to access the permit application online.

Most sidewalk food vendors are currently working with unpermitted carts. Available DPH materials do not outline the process or provide any guidance on inspecting existing carts for compliance. Any remodeling of an existing cart would trigger the plan check process, requiring blueprints to be submitted for approval prior to beginning any changes to the cart.

Vendors and organizers have confirmed that application consultations and plan check submission occur only at a single location—the DPH Baldwin

Park office, which is a difficult journey for many vendors working across the region. After plan submission, if DPH determines that the blueprints need further amendments, vendors may be redirected to any one of eight local offices, spanning from the Antelope Valley to Torrance. After the cart is constructed, vendors must transport the final cart back to Baldwin Park for inspection.

In addition to the plan check and inspection processes dictated by state law, DPH also requires applicants to provide a valid picture ID, a commissary contract, and a Food Manager’s Certificate as part of the application.⁴⁹ Vendors must also obtain a state Seller’s Permit, which requires either a social security number or an Individual Taxpayer Identification Number (ITIN). None of the DPH offices provide support for any of these complicated permit prerequisites.

Instead of being able to secure these prerequisites as part of the DPH application process, a vendor must make additional office visits to one of eight city Business Source Centers, adding time and complexity. At the time of publication, there are only two Business Source Centers (Central Los Angeles and Mid City) that help a vendor obtain an ITIN if they do not have a Social Security Number.⁵⁰ The sidewalk vendors interviewed for this report raised no objection to the ITIN requirement; they simply noted that the limited number of offices providing assistance with filing for an ITIN makes it burdensome to obtain. It strains credulity that the largest county in the most populous state—a state that legally recognizes undocumented immigrants—offers so few locations to secure such a crucial identity credential and key to participation in the formal economy.

Even when vendors assemble the documents necessary under applicable law to proceed through the permitting process, they may be stymied by DPH staff who are unaware of the sufficiency of forms of identification that are common among the vendor community. Vendors have reported DPH officials who have declined to accept the California AB 60 Driver’s License, leaving applicants confused and without a clear understanding of what identity documents are acceptable to DPH.⁵¹



Barriers created by impossible equipment design requirements

DPH will not issue a permit until it approves blueprints for a proposed cart and inspects the final product. Both the CRFC and DPH guidelines contain unattainable equipment design requirements for many small-scale sidewalk vending carts, which has the effect of prohibiting a lot of sidewalk food vending as we know it.

Equipment barriers in state law

The CRFC imposes equipment standards on sidewalk food vending operations that, when taken together, are often impossible to meet. The combination of water and sink requirements, storage and ventilation requirements, and prohibitions on the use of certain equipment on the cart combine to make many sidewalk vending carts either prohibitively expensive or too large to function on a sidewalk.

The CRFC requires that all sidewalk vending carts serving unpackaged food must have a 5-gallon water tank exclusively for handwashing.⁵² Where food is prepared on site, even more burdensome requirements apply:⁵³ they must carry at least 15 gallons of water for washing cooking utensils and equipment, have a 3-compartment warewashing sink and a separate handwashing sink, and include a water heater capable of heating at least 4 gallons of water at a time or an instantaneous heater capable of heating water up to 120° Fahrenheit.⁵⁴ Based on these requirements, most sidewalk food vending carts would need 4 separate sink compartments, measuring over 50 inches (4 feet 2 inches) and weighing over 140 pounds.⁵⁵ The requirements for a 5-gallon water tank exclusively for handwashing and a 15-gallon water tank for warewashing add almost 170 pounds.⁵⁶ The CRFC includes a very limited exemption to the 3-compartment warewashing sink requirements for carts that sell steamed or boiled hot dogs and tamales in the original inedible wrapper.⁵⁷ Many other foods commonly sold by sidewalk vendors involve very similar preparation processes, but are not included in the list of foods that qualify for a waiver of the warewashing sink requirements.

These onerous sink requirements exceed the requirements imposed by other jurisdictions with robust street food cultures such as New York City,⁵⁸ which only requires a one-compartment sink for carts preparing potentially hazardous foods, and Portland, Oregon, which does not require warewashing facilities on the unit for many types of vending, if adequate facilities exist at the commissary.⁵⁹ The CRFC also unfairly imposes more rigid sink requirements on sidewalk food vendors than it does on similar food facilities operated in connection with a brick-and-mortar restaurant. For example, “Satellite food service” operations,⁶⁰ which amount to an outdoor food facility operated by a fully enclosed restaurant, are allowed “the use of alternative warewashing facilities.”⁶¹ Apart from allowing an “auxiliary conveyance,” the CRFC does not explicitly grant the same opportunity to sidewalk vending carts.

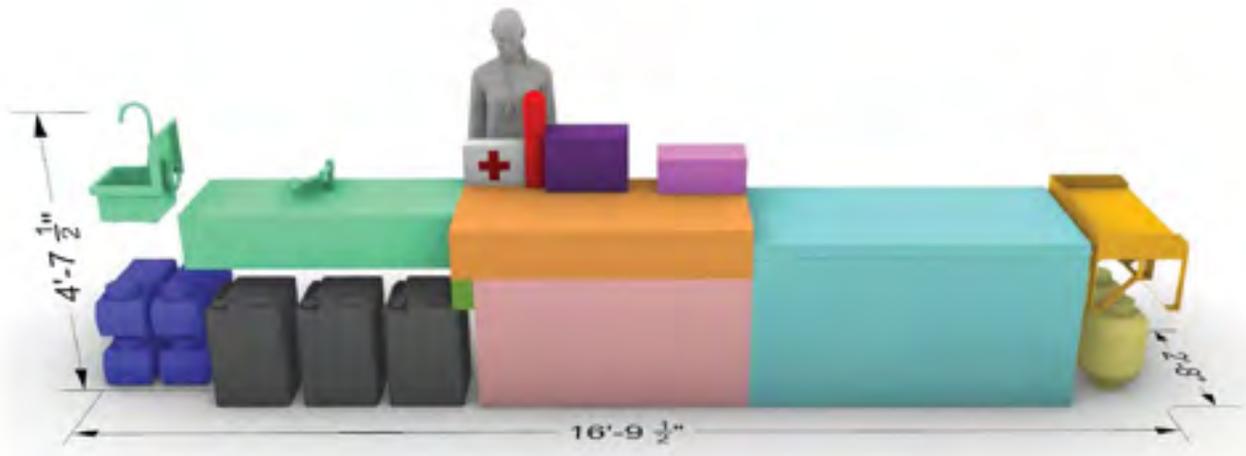
Many sidewalk food vending carts must also have mechanical exhaust ventilation equipment over all hot cooking equipment and store ice in a separate area away from any food contact surface (e.g., utensils and counters), further adding to cart size and cost.⁶²

As an unenclosed mobile food facility, a sidewalk food vending cart can only accommodate “limited food preparation.”⁶³ The CRFC definition of limited food preparation unnecessarily creates a de facto ban on some of the most common and iconic sidewalk food vending operations. For example, the CRFC does not permit slicing or chopping unless on a heated cooking surface.⁶⁴ This prevents the slicing of whole fruits at the vending cart, prohibiting a core operation of all fruit vendors.

“The CRFC definition of limited food preparation unnecessarily creates a de facto ban on some of the most common and iconic sidewalk food vending operations.”



A de facto ban on taco carts



Equipment design requirements in the CRFC make it nearly impossible to legally operate a taco cart. The CRFC requires a taco cart to include a 3-compartment warewashing sink, adding considerable size and weight. The CRFC also prohibits reheating and hot-holding of most taco fillings, which means that any approved taco cart must cook-to-order on the cart, further adding to the already significant equipment design requirements. A cart that meets the relevant CRFC standards for cooking-to-order could weigh between 1,200 to 1,800 pounds and be over 16 feet long—far too heavy and too large to actually operate on the sidewalk.⁶⁵

The CRFC also prohibits reheating and hot-holding of almost every common item sold by sidewalk food vendors, even though cooking raw meat is allowed.⁶⁶ This provision precludes taco vendors from preparing taco fillings at an approved commissary, re-heating on a hot surface on their cart, and holding in a hot-holder to allow for serving hot food to order. There appears to be no basis for these restrictions, as the CRFC provides exceptions for a seemingly arbitrary and limited list of foods that can be hot-held on-site, such as corn, hot dogs, and tamales.⁶⁷ Many other foods commonly sold by sidewalk vendors involve very similar preparation processes, but are not included in the list of foods allowed to be reheated and hot-held.

To the limited extent that these equipment requirements have been studied by independent experts, available studies exhibit a “bias in the research focus” that neglect to study the health and safety impact of vending as compared to other large-scale food facilities.⁶⁸ Our research found limited or no peer-reviewed scientific research that shows that these particularly burdensome requirements of the CRFC are evidence-based measures developed to

protect public health.⁶⁹ Instead, the CRFC creates unrealistic and insurmountable barriers for vendors that undermine food safety goals by keeping vendors out of the formally regulated food safety system.

Equipment barriers in DPH guidelines

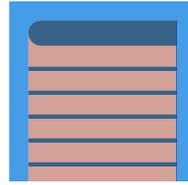
There are three main areas where DPH requirements exceed the already-demanding CRFC equipment design requirements: (1) on-site sink requirements; (2) fire suppression system requirements; and (3) on-site food storage dimensions.

DPH’s current interpretation and enforcement of the CRFC sink requirements acts as an independent barrier to vendors’ ability to comply with those requirements. The CRFC provides that “[h]andwashing sinks and warewashing sinks for unenclosed mobile food facilities shall be an integral part of the primary unit *or on an approved auxiliary conveyance that is used in conjunction with the mobile food facility.*”⁷⁰ While this language is copied into the Plan Check Guidelines, DPH does not appear to make low-income sidewalk food vendors aware of the auxiliary sink option, nor

has DPH explored any creative options to promote shared access to auxiliary sink units.⁷¹ This narrow interpretation removes opportunities for vendors to creatively implement the safety standards required under state law in a manner that would enable the operation of a smaller and more affordable CRFC-compliant cart on a sidewalk.

DPH Guidelines also include a requirement for a fire suppression system that appears to have no basis in state law. The CRFC requires only a fire extinguisher.⁷² This fire suppression system rule may in fact be an element of a separate requirement relating to mechanical exhaust ventilation systems that are required for on-site cooking, but by listing it as a unique requirement, the DPH Guidelines create unnecessary confusion. A full *overhead* fire suppression system is simply not compatible with an unenclosed mobile food facility,⁷³ and presents another constraint on the production of smaller, more affordable carts.

DPH food storage requirements place additional barriers in the way of vendor success. The CRFC imposes no specific cubic footage requirement for storage on mobile food facilities. However, DPH lists a minimum cubic footage requirement in its Mobile Facility Checklist for both refrigerated space and dry storage space.⁷⁴ These requirements far exceed the typical number of food items served during the regular operating hours of a small-scale sidewalk cart, unnecessarily adding to the size and cost of a compliant cart. For example, the 12 cubic feet of refrigerated storage space would store thousands of hot dogs, many times more than a hot dog vendor could possibly sell.



Barriers relating to food preparation and equipment storage

In addition to code compliant carts, sidewalk food vendors must also demonstrate access to a commissary and, in many cases, a commercial kitchen to prepare food and store and clean equipment. Commissaries and commercial kitchens have typically never catered to recently-legalized small-scale sidewalk vending businesses. As a result, there are a number of distinct obstacles affecting the ability of low-income vendors to comply with commissary and kitchen access requirements, including: DPH's lack of process for permitting available community-based kitchens for use as commissary and kitchen spaces, a lack of physical infrastructure that fits vendor businesses' unique needs, and disparate burdens placed on vendors who have limited mobility to travel daily to commissaries.

Commissary and kitchen access barriers in state law

The CRFC requires sidewalk food vending carts to operate in connection with a commissary, defined as “a food facility that services mobile food facilities, mobile support units, or vending machines where any of the following occur: (a) Food, containers, or supplies are stored. (b) Food is prepared or prepackaged for sale or service at other locations. (c) Utensils are cleaned. (d) Liquid and solid wastes are disposed, or potable water is obtained.”⁷⁵ Sidewalk food vending carts must be

Storage requirements render an otherwise code-compliant cart infeasible

DPH food storage requirements—not mandated by the CRFC—are entirely incompatible with small-scale sidewalk food vending carts. A recent analysis by Kounkuey Design Initiative found that a hot-holding pushcart that meets DPH guidelines would weigh more than 700 pounds⁷⁶—an unworkable weight and footprint for sidewalk pushcarts. This estimate assumes an exemption from the 3-compartment sink requirements, which would further add to the overall weight and size of the cart if applied. Mechanically refrigerated storage is a major contributor to the prohibitive size and weight of a code-compliant pushcart, as DPH requires 12 cubic feet, or enough to fit approximately 5,000 hot dogs. This is significantly more storage space than necessary for a small-scale sidewalk pushcart—a vendor would need to sell nearly 7 hot dogs per minute in order to sell 5,000 hot dogs in a 12-hour shift. Because the CRFC does not mandate this much food storage capacity, DPH can easily adjust this standard and help make hot-holding carts much more affordable to vendors and appropriately sized for the sidewalk.

stored and serviced at a commissary once daily during an operating day,⁷⁷ imposing significant transportation and cost barriers on low-income sidewalk food vendors, especially those without access to a personal vehicle. While there are many storage commissaries currently operating in the county, only a few have approved *kitchen* space for vendors to use,⁷⁸ again reflecting the reality that the current infrastructure is created to serve food trucks and other large operations where cooking occurs on site and not in the commissary space.

Even if a vendor sells food that does not require cooking—such as prepackaged chips or snacks—they still have to maintain a contract with a commissary where they can store and sanitize their cart daily.⁷⁹ This may be an insignificant requirement for food truck operators who can easily drive their trucks to the commissary daily, but it is a much higher physical and economic cost for vendors who do not have private transportation or affordable access to a commissary in their neighborhood.

Commercial commissary contracts can cost a vendor between \$900 and \$1,800 to start (first month's rent, last month's rent, and security deposit) and between \$300 and \$600 per month thereafter.⁸⁰ These costs can be prohibitively expensive for sidewalk food vendors who could find less expensive spaces in their communities with relative ease, such as local restaurants, churches, or other community spaces.⁸¹ Given the high cost of accessing a formal commissary space, many vendors use commercial and professional-grade kitchens in restaurants and other local food businesses under informal agreements.

Certain food businesses can, instead of renting a space with a commercial commissary or kitchen, be permitted to operate out of residential kitchens. There are two different regulatory frameworks for small home food preparation businesses in California—Cottage Food Operations (CFOs)⁸² and Micro-Enterprise Home Kitchen Operations (MEHKO).⁸³ Both operations limit the types of food and beverage items that can be produced and sold,⁸⁴ have a cap on annual gross profits,⁸⁵ and require the operators to obtain a health permit from the local health department (though not all operations require an in-person inspection from a local health inspector).⁸⁶ These alternative, more affordable options are not viable for sidewalk vendors, as

neither CFOs nor MEKHOs clearly permit operators to take meals or food products cooked within the residential kitchens out to sell from the sidewalk.⁸⁷ This is true even if a sidewalk vendor otherwise has a code-compliant cart and meets local vending regulations. A minor amendment to each of these regulatory frameworks could significantly reduce operating expenses for a subset of sidewalk food vendors by enabling them to avoid the cost of leasing space from a formal commissary kitchen.

Commissary and kitchen access barriers created by DPH guidelines and implementation

DPH has chosen a narrow approach to permitting commissary and commercial kitchen spaces, strictly circumscribing the availability of those facilities to vendors.

The CRFC's definition of "commissary" is sufficiently broad that DPH could approve almost any professional grade or commercial kitchen as a commissary, including existing kitchens in schools, community centers, churches, and other common establishments located widely throughout the county. The CRFC also gives DPH the authority to approve the use of mobile food facilities in conjunction with any "*other facility approved by the enforcement agency.*"⁸⁸ Thus, DPH clearly has the authority to establish standards and protocols to inspect and approve a variety of existing underutilized community kitchen spaces for sidewalk vendors to meet state law requirements.

To date, DPH has not dedicated resources to encourage kitchen owners and operators to seek commissary kitchen certification, nor has DPH demonstrated any plan to increase the number of commissary kitchen spaces available to sidewalk food vendors. This denies vendors an important opportunity to invest their dollars in the communities where they live and work, and fails to recognize and offer a potentially useful resource for vendors.



Barriers relating to enforcement

If a sidewalk food vendor is miraculously able to obtain a DPH permit for their food cart under

these conditions, the vendor is then faced with significant barriers in everyday business operations. Sidewalk food vendors must meet local spatial and operational regulations, navigate relationships with brick-and-mortar businesses—including restaurants that may see sidewalk vendors as a threat to their bottom line—and safely transport their carts to and from vending and commissary locations each day in the face of increasing incidents of violent attacks. During the pandemic, additional operational requirements have included extra hand-washing, mask-wearing, and ensuring customers follow masking and social distancing precautions.

The daily work of a sidewalk food vendor is difficult enough, but a pattern of threatening enforcement practices continues to make everyday business operations nearly impossible. Despite recent progressive changes to the law, government agencies have maintained a culture of punitive enforcement and hostile treatment of low-income sidewalk food vendors. Until this culture is changed and practices reoriented around equity and inclusion, sidewalk food vendors will continue to be denied the right to build their business, work with dignity, and thrive in the manner they deserve.

The CRFC continues to classify violations, including unpermitted vending, as criminal misdemeanors.⁸⁹ This enables DPH inspectors to issue criminal citations to sidewalk food vendors who are working without a permit by no fault of their own. DPH actively encourages the public to report unpermitted sidewalk food vendors, devoting *two separate* webpages to informing the public about unpermitted street food, including how to spot unpermitted vendors.⁹⁰ The sites encourage the public to report unpermitted street food by calling the Public Health Mobile Food Vending Investigation and Compliance Program or by filing an online complaint. One of the two webpages, which is specific to the Mobile Food Vending Investigation and Compliance Program, encourages callers to identify the police division that covers the area where unpermitted food vending is alleged to be taking place.⁹¹

When DPH enforces health permitting requirements, vendors often face two consequences simultaneously: they receive a criminal citation *and* their carts or food products are confiscated.⁹² The consequences of DPH enforcement are not felt equally among all members of the vendor population. **Merlin**, who has had her hot dog cart confiscated on multiple occasions, reported that while she received no follow-up information about how to reclaim her property, another vendor who she identified as white was able to retrieve his confiscated vending cart on the same day that it was taken and resume vending immediately.

DPH Inspectors are commonly accompanied by LASD deputies when carrying out enforcement actions. This sends an intimidating message to vendors and the community because the law is enforced differently with vendors than with brick-and-mortar restaurant owners, who would never see a DPH Inspector accompanied by a Sheriff's deputy during an inspection.⁹³ There is in fact no need or requirement in state law to involve the Sheriff's Department. The CRFC defines a local "enforcement agency" as "the local health agency having jurisdiction over" a food facility (emphasis added).⁹⁴ State law further defines "enforcement officers" as "all local *health* officers, directors of environmental health, and their duly authorized registered environmental health specialists and environmental health specialist trainees."⁹⁵ Under these definitions, the Sheriff's Department is not tasked with inspecting sidewalk food vending operations for compliance with CRFC or DPH guidelines. DPH simply does not require the resources, training, tools, or tactics of an armed law enforcement officer such as a Sheriff's deputy to issue fines that may result from a failed food facility inspection.

Current enforcement practices by the City of L.A. add an additional layer of harm. Sidewalk food vendors continue to be subject to frequent displacement and citation due to unjust no-vending zones enforced by the city. The most egregious example is the no-vending zone along the Hollywood Walk of Fame in Council District 13. The rule prohibits all vending within 500 feet of Hollywood Boulevard. Yet, in that same location, restaurant sidewalk dining (which takes up even more space on the sidewalk) is encouraged through the city's "Al Fresco" program.⁹⁶ This blatantly discriminatory local regulation disproportionately harms low-in-

come and immigrant sidewalk food vendors, many of whom have been working in the area for decades.

The enforcement of this discriminatory rule is severe. StreetsLA arrives on Hollywood Boulevard daily to cite vendors.⁹⁷ Vendors have also reported that despite being told enforcement of new no-vending zones would not be immediate, StreetsLA arrived a day after new zone boundaries were announced. **Merlin** has also received conflicting information about the boundaries of Hollywood Boulevard's no-vending zone from different StreetsLA enforcement agents.⁹⁸ Monetary fines for unpermitted vending issued by StreetsLA are weighty punishments for vendors, and the confiscation of vendor property can functionally add hundreds of dollars more to the initial fine amount because the vendor is unable to earn income while they seek the return of their property.

Even licensed and permitted vendors suffer from the risks associated with aggressive enforcement. **Merlin**, who operates a licensed fruit cart in Hollywood, reported being on constant lookout for enforcement agents who regularly approach vendors during working hours on busy streets.⁹⁹ It is difficult to imagine a brick-and-mortar restaurant facing the same aggressive surveillance and enforcement tactics employed against sidewalk food vendors despite a lack of empirical evidence showing sidewalk food operations pose any greater risk to public health than restaurants do.¹⁰⁰ Public health inspectors do not arrive unannounced in restaurant kitchens during peak business hours, and restaurant operators have the right to deny or delay inspector access to kitchens and other non-public areas and instead schedule a "Compliance Visit."¹⁰¹

Aggressive enforcement of laws governing sidewalk food vending has not been shown to provide significant protection from foodborne illness. In fact, national studies of sidewalk food vending enforcement have found that sidewalk food vendors are more frequently cited for violations of zoning ordinances or failures to possess permits than they are for actual food safety infractions.¹⁰² According to scholars, the top-three rationales for local enforcement of sidewalk vending regulations are: (1) protection of property interests; (2) prevention of traffic congestion; and (3) maintenance of orderly sidewalks.¹⁰³ The impetus to protect prop-

erty interests has no public health link, and there is no evidence to suggest sidewalk vendors pose any threat whatsoever to private or public property.¹⁰⁴

It is the aggressive enforcement of sidewalk vending laws that poses an actual threat to public health and vendor safety. Onerous and expensive permitting requirements do not prevent unlicensed street vending; rather, in New York and Los Angeles, the increase in regulatory costs and requirements has produced a corresponding increase in the number of unlicensed vendors, expanding the preparation of food cooked in unregulated, uninspected facilities.¹⁰⁵ The engagement of armed criminal law enforcement officers in sidewalk vending enforcement operations similarly increases—rather than diminishes—the risks to public health and vendor safety. Because armed law enforcement officers are so intimidating, especially to vendors who are low-income (often undocumented) immigrants and people of color, those vendors have reported accidental burns resulting from distraction while watching out for police.¹⁰⁶

The county's approach to public health enforcement exploits and reinforces the public's tendency to perceive street food as dirty and sidewalk food vendors as bad actors who spread disease and personify poverty. It also encourages harassment of sidewalk food vendors by members of the public and the police. All three vendors interviewed for this report had experienced police harassment resulting from members of the public reporting their vending activities, even when they were vending food or merchandise *legally*. **Merlin** and **Rosa** were both targeted by StreetsLA and Sheriff's deputies after those agencies were contacted by brick-and-mortar business owners who did not want sidewalk vendors to operate near their restaurants or stores. **Merlin** also reported that customers often take advantage of sidewalk vendors by ordering food, receiving it, and beginning to eat it only to reveal they do not have cash to pay—thereby committing theft. All three vendors reported being verbally harassed by members of the public who opposed sidewalk vending.

Unfortunately, Merlin and Rosa's experiences with harassment are part of a growing trend.¹⁰⁷ Relegated to the informal economy, vendors have long been vulnerable to harassment and violent attacks. Experts suggest that the Covid-19 pandemic has

made vendors even more vulnerable, leading to a number of recent high-profile incidents of violence, including a tragic murder of a vendor in Fresno.¹⁰⁸ While many of these attacks have been documented,¹⁰⁹ it is likely that such incidents are underreported.¹¹⁰ Vendors' vulnerability to harassment and assault cannot be separated from their treatment under law. A history of criminal bans and the current web of impossible retail food restrictions serve to delegitimize sidewalk food vending businesses, which only emboldens people to do the same.

These stories reveal that the regulatory framework for sidewalk vending and the enforcement approach of governing agencies fan the flames of prejudice toward immigrants, people of color, and people earning low or subsistence wages. Los Angeles may be a "sanctuary city" shielding immigrants from federal immigration enforcement, but it remains a site of longstanding racial prejudice and persecution of the urban poor.¹¹¹ Reforming sidewalk vending laws in California and Los Angeles County is an important opportunity to protect the public health and take significant steps toward reducing poverty and prejudice.

PART III: POLICY RECOMMENDATIONS

As described in Parts I and II, it is currently impossible for most sidewalk food vendors to obtain a DPH permit due to barriers found in the CRFC or created by DPH guidelines that are not mandated by state law. This Part recommends specific policy changes at the state, county, and city levels to reduce or eliminate these barriers to legal sidewalk food vending.

The following recommendations are informed by interviews with vendors, discussions with sidewalk vendor allies and organizers, and legal and public health research. Some of these recommendations have multiple steps, requiring changes to the CRFC that would then enable DPH to enact those changes through an improved local regulatory framework. Other recommendations are immediately actionable by DPH and StreetsLA without any changes to state law. This report's recommendations are organized according to the five broad categories analyzed in Part II: (1) enhance overall program accessibility, (2) adjust permitting requirements and procedures to be more inclusive of vendor applicants; (3) modify equipment requirements to be compatible with sidewalk vending operations; (4) increase access to food preparation and equipment storage space; and (5) protect vendors from unjust enforcement.



Enhance overall program accessibility

To even begin the process of obtaining a DPH permit, vendors must have access to assistance and materials that explain how to obtain permits and formalize their businesses. And in order to bring sidewalk food vending into the formal economy, the state and DPH must reduce fees and costs associated with legal sidewalk food vending and make regulations and startup procedures clear by publishing easily understandable documents in multiple languages. The following policy changes will make the permitting process more accessible to vendors and reorient the procedures around the goals of inclusion and opportunity.

Immediate county actions

Popularize program requirements and curriculum. In order to demystify the requirements, DPH should expand existing materials and develop new materials and training curriculum summarizing application requirements *specific to sidewalk food vending*, using popular education and accessible language.

Translate program requirements and curriculum. DPH should translate and publish new sidewalk food vendor guidance, curriculum materials, and the Mobile Food Facility Plan Check Guidelines in at least the five most common languages in Los Angeles County (English, Spanish, Mandarin, Tagalog, Korean).¹¹²

Immediate state actions

Clarify sidewalk vending requirements. The state should publish new guidelines specific to sidewalk vending operations and clearly differentiate requirements that apply uniquely to unenclosed sidewalk vending carts from those that apply to brick-and-mortar restaurants and food trucks.

Translate the CRFC and new guidance in at least the five most-commonly-spoken languages in California.¹¹³ The state should translate new sidewalk vending guidance along with the full CRFC into the most commonly spoken languages.



Adjust permitting procedures to be more inclusive of sidewalk food vendor applicants

As discussed in Part II, the inaccessibility of the permitting process—its complexity, location, and cost—is a serious constraint. The following recommendations, if adopted by both DPH and the state, would create a permitting process that enables vendors to comply with important health and safety measures, rather than forcing vendors to operate outside of food regulations altogether.¹¹⁴

Immediate county actions

Reduce permit costs. DPH fees are disproportionately high,¹¹⁵ and create an undue burden for low-income micro-entrepreneurs working to start businesses. DPH should implement a fee structure that is actually tailored to the type of vending and the size of proposed equipment, with sliding scale reductions and full fee waivers for low-income vendors.

Pre-approve cart design blueprints and template Standard Operating Procedures (SOPs). DPH should work with manufacturers to pre-approve cart design blueprints for a variety of cart types that meet health code standards, along with corresponding template SOPs for common sidewalk vending food items. Vendors should then be allowed to purchase carts manufactured according to these pre-approved blueprints, allowing them to bypass the costly and time-consuming plan check process and proceed to permitting with confidence. Under this model, a manufacturer could provide a vendor with a certificate stating the vendor bought a pre-approved cart, and the vendor could submit the certificate with the health permit application instead of submitting customized blueprints as part of DPH's plan check. DPH could then issue a sticker for the cart indicating to DPH inspectors that it is part of a preapproved program. Pre-approving cart design blueprints will allow for the manufacturing of carts at a scale that could significantly reduce costs.

As part of a pilot program, Kounkuey Design Initiative (KDI) is currently working with vendors, DPH, and community-based organizations to create a model cart design blueprint. Once approved, it is anticipated that 300 carts will be manufactured and available for purchase, enabling vendors to acquire new carts at reduced costs with confidence that they will pass inspections. DPH should continue to pursue options to preapprove affordable cart design blueprints for a variety of types of sidewalk food vending.

Assist vendors in the plan check and inspection process. DPH should make translated design tools, computers, and applicable programs available to vendors to craft and edit cart designs. DPH should also offer scheduled office hours

with engineers and designers to support vendors in designing code-compliant food carts. Furthermore, DPH should be more flexible in its final approval of carts, allowing reasonable variance between the dimensions of the final cart and the initial plan. Any cart for which approval is denied should be returned with diagrammed corrections and explanations in plain language, and resubmission of any updated cart blueprints should be covered by the original application fee. DPH personnel should be trained to explain any needed corrections and provide advice on bringing plans and carts into compliance.

Meet vendors where they are. DPH should significantly increase physical access to the various permitting and inspection procedures. Instead of requiring vendors to transport equipment to the Baldwin Park DPH office, on-site consultations will allow for a safer check and better address vendors' accessibility issues. Where on-site meetings are not possible, DPH should expand the number of offices where they perform final plan checks to include multiple locations across Los Angeles County and invest in a mobile unit that could travel to different neighborhoods each week. Meeting vendors where they work will promote a collaborative environment that supports vendors in the approval process and enhances public health priorities.

Streamline the permitting process with "one-stop" centers. DPH currently requires that vendor applicants provide proof of multiple other licenses before a health permit will be granted. These processes are already daunting, and the need to navigate multiple offices and jurisdictions across the entire region makes it much more difficult. Instead of leaving vendor applicants to navigate these complicated and overlapping processes on their own, DPH should partner with community-based organizations and other county agencies to provide resources and technical assistance to help vendors obtain permit prerequisites, such as an ITIN, Seller's Permit, and a Food Handler's Certification (including any required training). DPH should establish "one-stop" permit centers in neighborhoods across the county where all the necessary permit application steps can be completed with the support of technical assistance and coaching in a single location. The East L.A. Entrepreneur

Center, which currently offers most of these services in a single location, is a great model that could be replicated in more neighborhoods throughout the county.

Necessary changes to state law

Amend the CRFC to lessen the plan check burden. The CRFC should be amended to establish a clear process to inspect and approve manufactured carts without a plan check, and the plan check requirement should be removed for equipment used for the sale of prepackaged food, whole fruits, and whole vegetables. Certain permanent food facility operations selling pre-packaged nonhazardous foods are already exempt from plan check requirements,¹¹⁶ so this standard could easily and safely be extended to mobile food facilities.

Amend the CRFC to give more discretion for local review. The CRFC currently requires equipment to meet certain national certification standards, limiting the options for manufacturers and vendors to design safe carts. The CRFC should instead empower local health agencies to approve cart blueprints and plans based on a finding of public health, enabling innovative designs that achieve the dual goals of food safety and affordability.



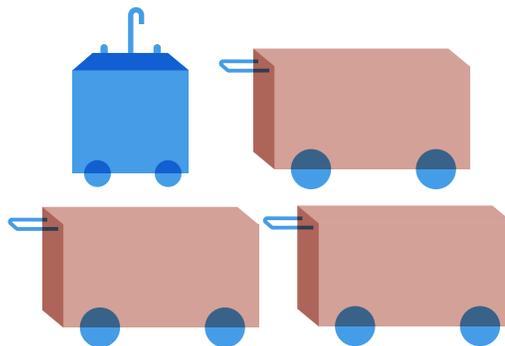
Modify equipment requirements to be compatible with sidewalk vending operations

The CRFC and DPH equipment requirements are generally designed for food trucks and other large mobile food facilities, and are thus not appropriately tailored to small-scale sidewalk carts. As a result, the DPH equipment requirements for sidewalk food vending operations are considerably more restrictive than those of corresponding agencies in other jurisdictions.¹¹⁷ The incongruence between current equipment requirements and sidewalk food vending operations is deeply frustrating for vendors who want to comply with reasonable food safety protocols. As a general rule, sidewalk vendors take pride in their food and take all precautions to ensure their food is clean and safe—the survival and success of their businesses depend on it.¹¹⁸

While sidewalk food vendors want to comply with equipment regulations that will protect the health of the public and of vendors,¹¹⁹ they cannot meet requirements designed for a completely different retail food situation from their own.¹²⁰ Just as bicycle manufacturers need not heed the same safety regulations as motorcycle manufacturers, sidewalk food vendors should not be held to the same hefty regulations designed for food trucks and brick-and-mortar businesses. The following recommendations address the unique spatial and weight constraints affecting small-scale sidewalk vending operations without sacrificing public health and food safety.

Immediate county actions

Approve the use of auxiliary sinks to service multiple vending carts operating in proximity. Although the CRFC requires a three-compartment warewashing sink and a handwashing sink for many sidewalk food vending operations, DPH has important discretion in how this requirement is implemented. As noted in Part II, the CRFC provides that “[h]andwashing sinks and warewashing sinks for unenclosed mobile food facilities shall be an integral part of the primary unit or on an approved auxiliary conveyance that is used in conjunction with the mobile food facility.”¹²¹ Using this auxiliary conveyance allowance, DPH should work with vendors and stakeholders to develop protocols for a “hub-and-spoke” system that allows several vendors to operate in close proximity to an auxiliary sink unit (strategically placed on a city- or county-owned parking lot in an area with a high concentration of vending) without requiring sinks to be integrated in the primary unit. This would allow smaller, more affordable cart designs without running afoul of CRFC standards for sink access.



Reduce on-site food storage requirements.

The CRFC imposes no specific cubic footage requirement for storage on mobile food facilities. However, DPH currently lists a minimum cubic footage requirement in its Mobile Facility Checklist for both refrigerated space and dry storage space, each of which far exceed what is reasonably necessary for a small sidewalk vending cart. DPH should decrease the current dry and refrigerated storage requirements to safe and appropriate levels, significantly reducing cart size, weight, and cost.

Clarify fire suppression system requirements.

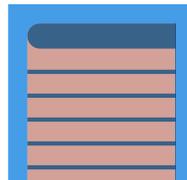
DPH Guidelines currently require that unenclosed mobile food facilities provide a full fire suppression system installed over all cooking equipment, *in addition to* a separate requirement for a mechanical exhaust ventilation system.¹²² To the extent that the fire suppression requirements are part of the mechanical exhaust ventilation requirements, the separate requirement in the DPH Guidelines is confusing and should be removed. Beyond the mechanical exhaust requirements dictated by state law, DPH should not require any additional overhead fire suppression equipment. Consistent with the CRFC, a properly charged and maintained minimum 10 BC-rated fire extinguisher is sufficient.¹²³

Necessary changes to state law

Amend the CRFC to enhance safe on-site food preparation. The CRFC prohibition on slicing produce and reheating and hot-holding on-site creates a de facto ban on two of the most iconic Southern California vending operations—the fruit cart and the taco stand. There appears to be no basis for this restriction. The CRFC already provides a limited list of foods that may be hot-held on-site, such as corn, hot dogs, and tamales.¹²⁴ Many other foods that are commonly sold by sidewalk vendors involve very similar preparation, but are not included in this list. Instead of providing an arbitrary list of individual foods that may be hot-held, the CRFC should establish and regulate a safe process for slicing of fruits and vegetables and safe reheating and hot-holding of common sidewalk vending food items.

Amend the CRFC to remove excessive sink and water storage requirements. As detailed in Part

II, the CRFC requirements for sink space and water storage add hundreds of pounds and significant size to a sidewalk food vending cart, rendering a theoretically compliant sidewalk vending cart impossible to push, especially for vendors with physical constraints. There is no basis in public health research for these arduous requirements, and the requirements imposed by other jurisdictions seem to confirm that those in the CRFC are excessive.¹²⁵ The CRFC storage and water requirements should be reduced to align with the smaller footprint of a sidewalk food vending cart. There are multiple options to reduce these requirements and enable greater participation by sidewalk food vendors without sacrificing food safety.¹²⁶ For instance, the CRFC could be amended to permit sidewalk food vendors to set aside dirty dishes throughout the day and then wash them at a base kitchen or storage space after the day is over. The CRFC could also permit vendors to have multiple sets of utensils and swap them throughout the day to comply with use regulations. **Merlin, Rosa, and Pedro** each successfully use this method, and it is not difficult for them since they all spoke about how few dishes they actually use on site while vending. Alternatively, the CRFC could permit vendors to use disposable utensils that they then discard throughout the day after use.



Increase access to food preparation and equipment storage space

Sidewalk vending businesses must operate in conjunction with a commissary, with adequate kitchen facilities to conduct food preparation in optimal conditions.¹²⁷ Unfortunately, there are very few approved commissaries with adequate kitchen space currently available to sidewalk food vendors in Los Angeles County. Without an increase in commissary access, vendors will either be unable to obtain a permit or forced to transport their equipment across great distances each day. The following recommendations balance the need to increase safe and accessible space for food preparation, equipment cleaning, and storage, with the need to ensure food safety and consumer health.

Immediate county actions

Approve the use of underutilized community kitchen spaces to meet commissary requirements. DPH should approve the use of underutilized kitchens in restaurants, food businesses, schools, community centers, and places of worship as facilities for food preparation, equipment cleaning, and storage. Many of these underutilized community kitchen spaces likely fit the CRFC definition of “commissary,”¹²⁸ allowing DPH to inspect and approve these facilities as commissaries. The CRFC also gives DPH the authority to approve the use of any “*other facility approved by the agency*” to meet food preparation and equipment cleaning and storage requirements.¹²⁹ Thus, DPH clearly has the authority to establish standards and protocols to inspect and approve a variety of existing underutilized community kitchen spaces for sidewalk vendors to meet state law requirements.

Modify land use regulations to incentivize and streamline the creation of new commissary spaces for vendors. In partnership with the Department of Regional Planning, and in coordination with other jurisdictions, the county should evaluate zoning codes for any barriers to the creation of new commissaries in industrial, commercial, and mixed-use zones. The county should adjust standards as necessary to permit supplemental use of existing underutilized kitchen spaces in schools, restaurants, and houses of worship by sidewalk vendors.

Adopt the Microenterprise Home Kitchen Operations program. The CRFC enables counties to opt-in to the MEHKO program—a formal framework for approving retail food facilities operated out of a home kitchen or other nontraditional space. Los Angeles County has not yet opted into the program, and quickly doing so can help address the need for commissary spaces that are oriented around and accessible to sidewalk food vendors as the county works to expand its regulatory approval framework to permit additional kitchen spaces as commissaries. The county should adopt the program now so that they can begin to integrate the MEHKO permitting and inspection processes while awaiting changes at the state level that would make MEHKO facilities a viable option for vendors.

Necessary changes to state law

Expand equipment storage standards. The CRFC should encourage and expand the use of home kitchens and underutilized community kitchens as approved food preparation and equipment storage spaces. The CRFC should explicitly allow for cart storage at safe and clean locations that are already approved for retail food use. At minimum, the CRFC should allow basic carts, such as ones used to sell whole fruits and vegetables or pre-packaged nonhazardous foods which do not require sinks or complex equipment, to be stored at home.

Expand access to safe food preparation. The CRFC’s MEHKO program should be adjusted to remove the meals per week cap (currently limited to 60 meals per week), increase the sales limit (currently capped at \$50,000 in gross annual sales), and explicitly allow for operators to make meals on site and take them elsewhere to sell. The CRFC Cottage Food standards should also be adjusted to increase the sales limit (currently capped at \$50,000 in gross annual sales), expand the list of foods allowed to include common, shelf-stable food served by sidewalk vendors, and explicitly allow for operators to make food items on site and take them elsewhere to sell.



Protect vendors from unjust enforcement and hostility

State and local sidewalk food vending programs should be rooted in assistance and support, rather than in intimidation and punishment. This starts with changing the policy and *culture* of enforcement. A safe sidewalk food vending economy requires a reorientation away from ineffective and unjust criminalization and towards a model of equity and economic inclusion. The following recommendations will ensure vendors are treated with the dignity and respect they deserve both during and after the permitting process.

Immediate county actions

End the practice of including the Sheriff’s Department in DPH enforcement activities. As described in Part II, LASD deputies are not appro-

appropriate enforcement officers under the CRFC and their imposing presence during DPH enforcement activities makes vendors and members of the community less safe. DPH conducts inspections of brick-and-mortar businesses without utilizing the LASD as an armed guard squad; it should conduct itself similarly when interacting with sidewalk vendors.

Discontinue the seizure of vending carts and equipment. There is no need for DPH to confiscate vendor property on top of issuing a fine.

Assist vendors integrating into the broader small business economy. DPH should affirmatively reach out to brick-and-mortar businesses to educate their owners about laws regarding sidewalk food vending, which would facilitate improved community relations and mutually beneficial partnerships with sidewalk food vendors. This is especially important as more businesses expand their outdoor food facilities during the COVID-19 pandemic and the city and county work together to approve these changes. DPH should implement a program that incentivizes food businesses to support sidewalk vendors, such as distributing stickers of vending carts that brick-and-mortar businesses can put on their windows. Customers who see these stickers would understand that they indicate a business's support of sidewalk food vendors and can signal to vendors that the business will support them if they need a restroom or help with a customer.

Immediate L.A. City actions

Maintain a moratorium on issuing citations for unpermitted vending until permit barriers are removed. It is fundamentally unjust to cite a vendor for failing to obtain a permit that is impossible to obtain. Until these barriers are effectively removed and sidewalk food vendors are given a viable path to acquiring code-compliant equipment and DPH permits, the city should continue to prohibit the issuance of citations for vending without a permit.¹³⁰

Do not include the Los Angeles Police Department (LAPD) in enforcement actions. StreetsLA is tasked with ensuring vendors operate with proper city permits. City permit enforcement does not require or merit LAPD support. Instead,

StreetsLA should train its agents to work with vendors to ensure their safety and the safety of the public. Checking for permits and ensuring proper sidewalk operations (e.g., using an appropriate amount of sidewalk space) are not tasks that StreetsLA needs to carry out in an adversarial manner. Enforcement agents are more likely to promote legal vending practices and reduce violations overall by building relationships with vendors that prioritize culturally fluent education and collaboration over punitive enforcement.

Replace “no-vending zones” with special vending districts. The city is currently enforcing blatantly discriminatory “no-vending zone(s).”¹³¹ For example, in City Council District 13, sidewalk vendors are currently prohibited from working within 500 feet of the Hollywood Walk of Fame. Meanwhile, in the exact same location, restaurant sidewalk dining—which takes up more space on the sidewalk—is encouraged.¹³² This disparate treatment is unjust and disproportionately harms low-income and immigrant vendors. Instead of imposing a blanket ban on vending in certain areas, the city should implement special vending districts in areas with unique safety and accessibility concerns, giving vendors an opportunity to self-organize and work with area residents and businesses to develop specialized regulations that ensure both safety and economic inclusion.

Enhance small business support. The city should investigate opportunities to better support sidewalk food vendors with ongoing business operations, training and resources relating to banking, building credit, implementing cashless and other alternative payment methods, and other fundamental business skills.

Necessary changes to state law

Decriminalize. Most sidewalk vendors are just now entering the formal economy after decades of exclusion. For effective onboarding, the CRFC should be amended to replace criminal misdemeanor penalties with non-criminal, education-based compliance strategies for unpermitted sidewalk food vending. This would be consistent with other state legal frameworks for sidewalk vending.¹³³

CONCLUSION

For most sidewalk food vendors in Los Angeles County, the promise of legal vending remains elusive. Antiquated state food laws, county guidelines not drafted with vendors in mind, and unjust enforcement practices combine to deny thousands of entrepreneurs the ability to obtain a permit to legally vend food. Many of the barriers described in this report are technical in nature—seemingly innocuous regulations concerning fee schedules, equipment dimensions, and food preparation standards. Far from neutral public health standards, these restrictions are the building blocks of an exclusionary system that separates micro food businesses from economic opportunity and imposes unjust criminalization on low-income people of color. SB 946 began to dismantle long-standing systems of exclusion affecting sidewalk vendors, but as this report demonstrates, the promise of SB 946 cannot be achieved without additional changes to the California Retail Food Code and the local DPH guidelines that implement it. By spotlighting the many interconnected barriers in state and local food regulations, highlighting the impacts of these barriers on struggling sidewalk vendors, and providing targeted policy recommendations, this report presents a roadmap for action. Changes to local restrictions that have no basis in state law can occur immediately, and sensible amendments to the CRFC can be introduced and adopted in the next legislative session. This report presents a blueprint to finish the work of legalizing sidewalk food vending.

Endnotes

1 Although commonly referred to as “street vendors,” this report uses the term “sidewalk food vendors” to distinguish those entrepreneurs operating smaller scale food carts on the sidewalks and in parks from large scale trailers and trucks that operate on the street. For purposes of this report, the term “sidewalk food vendors” refers to vendors selling food from an unenclosed mobile food facility in the public right of way, but off of the street – on a sidewalk, alley, or in a park.

2 After initially shutting down restaurants operating without a grocery permit, the county quickly promulgated new guidelines allowing restaurants to temporarily sell groceries without permits, provided they followed new guidelines, which amounted to a bullet-point list. Mona Holmes, *Here’s What Restaurants Can, and Can’t do, to Sell Groceries in Los Angeles*, Eater L.A., (April 2, 2020). <https://la.eater.com/2020/4/2/21203572/los-angeles-county-restaurants-sell-groceries-takeout-health-department-coronavirus>. The author of the initiative, Supervisor Janice Hahn, stated: “Instead of just shutting them down, I wanted to find a way that we could find a compromise that would work for everybody while we keep people safe.” *Coronavirus: LA County moves to support restaurants converting into neighborhood grocery stores*, ABC Eyewitness New (April 1, 2020)., <https://abc7.com/la-county-covid-coronavirus-health/6068403/>. Vendors asked for nothing more. Instead, county officials stepped up sidewalk vending enforcement during the pandemic. See, Sahra Sulaiman, “As Public Health Prepares for Vending Crackdown, Street Vendors Call for the Cancellation of Rents.” Streetsblog LA (May 1, 2020), <https://la.streetsblog.org/2020/05/01/as-public-health-prepares-for-vend->

[ing-crackdown-street-vendors-call-for-the-cancellation-of-rents/](#).

3 See, e.g., Senate Bill 314 and Assembly Bill 61.

4 SHARON M. TSO, CITY OF LOS ANGELES SIDEWALK VENDING STATUS REPORT 2 (2014), http://clkrep.lacity.org/onlinedocs/2013/13-1493_rpt_cla_11-26-14.pdf.

5 See LURN, Public Counsel, ELACC, and Los Angeles Food Policy Council, *Recommendations on Sidewalk Vending Regulations in Los Angeles County*, 6-7 (May 1, 2019).

6 The East LA Community Organization (ELACC) surveyed more than 275 sidewalk vendors participating in the organization’s asset and wealth building, and financial coaching programs. Participating vendors had an average income of \$15,875. See, October 22, 2019 letter from LA Street Vendor Campaign to Los Angeles City Council, http://clkrep.lacity.org/onlinedocs/2013/13-1493-S5_PC_AB_10-22-2019.pdf.

7 See generally Inclusive Action for the City. *Preliminary Analysis of the Street Vendor Emergency Fund Data*. (June 29, 2021) <https://www.inclusiveaction.org/blog/our-recovery-must-center-street-vendors>

8 *Id.*

9 *Id.*

10 See generally, Farley Elliott, *Los Angeles Street Food: A History from Tamaleros to Taco Trucks* (2015); Jonathan Gold, *Jonathan Gold Reviews Antojitos Carmen*, L.A. Weekly (Jul. 14, 2011) <https://www.laweekly.com/jonathan-gold-reviews-antojitos-carmen/>; Farley Elliott, *TikTok is Fueling This Immense Night Market in Lincoln Heights*, Eater L.A., (Apr. 16, 2021) <https://la.eater.com/2021/4/16/22380248/lincoln-heights-avenue-26-market-street-vendors-tiktok-los-angeles-news;>

Garrett Snyder, *A Guide to the Best Street Food Vendors in Los Angeles*, L.A. Magazine, (Jul. 15, 2019) <https://www.lamag.com/digestblog/best-street-food-los-angeles/>; Bill Esparza, *An Open Letter to the City of L.A. on Street Food*, L.A. Magazine, (Jun. 30, 2015) <https://www.lamag.com/digestblog/an-open-letter-to-the-city-on-street-food-from-l-a-s-biggest-fan-of-it/>; Alissa Walker, *The Best Way to Honor Jonathan Gold is to Make Street Vending Legal Everywhere in L.A.*, Curbed L.A., (Aug. 24, 2018) <https://la.curbed.com/2018/8/6/17624050/jonathan-gold-street-vending-legal/>; Lucas Peterson, *Packed Town Hall Meeting in Boyle Heights Addresses Street Food Legalization*, Eater L.A., (Feb. 20, 2015) <https://la.eater.com/2015/2/20/8078797/town-hall-meeting-in-boyle-heights-legalization-street-vending/>; Farley Elliott, *The History and Politics of Street Food in Los Angeles*, Eater L.A. (Jul. 22, 2015) <https://la.eater.com/2015/2/20/8078797/town-hall-meeting-in-boyle-heights-legalization-street-vending>.

11 Yvonne Y. Liu et al., *Sidewalk Stimulus: Economic and Geographic Impact of Los Angeles Street Vendors*, ECONOMIC ROUNDTABLE 1, 4–5 (2015), <https://economicrt.org/wp-content/uploads/2015/12/LA-Street-Vendor-Report-final-12-16-2015.pdf>.

12 *Id.* at 6.

13 Renia Ehrenfeucht, *Designing Fair and Effective Street Vending Policy: It’s Time for a New Approach*, 18 CITYSCAPE: J. POL’Y DEV. & RSCH 11, 17 (2016), <https://www.huduser.gov/portal/periodicals/cityscape/vol18num1/ch1.pdf>.

14 Hannah Kapell et al., *Food Cartology: Rethinking Urban Spaces as People Places*, URB. VITALITY GRP. 1, 27 (2008), <https://www.portland.gov/sites/default/files/2020-03/portlands-food-cart-study.pdf>.

15 Liu et al., *supra* note 11, at 13.

16 *Id.* at 12.

17 Leadership for Urban Renewal Network (LURN), “Where is Sidewalk Vending Criminalized in California?” http://lurnetwork.org/wp-content/uploads/2018/03/SB946_Info_Final.pdf.

18 See SB 946 Senate Third Reading Analysis (Aug 17, 2018) https://leginfo.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201720180SB946#.

19 See Exec. Order No. 13768, 82 Fed. Reg. 8799 (Jan. 30, 2017).

20 See Brittany Mejia, *Street Vendors Scrape Together a Living, Always Watching for Police*, L.A. TIMES (Dec. 21, 2014), <http://www.latimes.com/local/crime/la-me-street-vendors-20141222-story.html>.

21 See Liset Marquez, *Street Vendor Facing Deportation After Rancho Cucamonga Arrest*, DAILY BULLETIN (Oct. 23, 2017), <https://www.dailybulletin.com/2017/10/23/street-vendor-facing-deportation-after-rancho-cucamonga-arrest/>; see also Gordon Tokumatsu, *New Front in the Immigration Fight: Ice Cream Carts*, NBC4 (Feb. 17, 2011), <https://www.nbclosangeles.com/news/local/New-Front-in-the-Immigration-Fight-Ice-Cream-Carts-116436884.html>; see also Jorge Luis Macias, *Immigration Activists Call For End Of Secure Communities Program*, HUFFINGTON POST (Aug. 20, 2011), https://www.huffingtonpost.com/2011/08/18/immigration-activists-secure-communities-program_n_930637.html.

22 CAL. HEALTH & SAFETY CODE §§ 114294(b); 113713.

23 See, generally, Los Angeles County Department of Public Health, “Food Trucks and Carts in Los Angeles County,” <http://www.publihealth.lacounty.gov/eh/business/food-trucks-carts.htm#info>.

24 CAL. HEALTH & SAFETY CODE § 113831(a).

25 Interview with Lyric Kelkar, Laura Gonzalez, and Fernando Abarca (Apr. 23, 2021) (on file with authors).

26 On July 2, 2021, Los Angeles City Council issued a directive to the Bureau of Street Services “to continue to only issue penalty-free notices of violation for sidewalk vending without a license or permit until January 1, 2022.” As of the date of publication, it is unclear how this directive will be implemented and whether sidewalk food vendors will be protected against citations for not having a DPH permit. See, Los Angeles City Council File 20-0147-S27, available at <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=20-0147-S27>.

27 See, e.g., City of Los Angeles, Bureau of Street Services, Investigation & Enforcement Gallery, available at, <https://streetsla.lacity.org/image-gallery-ied>

28 See, Janette Villafana, *Over 100 Latino Street Vendors Left in Uncertainty After NELA Councilmember Cedillo Shuts Down Avenue 26 Night Market Without Notice*, L.A. TACO (August 6, 2021), at <https://www.lataco.com/ave-26-street-vendor-nela-cedillo/>; Gabe Fuente, *Fenced Out: Echo Park Reopened, But Its Food Vendors Remain Fenced Out*, THE LAND (June 15, 2021), at <https://thelandmag.com/echo-park-lake-los-angeles-reopening-street-vendors/>.

29 Because this report is focused is on the County DPH permit process, interview questions were focused on familiarity with the process and current ability of vendors to comply with the requirements of the DPH Mobile Food Facility Plan Check Guidelines. Community Power Collective (CPC)—a local organizing coalition and steering committee member of the Los Angeles Street Vendor Campaign (LASVC)—assisted with the coordination of these interviews. CPC recommended Merlin,

Pedro and Rosa for interviews because they each have distinct experiences attempting to navigate the DPH permitting process. Each interview was conducted for two hours via Zoom using Spanish-English translation provided by CPC, as all three vendors speak Spanish as their primary language. With permission, each interview was recorded, and the transcripts were translated by student workers from the UCLA School of Law Clinical Program. Before each interview began, the vendors were informed that their stories would be shared in a report to provide illustrations of the current vending landscape in Los Angeles County. Each vendor was also provided the opportunity to review and confirm the accuracy of the summaries of their interviews included in this report.

30 This would also be in violation of SB 946. See CAL. GOV'T CODE § 51039(c).

31 CAL. HEALTH & SAFETY CODE §§ 113705, 113713(a), 114294(b).

32 Interviews with sidewalk food vendors Merlin, Pedro, and Rosa (on file with authors).

33 IAC survey, *supra* note 7.

34 In contrast, the Bureau of Street Services (StreetsLA), which issues the final vending permits needed to formalize LA street vending businesses, has published basic educational materials in thirteen languages for vendors seeking to obtain a permit. The guide details how sidewalk vendors can apply for necessary City permits. The StreetsLA guide has a flowchart with the steps outlined for sidewalk vendors to get permits, but it is a simplified version that omits the complex and numerous steps required to obtain a DPH permit. See *Vending Program Brochures*, BUREAU ST. SERVS., <https://streetsla.lacity.org/vending-program-brochures> (last visited June 16, 2021).

35 DPH has published a Mobile Food Facility Permit Fact Sheet that

summarizes requirements for selling food “in a cart, truck or trailer,” but does not isolate requirements and standards that are unique to carts placed on the sidewalk, as opposed to much larger trucks and trailers operating on the street. See *Mobile Food Facility Permits*, L.A. CNTY. DEP’T PUB. HEALTH, http://www.publichealth.lacounty.gov/eh/docs/sse_mff_PermitHandout.pdf (last visited July 7, 2021).

36 See *Vending Program Brochures*, *supra* note 34.

37 When it comes to the price of permits for mobile food facilities, DPH divides the facilities into two categories based on the type of product served—prepackaged food and non-prepackaged food. However, this simplistic binary obscures the complex nuances vendors must parse through depending on exactly what food or beverages they intend to sell and how they intend to prepare those products for sale.

38 Estimate provided by Community Power Collective, based on price comparisons and conversations with cart manufacturers and commissaries.

39 CAL. HEALTH & SAFETY CODE § 114381(a).

40 *Id.* at § 114380(a).

41 See *County of Los Angeles Environmental Health Mobile Food Facility Plan Check Guidelines*, L.A. CNTY. DEP’T PUB. HEALTH, http://publichealth.lacounty.gov/eh/docs/Plan_Check/MFFPlanCheckGuide.pdf (last visited July 7, 2021).

42 Estimate provided by the LA Street Vendor Campaign, based on price comparisons and conversations with cart manufacturers. See, LA Street Vendor Campaign, *Letter to Los Angeles City Council re: Sidewalk Vending Program Implementation*, February 26, 2020.

43 CAL. HEALTH & SAFETY CODE § 114380(a); see also interview with Merlin, 03/05/2021.

44 CAL. HEALTH & SAFETY CODE § 114303(d).

45 CAL. HEALTH & SAFETY CODE § 114381(b).

46 *Id.* at § 113947.1(a). If the vendor employs additional workers that will handle food, each individual worker must also obtain a food handler’s certificate, which also requires the individual to pass an examination about safe food handling practices. See CAL. HEALTH & SAFETY CODE § 113948(a)(1).

47 CAL. HEALTH & SAFETY CODE § 113947.1(h).

48 *Mobile Food Facility Permits*, L.A. Cnty. Dep’t Pub. Health, http://www.publichealth.lacounty.gov/eh/docs/sse_mff_PermitHandout.pdf (last visited July 7, 2021).

49 *Id.*

50 See *City of Los Angeles Sidewalk & Park Vendor Permit Program*, BUREAU OF STREET SERVICES, <https://streetsla.lacity.org/sites/default/files/Print-English.pdf> (last visited June 16, 2021).

51 Interview with Merlin, 03/15/2021.

52 See CAL. HEALTH & SAFETY CODE § 114217(b).

53 See *id.* at § 113791 (defining “food preparation” as “packaging, processing, assembling, portioning, or any operation that changes the form, flavor, or consistency of food, but does not include trimming of produce”).

54 See *id.* at §§ 114217, 114313(a), 114325 (establishing requirements for water tanks, sinks, and water heating).

55 *Compare Splash HS-GF-SS-9-9-5 Wall Mount Commercial Hand Sink*, KATOM REST. SUPPLY, INC., https://www.katom.com/079-BKHSWSSSSPG.html?gclid=CjwKCAjw07qDBhBxEi-wA6pPbHpUWjgnvezWH_WqCWu1k-dg2njyoWXR72TMaKl74Ns1qwOWD-heb1rlxoCx2IQAvD_Bw (last visited June 16, 2021), with BPFE Series 3 Compartment 18/304 Stainless Steel Sink, REST. SUPPLY.COM, <https://www.restaurantsupply.com/>

[empura-bps-1854-3-18l-fe-74-1-2-wide-bpfe-series-3-compartment-18-304-stainless-steel-sink-with-18-x-18-x-12-deep-bowls-and-one-18-left-side-drainboard](https://www.restaurantsupply.com/empura-bps-1854-3-18l-fe-74-1-2-wide-bpfe-series-3-compartment-18-304-stainless-steel-sink-with-18-x-18-x-12-deep-bowls-and-one-18-left-side-drainboard) (last visited June 16, 2021). Spatial dimensions and weight are each dramatically increased in a setup requiring multiple sink compartments.

56 See CAL. HEALTH & SAFETY CODE § 114217. A gallon of water weighs approximately 8.34 pounds, meaning the minimum 20 gallons of water that a cart must carry translates to approximately 166.8 pounds in water weight alone.

57 CAL. HEALTH & SAFETY CODE § 114313(b).

58 See *generally* Rules of the City of New York: Food Units. 34 (providing for many vendors to operate without an integral sink unit depending on the types of food sold, and permitting vendors who prepare potentially hazardous food to operate with a single sink for food and warewashing if food is washed in a food-grade colander). Available at: <https://www1.nyc.gov/assets/doh/downloads/pdf/rii/rules-regs-mfv.pdf>. See, also, City of New York, “Mobile Vending Permit Inspection Requirements,” https://www1.nyc.gov/assets/doh/downloads/pdf/permit/mfv_cart_truck_inspection.pdf.

59 Oregon Food Sanitation Rule 4-301.12(G). See also, Lenore Lauri Newman and Katherine Burnett, *Street Food and Vibrant Urban Spaces: Lessons from Portland, Oregon*, 18 *Loc. Env’t* 233, 235 (2013).

60 CAL. HEALTH & SAFETY CODE § 113899.

61 *Id.* at § 114067 (f)-(g).

62 *Id.* at §§ 114149.1(a), 114199 (establishing exhaust ventilation and ice bin requirements).

63 *Id.* at § 113984(b)-(c).

64 *Id.* at § 113818(b)(1).

65 Analysis provided by Kounkuey Design Initiative, July 12, 2021.

66 CAL. HEALTH & SAFETY CODE § 113818(b)(5)-(6).

67 See *id.* at § 113818(b)(6).

68 See Kaniyaa Francis & Catherine Brinkley, *Street Food Vending as a Public Health Intervention*, 18 CAL. J. HEALTH PROMOTION 1, 4 (June 2020).

69 Interview with Lyric Kelkar, Laura Gonzalez, and Fernando Abarca (Apr. 23, 2021) (on file with authors).

70 CAL. HEALTH & SAFETY CODE § 114314(a). (Emphasis added.)

71 *Plan Check Guidelines for Mobile Food Facilities and Mobile Support Unit*, L.A. CNTY. DEP'T PUB. HEALTH, http://www.publichealth.lacounty.gov/eh/docs/vip/plan_check_guidelines_1.pdf (last visited July 5, 2021).

72 See CAL. HEALTH & SAFETY CODE § 114323(e).

73 Certain fire safety standards may be imposed by the Department of Housing and Community Development (HCD) on a mobile food facility that also meets the definition of a “Commercial Modular,” or “Special Purpose Commercial Modular,” but since these definitions apply to units “designed and equipped for human occupancy,” they would not apply to an unenclosed sidewalk vending cart. See, CAL. HEALTH & SAFETY CODE §§ 18001.8, 18012.5.

74 *Plan Check Guidelines for Mobile Food Facilities and Mobile Support Unit*, L.A. CNTY. DEP'T PUB. HEALTH 5, http://www.publichealth.lacounty.gov/eh/docs/vip/plan_check_guidelines_1.pdf (last visited July 5, 2021).

75 CAL. HEALTH & SAFETY CODE § 113751.

76 See, Janette Villafana and Jack Ross, *Fines and Confiscation: Explaining L.A.'s Arbitrary Street Food Cart Law the County Uses to Criminalize Street Vendors*, L.A. Taco (March 15, 2021), <https://www.lataco.com/carts-street-food/>.

77 CAL. HEALTH & SAFETY CODE §§ 114295, 114297.

78 Interview with Lyric Kelkar, Laura Gonzalez, and Fernando Abarca (Apr. 23, 2021) (on file with authors).

79 See CAL. HEALTH & SAFETY CODE § 114297.

80 *Supra*, note 38.

81 Interview with Pedro (Mar. 17, 2021) (on file with authors).

82 CAL. HEALTH & SAFETY CODE §§ 114365 *et seq.*

83 *Id.* at §§ 114367 *et seq.*

84 *Id.* at §§ 113825(a)(4)-(6) (MEHKO limitations), 114365.5 (cottage food limitations).

85 *Id.* at §§ 113758(a), 113825(a)(8).

86 *Id.* at §§ 114365(a)(1)-(2), 114367.2(a).

87 *Id.* at § 113825.

88 *Id.* at §§ 114295, 114297.

89 *Id.* at § 114395.

90 *Compare Unpermitted Street Food in Los Angeles*, L.A. CNTY. DEP'T PUB. HEALTH, <http://www.publichealth.lacounty.gov/eh/business/unpermitted-street-food.htm> (last visited June 16, 2021) (showing images of unpermitted street food vending and directing readers to file a report), *with Mobile Food Vending Investigation and Compliance Program*, L.A. CNTY. DEP'T PUB. HEALTH, <http://publichealth.lacounty.gov/eh/sse/MFVIC/index.htm> (last visited June 16, 2021) (listing potential violations, instructing on how to identify and report unpermitted carts, displaying images of unpermitted street food vending, and providing contact information).

91 See *Mobile Food Vending Investigation and Compliance Program*, L.A. CNTY. DEP'T PUB. HEALTH, <http://publichealth.lacounty.gov/eh/sse/MFVIC/index.htm> (last visited June 16, 2021).

92 When restaurants pause

operations to address problems cited by DPH, restaurant owners do not face a government take-over of their property or business for violating health infractions See *Tinhorn Flats: Myths and Facts*, CITY OF BURBANK PUB. INFO. OFF. (Apr. 22, 2021), <https://www.burbankca.gov/documents/20124/82332/Tin+Horn+Flats+Myths+and+Facts+Clean+4.22.21+Final.pdf/d685c2d8-c567-f6a7-fc45-496dc51e9547?t=1619451179048>. Even after recent COVID-19 protocols went into place, several businesses openly defied the health regulations. The City of Burbank and LA County DPH went through a lengthy multi-step process over several months to delay the infractions and subsequently published this document to justify their decisions.

93 Interview with IAC: Laura, Lyric, and Fernando, Interviews with Merlin, Rosa, and Pedro.

94 CAL. HEALTH & SAFETY CODE § 113773 (defining “enforcement agency” and “enforcement officer,” respectively).

95 *Id.* at § 113774.

96 *Compare* Los Angeles Municipal Code § 42.13.C.2(b) with Los Angeles Bureau of Engineering Sidewalk Dining Program Rules and Guidelines, Rule 11, <https://engpermitmanual.lacity.org/other-boe-permitsprocesses/technical-procedures/00-la-al-fresco-sidewalk-dining-program-rules-and>.

97 Interview with Merlin (Mar. 15, 2021) (on file with authors).

98 Interview with Merlin (Mar. 15, 2021) (on file with authors).

99 Interview with Merlin (Mar. 15, 2021) (on file with authors).

100 See Francis & Brinkley, *supra* note 68 at 4.

101 See Restaurant & Retail Food Inspections in Los Angeles County, L.A. CNTY. DEP'T PUB. HEALTH, <http://ph.lacounty.gov/eh/inspection/restaurant-retail-food-inspection.htm> (last visited June 16, 2021).

102 See Francis & Brinkley, *supra* note 68 at 6-7.

103 See *id.* at 6.

104 See *id.*

105 See Bendegul Okumus & Sevil Sonmez, *An Analysis on Current Food Regulations for and Inspection Challenges of Street Food: Case of Florida*, 17 J. CULINARY SCI. & TECH. 209, 216 (2018); see also Francis & Brinkley, *supra* note 68, at 4.

106 See Francis & Brinkley, *supra* note 68, at 6.

107 See, e.g., Ethan Ward, “Street Vendors Risk a Lot to Make a Living,” *Crosstown* (October 8, 2020), <https://xtown.la/2020/10/08/street-vendors-crime-los-angeles/>.

108 Nadia Lopez, “Crimes against Fresno street vendors go ‘under-reported.’ Has COVID-19 pandemic made it worse?” *Fresno Bee* (April 2, 2021), <https://www.fresnobee.com/news/local/article250339306.html>.

109 Julie Carrie Wong, “Disruption’s double standard: tech firms get rich but street vendors get fined,” *The Guardian* (Sep. 19, 2017), <https://www.theguardian.com/us-news/2017/sep/19/tech-industry-street-vendors-disruption-california>; Doug Smith, “The City of L.A. Can Protect Street Vendors by Honoring its Commitment to Legalize Street Vending,” *Medium* (July 26, 2017), <https://medium.com/@Public-Counsel/the-city-of-la-can-protect-street-vendors-by-honoring-its-commitment-8b6fbd56a364>; Martin Flores, video posted Sep. 9, 2017, <https://www.facebook.com/martin.flores.1257/posts/10214545742817741?pnref=story>; Darwin Bond-Graham, “Alameda Sheriff Deputy’s Arrest of Street Fruit Vendor Goes Viral and Draws Criticism,” *East Bay Express* (May 12, 2017), <https://www.eastbayexpress.com/SevenDays/archives/2017/05/12/alameda-sheriff-deputys-arrest-of-street-fruit-vendor-goes-viral-and-draws-criticism>; Sam Levin, “I’ll ‘make their life miserable’: tech CEO bullies low-income vendors by his home,” *The*

Guardian (May 2, 2016), <https://www.theguardian.com/technology/2016/may/02/mark-woodward-facebook-fruit-vendor-comments>; “Caught on Camera: Madera street vendor attacked; police search for suspect,” *Your Central Valley* (Mar 15, 2018), <http://www.yourcentralvalley.com/news/caught-on-camera-madera-street-vendor-attacked-police-search-for-suspect/1049260057>; Sontaya Rose, “Vendor attacked and robbed in Southeast Fresno,” *ABC30.com* (Nov. 22, 2017), <http://abc30.com/vendor-attacked-and-robbed-in-southeast-fresno/2681268/>; Gustavo Arellano, “Santa Ana Begins War on Street Vendors before any Ordinance is Heard,” *OC Weekly* (Feb. 14, 2017), <https://www.ocweekly.com/santa-ana-begins-war-on-street-vendors-before-any-ordinance-is-heard-7898879/>.

110 *Supra* note 107.

111 Compare Dakota Smith & Matthew Ormseth, *It Took A While, but L.A. Formally Declares Itself a “City of Sanctuary,”* *L.A. TIMES* (Feb. 8, 2019), <https://www.latimes.com/local/lanow/la-me-ln-city-of-sanctuary-cedillo-20190208-story.html> (reporting LA City Council’s unanimous approval of a resolution that reaffirmed policies barring Los Angeles police officers from initiating contact with people solely to determine whether they are in the country legally), with Lenore Lauri Newman and Katherine Burnett, *Street Food and Vibrant Urban Spaces: Lessons from Portland, Oregon*, 18 *LOC. ENV’T* 233, 235 (2013). (discussing how urban planning and the association of street food vending with immigrant and low-income communities has led to intensely complex barriers to street food vending in public spaces); see generally JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* (Vintage Books 1961).

112 See *LA Speaks: Language Diversity and English Proficiency by Los Angeles County Service Planning Area*, *ASIAN PACIFIC AMERICAN LEGAL CENTER* 1, 5, [<https://www.advanc-ingjustice-la.org/sites/default/files/LASpeaksLanguageDiversity.pdf> \(last visited June 16, 2021\).](https://advanc-</p></div><div data-bbox=)

113 See *id.*; see also American Community Survey, Detailed Household Language by Household Limited English Speaking Status, U.S. CENSUS BUREAU (2019), <https://data.census.gov/cedsci/table?q=California%20language&g=0400000US06&tid=ACSDT1Y2019.B16002&hidePreview=true> (finding that in California households where limited English is spoken, the five most-commonly spoken languages are Spanish, Chinese (Mandarin and Cantonese), Korean, Vietnamese, and Tagalog).

114 See Francis & Brinkley, *supra*, note 68, at 10-11. For example, the vending economy in Portland, Oregon has been celebrated precisely because it has a clear and navigable permit approval process; this has led to Portland’s crowded and thriving street food industry, where the vast majority of street food vendors contribute to a safe and beloved street food scene; see also Newman & Burnett, *supra* note 59, at 245-46.

115 E.g., an inspection application for a 500-square-foot restaurant is only slightly more expensive. See *Environmental Health Plan Check Program Fee Schedule*, L.A. CNTY. DEP’T PUB. HEALTH (July 23, 2018), http://publichealth.lacounty.gov/eh/docs/Plan_Check/PlanCheckFees.pdf.

116 See CAL. HEALTH & SAFETY CODE § 114289(c)(2).

117 See Newman & Burnett, *supra* note 59, at 238. In Portland, Oregon, food vending licenses are divided into four classes by process and kinds of foods sold. The requirements for Classes I through III are all considerably less-onerous than analogous requirements for an LA County DPH permit for even the simplest food vending setup. The requirements for Class III licenses, for example, are achievable for most taco vendors in LA, because Class

Ill license holders are only required to carry a minimum of five gallons of water for handwashing and are allowed to engage in most forms of cooking, including reheating meat. No dishwashing system or minimum quantity of water for washing dishes is required.

118 Interview with Rosa, (Mar. 17, 2021) (on file with authors).

119 Interview with Lyric Kelkar, Laura Gonzalez, and Fernando Abarca (Apr. 23, 2021) (on file with authors).

120 Interview with Lyric Kelkar, Laura Gonzalez, and Fernando Abarca (Apr. 23, 2021) (on file with authors).

121 CAL. HEALTH & SAFETY CODE § 114314(a).

122 *Id.* at § 114323(e).

123 *Id.* See also, *infra* note 26.

124 *Id.* at § 113818(b)(6).

125 See, Rules of the City of New York: Food Units. 34 (providing for many vendors to operate without an integral sink unit depending on the types of food sold, and for even vendors operating a pushcart who prepare potentially hazardous food to operate with a single sink for food and ware washing if food is washed in a food-grade colander). Available at: <https://www1.nyc.gov/assets/doh/downloads/pdf/rii/rules-regs-mfv.pdf>, and Oregon Food Sanitation Rule 4-301.12(G), allowing access to a warewashing sink at an approved commissary in lieu of integrating the sink into the cart. See also, Lenore Lauri Newman and Katherine Burnett, *Street Food and Vibrant Urban Spaces: Lessons from Portland, Oregon*, 18 *Loc. Env't* 233, 235 (2013).

126 Other jurisdictions impose far less restrictive standards on sidewalk vending operations. For example, the North Central Health District in Nebraska has a designated code section for two-wheeled hot dog carts which explicitly permits vendors using such a cart to operate out of a kitchen with a

three-compartment sink—they do not need to have one integrated into the cart. Other jurisdictions have significantly more achievable requirements: New York City only requires a one-compartment sink. *Supra*, note 125.

127 See Newman & Burnett, *supra* note 59, at 238. In Portland, Oregon, Class II license holders only need a five-gallon water system for handwashing in order to sell prepared, unpackaged foods. This is allowed because Class II vendors prepare their food in commissary kitchens, where they pre-cook the food so they do not have to cook it at their carts.

128 CAL. HEALTH & SAFETY CODE § 113751 (defining “commissary” as “a food facility that services mobile food facilities, mobile support units, or vending machines where any of the following occur: (a) Food, containers, or supplies are stored. (b) Food is prepared or prepackaged for sale or service at other locations. (c) Utensils are cleaned. (d) Liquid and solid wastes are disposed, or potable water is obtained”).

129 *Id.* at §§ 114295, 114297.

130 On July 2, 2021, Los Angeles City Council issued a directive to the Bureau of Street Services “to continue to only issue penalty-free notices of violation for sidewalk vending without a license or permit until January 1, 2022.” As of the date of publication, it is unclear how this directive will be implemented and whether sidewalk food vendors will be protected against citations for not having a DPH permit. It is also not guaranteed that these permit barriers will be effectively removed by January 1, 2022. See, Los Angeles City Council File 20-0147-S27, available at <https://cityclerk.lacity.org/lacityclerkconnect/index.cfm?fa=ccfi.viewrecord&cfnumber=20-0147-S27>.

131 See L.A., CAL., MUN. CODE § 42.13.C (2019).

132 Compare Los Angeles Municipal Code Section 42.13.C.2(b)

with Los Angeles Bureau of Engineering Sidewalk Dining Program Rules and Guidelines, Rule 11, <https://engpermitmanual.lacity.org/other-boe-permitsprocesses/technical-procedures/00-la-al-fresco-sidewalk-dining-program-rules-and>.

133 See, e.g., Safe Sidewalk Vending Act of 2018, No. 946, 2018 Cal. Stat. 93.

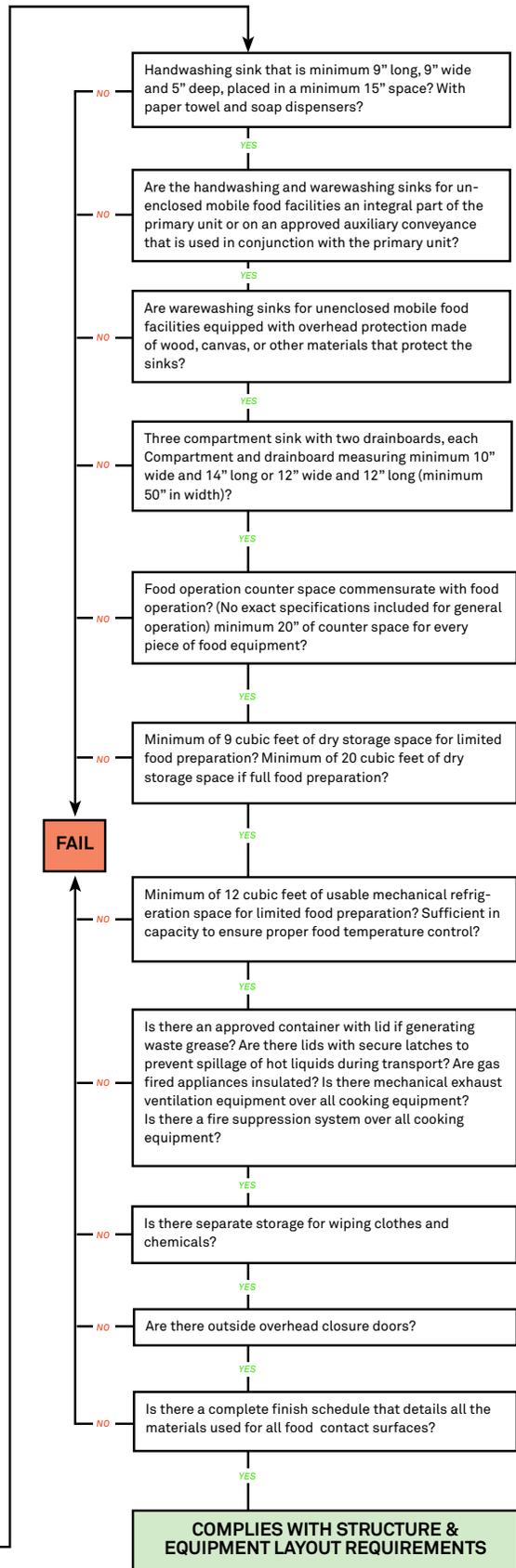
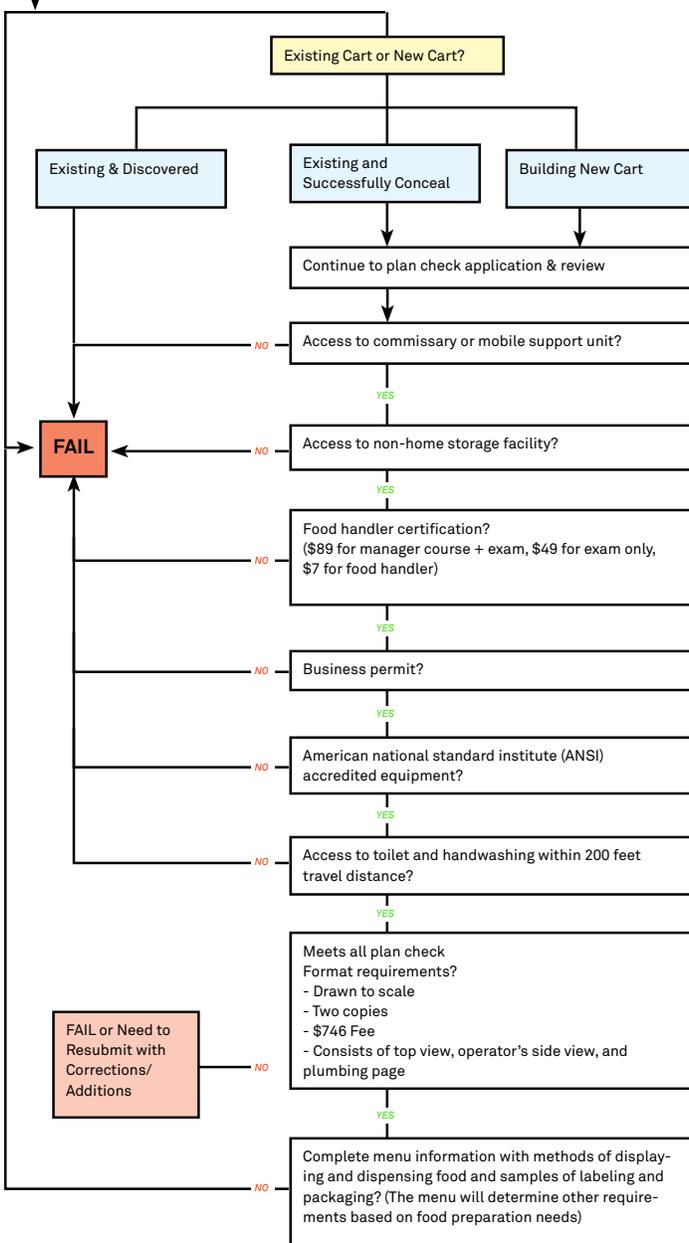
APPENDIX 1: DPH PERMIT PROCESS & BARRIERS FOR SIDEWALK FOOD VENDING

Barriers Causing Immediate Fail

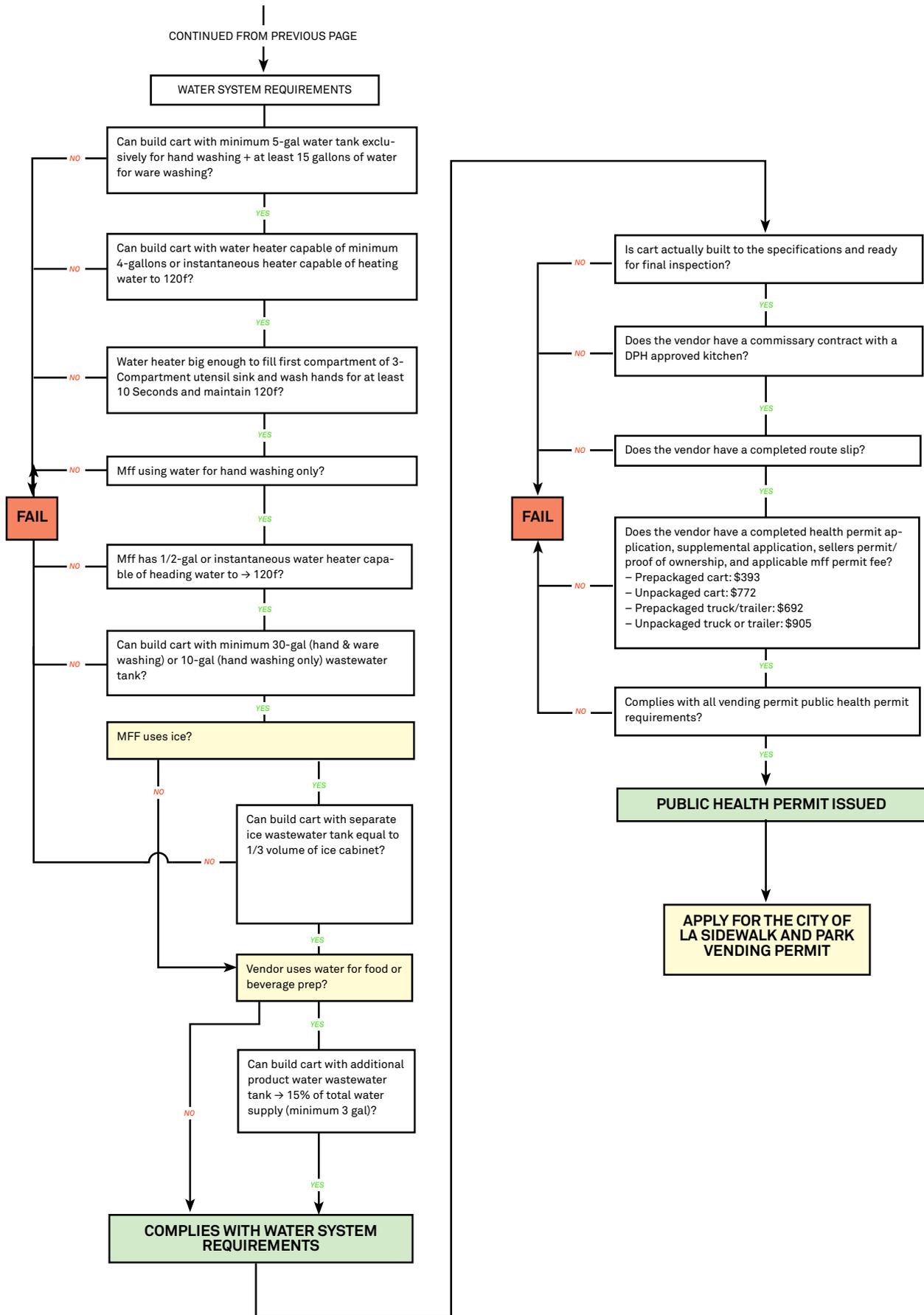
Plan Check
 Plan Check Guidelines only available in English
 Unable to draw required Plan Check Diagram(s) to scale
 Already noncompliant at time of Plan Check application

Fees
 Outset Plan Fee: \$746
 Any Plan Check reviews beyond initial 2 reviews cost an additional \$167
 MFF Permit Fees:
 - Prepackaged Cart: \$393
 - Unpackaged Cart: \$772
 - Prepackaged Truck/Trailer: \$692
 - Unpackaged Truck or Trailer: \$905

General Accessibility
 Other vendors are also not permitted so there are no peer resources to access
 Don't know where to start or how to access information
 LA County DPH Definition of MFF is based on a commissary
 No Access to a printer and a computer



CONTINUES ON NEXT PAGE



APPENDIX 2: LEGAL AND REGULATORY BARRIERS TO SIDEWALK FOOD VENDING

	Barrier Description	Code Cite	State Law or County Interpretation	Notes
Program accessibility barriers	Statute is difficult to understand; no guidance on which provisions apply to small-scale sidewalk vending carts		State Law	
	California Retail Food Code only available in English.		State Law	
	Permit Application unavailable online		County Interpretation/ Guideline	
	Application is only in English		County Interpretation/ Guideline	
	Guidelines are difficult to understand; no guidance on which provisions apply to small-scale sidewalk vending carts.		County Interpretation/ Guideline	
	Permit Requires Valid Photo ID	LACC 11.11.030; Ord. 2007-0089; Ord. 97-0071 § 9 (part), 1997.)	County Code	Cited code is for obtaining a food handler's training certificate.
	Expensive Application Fee	LACC 8.04.720 (fee schedule)	County Code	Cart: <ul style="list-style-type: none"> • Prepackaged - \$393 • Unpackaged - \$772 Truck or Trailer <ul style="list-style-type: none"> • Prepackaged - \$692 • Unpackaged - \$905

Equipment design barriers	Warewashing Sink Size Requirements	CRFC 114313(a)	State Law	Under CRFC 114313(b) If all utensils and equipment of a mobile food facility are washed and sanitized on a daily basis at the approved commissary or other approved food facility, and the mobile food facility provides and maintains an adequate supply of spare preparation and serving utensils in the mobile food facility as needed to replace those that become soiled or contaminated, then the mobile food facility shall not be required to provide a warewashing sink to only handle any of the following: (1) Nonpotentially hazardous foods that do not require preparation other than heating, baking, popping, portioning, bulk dispensing, assembly, or shaving of ice. (2) Steamed or boiled hot dogs. (3) Tamales in the original, inedible wrapper.
	Water Tank Requirements: 5-gallon water tank exclusively for handwashing AND 15-gallon water tank for warewashing	CRFC 114217	State Law	
	Water heater must be capable of \geq 4-gallons or instantaneous heater capable of heating water to 120F	CRFC 114325	State Law	
	Wastewater Tank Capacity	CRFC 114240	State Law	
	Equipment must be American National Standard Institute (ANSI) accredited	CRFC 114130	State Law	Both the CRFC and the MFF PCG mention that they can be evaluated by the local agency if ANSI certification is not available.
	Ice Wastewater Tank Requirements	CRFC 114240(d)	State Law	

	Access to a Toilet and Handwashing within 200 feet Travel Distances	RFC 114114(e) - Wood Burning Oven/Open Air BBQ, RFC 114315 (a)	State Law	"A food facility shall be operated within 200 feet travel distance of an approved and readily available toilet and handwashing facility, or as otherwise approved by the enforcement agency, to ensure that restroom facilities are available to facility employees whenever the mobile food facility is stopped to conduct business for more than a one-hour period."
	Handwashing Sink Size Requirements	CRFC 114311(a)	State Law	
	Counter Space Requirements	CRFC 114305	State Law	
	Complete Finish Schedule	CRFC 114380 (authority); CRFC 114381.2(b) (detail of finish schedule)	State Law	
	Insulation of Gas Fired Appliances	CRFC 114323(g)	State Law	
	Mechanical exhaust ventilation equipment over all cooking equipment	CRFC 114149.1(a)	State Law	
	approved ground or floor surfaces where cooking processes are conducted extend a minimum of five feet on all open sides of where cooking processes are conducted and are they an integral part of the mobile food facility	CRFC 114301(h-i)	State Law	
	Approved ice dispensing equipment located within the food compartment	CRFC 113784	State Law	

	Compressor units that are not an Integral part of the food equipment, auxiliary engines, generators, and similar equipment installed in an area that is completely separated from the food preparation and food storage and accessible for proper cleaning and maintenance	CRFC 114322	State Law	
	Outside overhead closure doors	CRFC 114349	State Law	
	Separate storage for wiping cloths and chemicals	Chemicals : CRFC 114319(b) ; Wiping Cloths: CRFC 114185.1	State Law	
	Ice bins located in an area that does not contaminate any food, equipment, or food contact surfaces and is it sloped to drain to the waste tank	CRFC 114199 (slope to drain),	State Law	
	Condiment containers fully protect the food against environmental conditions	CRFC 114077	State Law	
	Pastry Case	CRFC 114060	State Law	
	Definition of "limited food preparation" excludes slicing of whole fruits and reheating and hot-holding of most potentially hazardous foods - effectively prohibiting fruit vendors and taco vendors	CRFC 113818(b)	State Law	
	Water heater must be large enough to fill first compartment of a 3-compartment warewashing sink and wash hands for at least 10 seconds and maintain 120F	MFF Plan Check Guide p. 13, Note b/t (f) and (g).	County Interpretation/ Guideline	
	Dry Space Storage Space Requirement	MFF PCG p. 10	County Interpretation/ Guideline	
	Mechanical Refrigeration Space Requirement	MFF PCG p. 10-11	County Interpretation/ Guideline	

	Approved Container with lid for waste grease	MFF PCG p. 11	County Interpretation/ Guideline	
	Fire Suppression System Over all Cooking Equipment	MFFPC p. 27	County Interpretation/ Guideline	
	Uses an approved power source	MFF Plan Check Guidelines , p. 12 n. 23.	County Interpretation/ Guideline	
	Minimum of eight cubic feet provided for the storage of beverages, complete dimensions provided in the plan.	MFFPCG p. 11 #16	County Interpretation/ Guideline	
	Sugar trays are easily cleanable with a positive closing lid that are an integral part of the mobile food facility inside of the food compartment	MFFPCG p. 11 #17	County Interpretation/ Guideline	
	Syrup storage inside of the food compartment	MFFPCG p. 11 #19	County Interpretation/ Guideline	
	DPH does not appear to make low-income sidewalk food vendors aware of the auxiliary sink option, nor has DPH explored any creative options to promote shared access to auxiliary sink units		County Interpretation/ Guideline	
Permitting process barriers	Receive Plan Approval BEFORE Construction of Cart	RFC 114380	State Law	
	MFF Plan Check Proposal must be drawn to scale	RFC 114380	State Law	
	Complete dimensions provided (length x width x depth)	RFC 114380(a) ,(b)	State Law	
	Complete Menu Information with Display Methods and Samples of Labels and Packaging	MFF PCG p. 9	County Interpretation/ Guideline	
	Very little guidance provided; permit application not available online		County Interpretation/ Guideline	

	Vendors must travel to multiple offices and work with multiple jurisdictions to obtain permit prerequisites.		County Interpretation/ Guideline	
	Permitting and inspection services are geographically limited, requiring vendors to travel to Baldwin Park		County Interpretation/ Guideline	
	Must provide Mobile Food Facility Route Sheet	LACC 8.04.403; Ord. 2010-0045 § 8, 2010	County Code	
Food preparation and equipment storage barriers	All Mobile Food Facilities (MFFs) that are NOT serviced by a Mobile Support Unit (MSU) require a commissary relationship; MSUs must have a commissary relationship.	RFC 114297(b) -(d)	State Law	Mobile Food Facility (MFF) - any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail
	Access to Commissary Kitchen Space to Return Cart to Every Night	RFC 113831(a) , RFC 114295	State Law	
	Access to Non-Home Storage Facility	MFF PCG p. 5	State Law	Under RFC 114297(c), Mobile food facilities that are serviced by a mobile support unit and that do not report to a commissary on a daily basis shall be stored in a manner that protects the mobile food facility from contamination.
	Despite having the discretion to do so under state law, DPH does not devote resources to expanding access to commissary and kitchen space by approving underutilized community kitchens in schools, restaurants, community centers and places of worship.		County Interpretation/ Guideline	
Enforcement barriers	Violations, including unpermitted vending, classified as criminal misdemeanors.	CRFC 114395	State Law	

	DPH Inspectors are commonly accompanied by L.A. County Sheriff deputies when carrying out enforcement actions.		County Interpretation/ Guideline	
	Sidewalk food vendors subject to frequent displacement and citation due to unjust no-vending-zones enforced by the City.		City policy	

APPENDIX 3: DPH ACTIONS TO INCREASE ACCESS TO SAFE SIDEWALK VENDING IN L.A.

It is impossible for most sidewalk food vendors to obtain a permit from the County Department of Public Health (DPH). Barriers to DPH permits threaten public health by preventing most food vendors from accessing food safety guidance and maintaining the criminalization and economic exclusion of many low-income workers. While some of these barriers stem from requirements found in the California Retail Food Code (CRFC), others are imposed by DPH with no state law requirement. Immediate action is needed to remove barriers at both levels. The following are concrete actions that DPH can take right now promote safe sidewalk food vending in L.A.

Immediately modify DPH permitting and enforcement procedures. The following changes to DPH guidelines are consistent with existing state law and will enable greater vendor participation:

- 1. Pre-approve cart design.** Pre-approving standardized cart design blueprints that meet CRFC standards will decrease costs to vendors and the county by allowing vendors who purchase pre-approved carts to invest with confidence and bypass the plan check process. DPH should support the creation of blueprints that reduce equipment size and cost.
- 2. Pre-approve Standard Operating Procedures (SOP).** DPH should work with vendors and community based organizations to make publicly available template SOPs for common sidewalk vending food items, enabling vendors to secure the necessary prerequisites to bypass plan check and proceed to permitting with confidence. Pre-approving SOPs for common food items will also give DPH confidence that vendor applicants are adhering to all the protocols and practices necessary to promote food safety and consumer health.
- 3. Provide authentic access to information.** DPH should create new materials summarizing application requirements that are specific to sidewalk vending, using popular education and accessible language. Translate and publish these new materials, along with the Mobile Food Facility Plan Check Guidelines, in at least the five most common languages in L.A. County.
- 4. Increase accessibility.** DPH should provide new locations for approval checks, encourage on-site visits, and streamline permitting so the entire process can occur in a single visit.
- 5. Reduce permit costs.** DPH should significantly decrease permit and plan check fees, including fee waivers for low-income vendors.
- 6. Approve auxiliary sinks to service vending carts.** The CRFC allows handwashing and warewashing sinks to be located “on an approved auxiliary conveyance” in lieu of being on the cart itself (§114314). DPH should work with vendors and stakeholders to develop protocols for a hub-and-spoke system that allows several vendors to operate in close proximity to an auxiliary sink unit (strategically placed on a city- or county-owned parking lot in an area with a high concentration of vending) without requiring sinks on the primary unit. This will significantly reduce cart weight, size, and cost.
- 7. Reduce on-site food storage requirements.** State law imposes no specific cubic footage requirement for storage on mobile food facilities. DPH should exercise its discretion to decrease the current dry and refrigerated storage requirements to safe and appropriate levels, which will reduce cart size and cost.
- 8. Clarify overhead fire suppression standards.** DPH should not require any fire suppression system requirements beyond what is required by state law.
- 9. Repurpose underutilized community kitchen to help increase vendor access to food prep, equipment cleaning and storage space.** DPH should use its discretion to approve the use of underutilized kitchens at restaurants, food businesses, schools, community centers, and places of worship as facilities for vendors to conduct food preparation, equipment cleaning, and storage.
- 10. Commit to a just framework for compliance.** DPH should stop including the Sheriff’s Department in enforcement and discontinue the seizure of vending carts and equipment.

Support health-promoting changes to state law. DPH should coordinate with the City of L.A., community based organizations, and street food vendors to craft model legislation and actively advocate for the following changes to the CRFC:

- 1. Lessen the plan check burden.** The CRFC should be amended to provide a streamlined process to inspect and approve certain manufactured carts without a plan check requirement, and grant discretion to local health departments to approve cart blueprints and plans based on a finding of public health, enabling innovative designs that achieve the dual goals of food safety and affordability.
- 2. Enhance safe on-site food preparation.** The CRFC should be amended to establish standards to enable slicing of fruit and vegetables and safe reheating and hot-holding of common sidewalk vending food items. The CRFC currently provides a limited and seemingly arbitrary list of foods that may be hot-held within the definition of limited food preparation. Many other foods that are commonly sold by sidewalk vendors involve very similar preparation and process, but are not included in this definition and therefore may not be hot-held. Instead of providing an arbitrary list of individual foods that may be hot-held, the CRFC should regulate the process for safe hot-holding of food.
- 3. Reduce onerous sink requirements.** The CRFC should be amended to remove the requirement for a three-compartment warewashing sink and hand-washing sink, and reduce potable water requirements. The CRFC already exempts certain foods, like hot dogs and tamales, from the warewashing sink

requirements (CRFC § 114313(b)). This exemption can be expanded to other foods, with accompanying health standards and operating procedures to ensure food safety.

- 4. Expand access to safe food preparation.** Standards for Cottage Food and Microenterprise Home Kitchen operations should be adjusted to be more inclusive of sidewalk vending, and the CRFC should be amended to expand the use of home kitchens and underutilized community kitchens as safe food preparation and equipment storage spaces.
- 5. Decriminalize sidewalk food vending.** Most sidewalk vendors are just now entering the formal economy after decades of exclusion. For effective onboarding, replace criminal misdemeanor penalties with non-criminal, education-based compliance strategies for unpermitted vending. This would bring CRFC enforcement in line with SB 946.

