



October 14, 2014

Council File 14-1062

Honorable City Council
c/o Office of the City Clerk
Los Angeles City Hall
200 North Spring Street, Room 395
Los Angeles, CA 90012

Dear Honorable Members,

The Downtown Los Angeles Neighborhood Council requests that the following Community Impact Statement be added to Council File 14-1062, regarding reinstatement of a ban on commercial vending in public parks and prohibition on camping and use of tents in City parks.

COMMUNITY IMPACT STATEMENT

The Downtown Los Angeles Neighborhood Council (“DLANC”) supports amending Subdivision 3 of Subsection B of the Los Angeles Municipal Code, which regulates commercial sales and services in parks, to prohibit unpermitted commercial vending. The proposed amendment to Subdivision 3 of Subsection B of the Los Angeles Municipal Code, however, should allow for use of public parks for health or other wellness-related uses regardless of whether such use is a commercial activity. In addition, DLANC supports amending Subdivision 4 of Subsection D of the Los Angeles Municipal Code to clarify the prohibition on camping and the use of tents within all City parks. The proposed amendment to Subdivision 4 of Subsection D of the Los Angeles Municipal Code, however, should include a provision for mitigating any disproportionate impact of the ordinance, as amended, on the homeless.

The proposed amendment to Subdivision 3 of Subsection B of the Los Angeles Municipal Code reinstates a ban on commercial vending in public parks by replacing a previously suspended vending ban that was suspended by ordinance on October 1, 2005, as a result of litigation. Federal courts have now clarified the legal standard applicable to the regulation of vending in parks and the proposed amendment is intended to ensure that the City’s regulation of vending in City parks is consistent with these recent court rulings.

Unregulated vending in public parks may impede the public’s right to enjoy and recreate in parks and may cause visual blight and clutter. Further, if the City fails to prohibit the unregulated vending of commercial items and services, the City may face liability without the indemnity or recourse that is generally available to the City from the operators of an established, licensed or permitted business. Moreover, although we understand that it is not the intent of the City to prohibit the licensed and permitted sale of food, services or merchandise, we believe that certain activities should be excluded from the prohibition. In particular, activities that relate to the well-being and health of the public, should not be included in the proposed ban so long as the activity

does not significantly impede the public's right to use a public park. For clarity, the proposed ban should not apply to small group yoga classes, bootcamps, or other exercise groups, so long as the number of participants is limited. The size of a particular group may be further based on the size of the public park. For example, if the park is less than one acre in size, then a group of participants should not exceed 20.

The proposed amendment to Subdivision 4 of Subsection D of the Los Angeles Municipal Code restricts the use of tents and other camping activities within City parks. Unregulated camping and tents in City parks may create unnecessary, excessive and blighted activity which is detrimental to public health, welfare and safety, and contrary to public interest. In addition, it may harm nearby residents and diminishes the public's enjoyment and use of City parks for recreational purposes. The restriction on camping, however, should include a provision for mitigating any disproportionate impact of the ordinance, as amended, on the homeless. For example, rather than imposing a fine for violating the ordinance to an individual who is homeless, the ordinance should mandate that efforts first be made to place the individual in supportive housing.

This Community Impact Statement is based on the action taken at the regularly scheduled Board of Directors meeting on October 14, 2014, when the Downtown Los Angeles Neighborhood Council adopted the following motion by a vote of ___ yes, ___ no, ___ abstaining and directed that a Community Impact Statement be filed reflecting its position.

Motion: "The Downtown Los Angeles Neighborhood Council supports amending Subdivision 3 of Subsection B of the Los Angeles Municipal Code, which regulates commercial sales and services in parks, to prohibit unpermitted commercial vending. The proposed amendment to Subdivision 3 of Subsection B of the Los Angeles Municipal Code, however, should allow for use of public parks for health or other wellness-related uses regardless of whether such use is a commercial activity. In addition, DLANC supports amending Subdivision 4 of Subsection D of the Los Angeles Municipal Code to clarify the prohibition on camping and the use of tents within all City parks. The proposed amendment to Subdivision 4 of Subsection D of the Los Angeles Municipal Code, however, should include a provision for mitigating any disproportionate impact of the ordinance, as amended, on the homeless."

Sincerely,

Patricia Berman
DLANC President

Sincerely,

Eric R. Garcia
DLANC Community Impact Committee Chair