



December 9, 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 the proposed amendment to Subdivision 3 of Subsection B of the Los Angeles Municipal Code (which regulates commercial sales and services in parks to prohibit unpermitted commercial vending), on the condition that the effective date of the proposed ordinance be delayed to after the City has resolved the issue of permitting street vending as described in Council File 13-1493. In addition, DLANC supports the proposed amendment to Subdivision 4 of Subsection D of the Los Angeles Municipal Code (which clarifies the prohibition on camping and the use of tents within all City parks), on the condition that the proposed amendment be further revised to expressly exclude application of the ordinance to inhibit the Right to Assemble, as guaranteed by the First Amendment of the United States Constitution.

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. *See* Motion.

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 – it would be premature to enact the proposed ordinance before the issue of whether to permit street vending (as described in Council File 13-1493) is resolved. Accordingly, DLANC requests that the effective date of the

proposed ordinance be delayed to after the City has resolved the issue of permitting street vending as described in Council File 13-1493.

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 proposed ordinance as currently drafted, however, may be broadly interpreted and applied to inhibit the Right to Assemble because there is no exception for such activity. Accordingly, DLANC requests that the proposed ordinance be further revised to expressly exclude application of the ordinance to inhibit the Right to Assemble, as guaranteed by the First Amendment of the United States Constitution.

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 the proposed amendment to Subdivision 3 of Subsection B of the Los Angeles Municipal Code (which regulates commercial sales and services in parks to prohibit unpermitted commercial vending), on the condition that the effective date of the proposed ordinance be delayed to after the City has resolved the issue of permitting street vending as described in Council File 13-1493. In addition, DLANC supports the proposed amendment to Subdivision 4 of Subsection D of the Los Angeles Municipal Code (which clarifies the prohibition on camping and the use of tents within all City parks), on the condition that the proposed amendment be further revised to expressly exclude application of the ordinance to inhibit the Right to Assemble, as guaranteed by the First Amendment of the United States Constitution."

Sincerely,

Patricia Berman
DLANC President

Sincerely,

Eric R. Garcia
DLANC Community Impact Committee Chair