

# Research & Policy Brief

Number 19 – February 2015

## The Spatial Politics of Street Vending in Los Angeles

Hugo Sarmiento | Master of Urban Planning, UC Los Angeles 2015

### Introduction

This brief focuses on the politics of street vending in Los Angeles. The topic is especially salient now as the city expands its investments in design and planning interventions to activate public space, streets and sidewalks, for local economic development, and to encourage public transit and transportation alternatives to the automobile.<sup>1</sup> Driven by the “smart growth” imperatives of increasing density in the urban core and transit-oriented development, “complete streets” initiatives, the Los Angeles Department of Transportation’s Great Streets Initiative for example, offer a particular, state-sanctioned, vision of the city.<sup>2</sup> What is the relationship between street vending and current forms of redevelopment in L.A.? Does the everyday urbanism of street vendor culture fit these rational planning paradigms? At stake here is a political encounter between the economic and cultural practices of street vendors and the state’s vision for redeveloping the city. Street vendor policy will be largely shaped by this encounter.

The political economy of street vending in Los Angeles is relatively understudied though recent publications by legal and urban scholars suggest a growing interest in the topic. This lack of scholarly attention has its corollary in practice as mainstream planning has generally treated vendors as an anomaly in the urban process. Marked as a disorder at the margins of urban society, a disruption of public space and transportation flows, street vendors, have been rendered objects of control to be policed and written out of rational, urban planning. Nevertheless, the economic restructuring and state-led regional integration projects of the last few decades have contributed to the growth of informality in domestic labor markets producing increasing numbers of informal, immigrant workers, from day laborers and street vendors to street artists, who rely on access to public space to earn a living in the U.S.<sup>3</sup> Most commonly found on sidewalks and public parks, but sometimes also on freeway off-ramps and street medians, street vendors have become an unavoidable feature of the urban landscape in contemporary Los Angeles, and other major urban centers in the U.S. such as New York and Chicago.<sup>4</sup>

<sup>1</sup>Zavestoski, S., & Agyeman, J. (Eds.). (2014). *Incomplete Streets: Processes, practices, and possibilities*. London; New York: Routledge.

<sup>2</sup><http://www.smartgrowthamerica.org/documents/cs/impl/ca-losangeles-dot-strategicplan2014.pdf>

<sup>3</sup>Dunn, Kathleen. “Vamos Unidos...” in Milkman, Ruth, and Ed Ott, (Eds.) (2014). *New Labor in New York: Precarious Workers and the Future of the Labor Movement*. 1 edition. Ithaca: ILR Press.

<sup>4</sup>Munoz, Lorena. (2012). “Latino/a Immigrant Street Vendors in Los Angeles: Photo-Documenting Sidewalks from ‘Back-Home.’” *Sociological Research Online*, 17 (2)21

The UCLA Institute for Research on Labor and Employment supports faculty and graduate student research on employment and labor topics in a variety of academic disciplines.

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10945 Le Conte Ave. Ste. 2107  
Los Angeles CA 90095  
Tel: (310) 794-5957  
Fax: (310) 794-6403

[www.irle.ucla.edu](http://www.irle.ucla.edu)

Street vending, now, constitutes an established labor market which according to initial studies offers a significant source of employment and income for immigrant communities in the city.<sup>5</sup> According to the Bureau of Street Services at the Department of Public Works there are approximately 50,000 sidewalk vendors in the City of Los Angeles, and 10,000 of these vendors sell food items.<sup>6</sup> Still we know little of the overall economic impact of street vending, the actual size of the market, its political geography and its linkages to the rest of the urban economy. What we do know, and what is especially challenging for cities is the spatial mobility of street vendors which by necessity transgresses legal boundaries which regulate the use of public and private space in the city. The LAPD reports that while not all encounters with street vendors end with an arrest, 795 arrests were made in 2012 and 1,235 in 2013. The Police Divisions with the highest number of arrests include Central, Rampart, Newton and Hollywood. The Bureau of Street Services also recorded 557 citations in the city between the 2011-2012 and March of the 2013-2014 fiscal years.<sup>7</sup>

Under pressure from both advocates and opponents of street vendors, in recent years, cities have responded by experimenting with city-wide programs to regulate street vending. In Los Angeles, after a largely unsuccessful attempt at establishing vending districts in the 1990s, in the last few years the city has regained an interest in creating a new street vendor policy.<sup>8</sup>

I organize this brief into three parts: 1) I take a look at the research literature on street vending in Los Angeles in relation to the city's plans for complete streets and transit-oriented development. Most of this literature consists of empirical case studies. I attempt to critically engage the theoretical assumptions made in this literature as a means of delineating political rationalities which inform economic development practices and the use of public space with respect to street vending in L.A. 2) I turn to L.A.'s attempts at drafting an ordinance for a street vending program. I compare it to the city's previous vending district program, and to current vending policies in other cities most notably New York's which has had an established program for several years now. I pay special attention to how cities treat the spatial mobility of street vendors. 3) I conclude with suggestions for policy approaches to street vending and lines of research which can help inform this effort.

For this brief I collected data through interviews with staff at the City of Los Angeles responsible for crafting and implementing the cities' previous vending district policy and the current draft ordinance and with leaders of non-profits advocating on behalf of street vendors. I have also participated on a research team led by the East Los Angeles Corporation which organizes the campaign to legalize street vending in Los Angeles for a period of about four months. Through this participation I have met and interviewed other researchers who have studied street vendors in Los Angeles. Last, I have analyzed municipal records of city council files and city ordinances, and the Asociacion de Vendedores Ambulantes (AVA) archives at the Southern California Library.

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<sup>5</sup> Estrada, Emir and Hondagneu-Sotelo, Pierrette. (2010). "Intersectional Dignities: Latino Immigrants Street Vendor Youth Los Angeles." *Journal of Contemporary Ethnography*, 2011 40: 102

<sup>6</sup> City of Los Angeles, Council File 13-1493, November 2014

<sup>7</sup> City of Los Angeles, Council File 13-1493, May 2014

<sup>8</sup> [http://www.arch.columbia.edu/files/gsap/imceshared/StreetVendorReport\\_Final.pdf](http://www.arch.columbia.edu/files/gsap/imceshared/StreetVendorReport_Final.pdf)

## Views on Urban Redevelopment, Public Space and Street Vending in Los Angeles

The debate over street vending in the city's public spaces pivots on differing views of urban redevelopment, spatial mobility and public space in L.A. Contention, here, is political in nature as it has to do primarily with who has the power to implement their vision. State agencies follow governmental rationalities concerned with the imposition of a certain spatial order which prioritizes efficient movement, the securing of public safety and sanitation. In the era of climate change, the primary discursive practices mobilized draw from the smart growth and sustainable development paradigm. However, counter-narratives of everyday urbanisms which are more attentive to cultural practices present alternatives which carry with them a subversive potential. In this section I trace broadly the contours of this debate, attempt to critically engage the political assumptions made by these discursive practices, and consider their implications for street vendors.

According to Duany, Speck and Lydon (2010) authors of *Suburban Nation* and *The Smart Growth Manual*, smart growth counters the "single-use zoning, massive road construction, and urban disinvestment," which has "turned a nation of ecologically sustainable neighborhoods into a collection of far-flung monocultures, connected only by the prosthetic device of the automobile." Smart growth, then, favors density and mixed-use, pedestrian-oriented urban design, and transit-oriented development. Complete streets initiatives can be understood as a component of smart growth. Proponents argue attainable goals through this form of development include the social and economic revitalization of urban cores, the improvement of public health outcomes, and even the reduction of greenhouse gas emissions. Since the 1990s smart growth advocacy by national organizations such as the Smart Growth America coalition, the American Planning Association has contributed to the emergence of smart growth as a powerful development paradigm which informs policy-makers and the work of federal agencies such as the Environmental Protection Agency.<sup>9</sup>

In Los Angeles, the Department of Transportation's (LADOT) Great Streets Initiative and People Streets program reflect the city's attempt to implement smart growth. These city plans center on reimagining how public space - streets, sidewalks and plazas - is shaped and used. The Great Streets' Initiative aims to build a safe and efficient transportation system in the city. Public safety is interpreted as the reduction of transit-related accidents for pedestrians and the creation of safe routes for students walking to and from schools. Efficient transportation translates to increasing multi-modal transportation which includes trains, buses, bicycles, and walking to reduce an overreliance on cars which result in traffic congestion. Infrastructure and urban design interventions such as wider sidewalks, improved crosswalks and bike lanes offer the methods for attaining this vision of complete streets. An additional component of this plan is a centralized system of surveillance cameras and traffic lights controls features prominently in this plan. The Automated Traffic Control Surveillance and Control System (ATSAC) not only synchronizes traffic lights but also improves the interface between various law enforcement agencies to facilitate responses to emergencies.<sup>10</sup> Related to this initiative, the People Streets program supports the development of parklets and plazas to encourage street life, a sense of place and local economic activity. Business Improvement Districts (BIDs) play a major role, here, as public-private

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<sup>9</sup> <http://www.epa.gov/smartgrowth/>

<sup>10</sup> <http://www.smartgrowthamerica.org/documents/cs/impl/ca-losangeles-dot-strategicplan2014.pdf>

partnerships constitute the primary mechanism by which this program is being implemented.<sup>11</sup> LADOT does not give BIDs any special preference however their financial resources and capacity, above all, make them the ideal community partner.

But where do street vendors fit in this vision of complete streets? The short answer is they don't. They are largely left out of this plan. Despite reference to context-specific designs, the smart growth and complete streets paradigms aim for specific social and economic behavioral outcomes city-wide. Spatial routines are expected to follow narrowly defined parameters. An individual can walk to school or ride his bike, a bus, a train or a carpool to work. An individual can spend time consuming within the clearly demarcated boundaries of a parklet or plaza. Since the city partners with BIDs, whose purpose is to promote local business interests, in effect these private entities largely determine activity within these public spaces. And, it is BIDs which have emerged as some of the most active opponents of street vending routinely harassing vendors which they view as a public nuisance which negatively impacts storefront owners.<sup>12</sup> The emphasis on safety and the deployment of surveillance technology in this context can be understood as the assertion of state power and the ordering of spatial mobility through public space according to these specific plans. For street vendors, many of whom are undocumented immigrants, this form of development may look like a threat to their ability to work.

Rojas (2008) offers an alternative vision of urban street life in which immigrant Latinos through culture practice, as opposed to state-sanctioned urban design and planning interventions, are transforming L.A.'s public and private spaces. Conceptualizing this process as Latino urbanism, Rojas argues everyday informal practices like street vending blur the line between public and private spaces encouraging people to spend more time interacting on sidewalks, public parks, parking lots and front yards. In this sense street vendors change the social ecology of streets by drawing people to publicly engage in cultural practices creating a sense of place, identity and community through this economic activity. Latino urbanism, and the broader concept of everyday urbanism, then, makes L.A. street vendors visible in the urban landscape. Finally, drawing on the work of James Holston and his concept of insurgent citizenship, Rios (2010) goes further and suggests that these forms of cultural practices have a transformative potential for a more democratic use of public space.

Still, Latino urbanism has a tendency to idealize vendors, and their cultural practices without any substantive consideration of the urban conflict which lies at the basis for street vending. The conflict is rooted in political economy but this perspective does not fully engage the political economy of street vending in Los Angeles. There is no real discussion of the economic dimensions of this social and cultural practice. Why are immigrants compelled to sell food and other types of merchandise in the streets instead of working in the formal sector of the urban economy? Are the sources of employment so scarce one of the only economically sensible options for immigrants is to

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<sup>11</sup> [http://161.149.40.98/ActiveTransportation/pedprograms/PeopleSt/wp-content/uploads/2013/09/Benjamin\\_Gary\\_S4P\\_BIDs\\_6.8.13.pdf](http://161.149.40.98/ActiveTransportation/pedprograms/PeopleSt/wp-content/uploads/2013/09/Benjamin_Gary_S4P_BIDs_6.8.13.pdf)

<sup>12</sup> Dunn, Kathleen. "Vamos Unidos..." in Milkman, Ruth, and Ed Ott, (Eds.) (2014). *New Labor in New York: Precarious Workers and the Future of the Labor Movement*. 1 edition. Ithaca: ILR Press. ;Loukaitou-Sideris, Anastasia, and Renia Ehrenfeucht. (2011). *Sidewalks: Conflict and Negotiation over Public Space*. The MIT Press.

sell food? Nor is there a substantive engagement with the politics of participating in an economic activity which is technically illegal and subject to punitive action by the state. Why would an undocumented immigrant take this risk? Is the political environment such that street vendors are able to conduct their activity without any real fear of legal repercussions?

A response to this shortcoming can be found in Loukaitou-Sideris and Ehrenfeucht (2009) historical analysis which emphasizes urban conflict, arguing that “street vending wars have been characterized as a struggle over the meaning and uses of public space between a public with a specific ideal for order and counter-public (composed of immigrants, poor residents, and ethnic minorities) who need a venue for various economic and social activities.” Comparing the histories of street vending in Los Angeles and New York, they find immigrants, from those which came to the U.S. before World War II to those which came in the more recent wave of the 1980s, have turned to this form of economic activity in response to exclusion from the formal sector of these urban economies. But, the turn to sidewalks has brought them into conflict with storefront owners, often organized into BIDs, who claim vendors provide unfair competition. BIDs argue vendors do not have pay taxes nor do they have to pay for rent and the cost of maintaining establishments. They also argue street vendors congest sidewalks and obstruct pedestrian traffic not only hurting business but also present a threat to public safety.<sup>13</sup>

Now with this historical conflict for context, looking more closely at the micro-spatial dynamics of street vending in L.A.’s McArthur Park, Kettles (2004) considers this activity as the social construction of a public market. He argues vendors construct these markets through informal mechanisms of self-regulation premised on property rights. That is vendors organize themselves spatially based on a set of incentives and disincentives generated by the ability of storefront owners to regulate sidewalks. Storefront owners, who legally hold a right to their property, can call law enforcement agencies to complain about un-permitted street vendors thereby imposing a cost on their use of sidewalks. As a consequence street vendors are forced to operate within certain economic limits and spatial boundaries. In order to survive and compete in this environment street vendors must organize their economic activity. This process occurs through an informal mechanism of allocating spaces on the sidewalk where any given vendor can sell. Simply put, the first to occupy a space has the right to sell from it. This right is usually respected by other vendors. However, the spatial organization produced by this mechanism expires at the end of the day. The following day vendors begin anew looking for the most favorable locations to sell from. Kettles calls this the principle of first possession. Over time long-term vendors may acquire durable rights to their space. These rights are respected by other vendors who value this system of organization since it provides order and stability in the market.

Also, largely framing street vendors as informal entrepreneurs who create public markets Vallianatos (2014) emphasizes the potential they create for access to healthy food in L.A.’s food deserts. Through a survey he conducted in South L.A. he found these vendors have become an integral part of certain neighborhoods where the community relies on them for access to food. Mothers pointed to the difficulty of negotiating L.A.’s public transit system to travel to stores which

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<sup>13</sup> Loukaitou-Sideris, Anastasia, and Renia Ehrenfeucht. (2011). *Sidewalks: Conflict and Negotiation over Public Space*. The MIT Press.

sell healthy foods as an important reason why they often rely on street vendors. The survey also found street vendors were willing to pay for permits since it would offer some protection from the threat of citations and confiscations. Vallianatos concludes the city should create a regulatory framework which does not fix vendors in one place but which provides guidelines for avoiding the impediment of pedestrian and vehicle flows. He recommends economic development measures to support vendors who sell healthy foods. These might include lowering the cost of permits for these specific vendors, access to public financing or low-cost loans and access to areas off-limits to other mobile vendors including parks and transit stations.

In promoting street vendors as entrepreneurs who construct self-regulating public markets Kettles and Vallianatos recall De Soto's (2000) representation of the informal sector as an untapped source of entrepreneurial life and energy. Give them individual permits, property rights, some legal protections and the market will, for the most part, take care of the rest. Bromley (2000) traces these arguments as policy in the international development context. Informal vending can be viewed as a form of entrepreneurship for those who cannot afford to buy or rent fixed premises, a social safety-net which operates in the absence of a developed welfare system. Moreover, the mobility of vendors confers distinct advantages, a valuable amenity, such as enabling planners to deploy them to various parts of the city where they can assist economic revitalization projects. However, this view fails to address the asymmetry in political power street vendors contend with in their negotiation with other more powerful actors such as BIDs and law enforcement agencies. In other words, it makes neoclassical economic assumptions about social relationships and problems reducing to a simple rational actor logic where individuals calculate the costs and benefits of their actions. The political, cultural and racial dimensions of the conflict between street vendors and business owners are largely obscured. Ultimately, the danger of this representation is marking street vending as a site for the valorization of capital with vendors having little control over the process.

An alternative view, which speaks to the political nature of street vending, is Dunn's (2014) conceptualizing of "street labor" and "public space as workplace." Dunn recognizes street vendors occupy a liminal class position. They are both entrepreneurs and part of a growing number of workers who labor in precarious conditions. Though, in her case study of VAMOS (Vendedoras Ambulantes Mobilizando y Organizando en Solidaridad) Unidos, a street vendor organization in New York City, she found these vendors primarily identify as workers. They understand their occupation as one of last resort which they chose because they could not access formal labor markets, and the waged work available to them (often the back of restaurants, hotels or domestic work) is less preferable. From this perspective vending can be understood as an act of resistance to otherwise unacceptable conditions of the formal employment available these workers. Dunn defines street labor, then, is defined as an informal microeconomic activity located in public space, often involving economically marginal groups, often immigrant or indigenous and disproportionately women.

These vendors then view their claim to public space as an attempt to improve their work conditions just as a hotel or restaurant worker would make similar demands though in a different spatial context. Also, since the vast majority of these vendors are immigrants, like NDLO which advocates

on behalf of day laborers, VAMOS devotes much of its resources to immigration reform advocacy. In other words, Dunn observes how these vendors act on political ideas which enable them to frame their efforts as political struggle. VAMOS often mobilizes notions of fighting for the dignity and respect of vendors and the right to be heard. Their social justice framework, in contrast to a narrower workers' rights agenda, allows the organization to engage both aspects of street labor's liminal class position: providing services that help to secure vendors' position as micro-business owners, and developing political education that builds both working class and immigrant solidarities

LADOT's conception of Complete Streets does not include L.A.'s street vendors. Their plans largely overlook not just street vendors but local cultural actors and practices in general. The Great Streets Initiative and People Streets program prescribe formulaic design interventions with narrowly defined spatial behavior in mind enforced through state surveillance and policing. LADOT's partnership with BIDs on these projects point to the economic imperative, the valorization and accumulation of capital, in operation here and which ultimately drives smart growth. Alternatively, Latino urbanism places street vendors on the map but only as shallow idealized representations of culture. In this form street vendors are not connected to the broader political and economic dynamics of the urban process. These responses therefore are insufficient in helping us understand how street vendors may counter state-power and the specific forms of development they sanction. Dunn's intervention, which resonates more in the international literature on street vending, but which is beyond the scope of this brief, offers a necessary push to think of vendors as political actors first. Adopting a relational perspective which locates New York's street vendors within a global political struggle over the use of public space, on the one hand as a place of work for informal workers and on the other an increasingly privatized space controlled by commercial interests she opens the possibility for political analysis. Street vendors fundamentally disrupt the state's conception of spatial order and mobility. When organized, as noted in her case study, vendors can create a political space which is empowering and enables them to make demands on their own terms. Still, what the outcome of this contention will be, as we are observing in the L.A. case, is still not clear.

### **Political History of L.A.'s Street Vending Ordinances**

The first attempt at creating a street vending policy came in 1994 in the form of the Special Sidewalk Vending District (SSVD) Ordinance (No. 169319). The SSVD program was initially approved as a two-year pilot program and only in eight pre-designated areas of the city. The eight original areas designated for the potential formation of SSVDs included East Los Angeles, Central City, Our Lady Queen of Angels Church, Pico-Union, MacArthur Park, Hollywood, Northeast San Fernando Valley and Venice Beach. In 1995, the City Council approved a petition by AVA to form the SSVD at MacArthur Park which allowed for a total of 50 vendors.

AVA, a grassroots street vendor organization, had been formed in the late 1980s with support from established community organizations such as the Central American Resource Center (CARECEN) and the Coalition for the Humane Immigrant Rights of Los Angeles (CHIRLA).<sup>14</sup>

According to a Community Development Department Report, fifteen fully permitted vendors generated \$3,589 in permit fees in six months and \$1,500 in business tax certificates for the City.<sup>15</sup> The requirements for the formation of Special Sidewalk Vending Districts as identified in LAMC Section 42.00 (m) included:

1. The endorsement of 20 percent of businesses and 20 percent of residents within the proposed district boundaries were required to propose establishment of the district.
2. A review and recommendation by a Community Advisory Committee, appointed by the Council District Office in which the proposed district is located. The Committee was required to include merchants, residents, proponents of the district, Street Use Inspectors, the Sidewalk Vendor Administrator, representatives from the Council Office and the Los Angeles Police Department.
3. A hearing before the Board of Public Works to allow merchants and residents to oppose establishing the district.
4. City Council vote to approve or disapprove a district.
5. If the Council voted to establish the district, the merchant immediately adjacent to the proposed vending site must sign a petition to allow a vendor to sell.<sup>16</sup>

Director of the Institute for Urban Research and Development (IURD) since 1998, the non-profit which subsidized and operated the McArthur Park SSVD, Joe Colletti views the closing of the district in 2004 as a consequence of permitted district vendors being unable to compete with non-permitted vendors. The key to successful street vending is spatial mobility. But the district fixed vendors in space requiring them to use stationary vending carts while non-permitted vendors, in much greater numbers, were free to move around the neighboring areas. The aesthetic of the district was also controlled by the state as the stationary carts had a uniform design and the vendors themselves had to wear uniforms. But, ultimately, law enforcement was weak and limited with respect to non-permitted vendors, who could move and evade, but did impose a significant cost on permitted vendors inside the district. Consequently, Joe explained the district from its inception struggled to attract vendors because the majority were undocumented immigrants and afraid of interacting with law enforcement. Eventually, the district was unable to meet target revenue and the IURD decided to shift strategy and convert the district's commissary into a job training restaurant (Mama's Hot Tamales) which was operational until the fall of 2011. (Joe Colletti Interview).

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<sup>14</sup> AVA Archives

<sup>15</sup> City of Los Angeles, Ordinance 169318 January 1994

<sup>16</sup> City of Los Angeles, Council File 13-1493 May 2014

Jose Gardea explains advocates did not consider vending districts the best option since it limited the spatial mobility of street vendors, however, given the political environment in Los Angeles at the time it was probably the only politically feasible option (Jose Gardea Interview). Jose, who worked for the Central American Resource Center (CARECEN) and Mike Hernandez's office at the City, played an instrumental role in the crafting of this policy. The political environment he refers to is Los Angeles in the aftermath of the 1992 rebellions and the passage of the 1994 North American Free Trade Agreement (NAFTA). In this period, racialized discourses of insecurity in the urban core accompanied an accelerated process of white flight to the sprawling suburbs. Meanwhile, supporters of restrictive anti-immigrant policies such as Proposition 187 called for the militarization of the U.S. Mexico border. Urban theorists such as Mike Davis (1990) and Ed Soja (2000) note the politics of this era were expressed in a particular urban form in L.A. they describe as "Fortress L.A." and a "Carceral Archipelagos." This was a balkanized landscape where sprawl was punctuated by dense urban nodes such as downtown L.A. and Century City with extensive surveillance and security systems. Urban anthropologist, Teresa Caldeira (2001) in her comparison of Sao Paulo and L.A. observed a similar form of development she called "City of Walls" where white, middle-class communities walled themselves in heavily secured suburban tracts and left these only to consume at equally enclosed and secured shopping malls. In this environment neatly bounding and fixing street vendors in districts was the only option palatable to storefront business owners and BIDs.

In his case study of Bogota's street vendors Donovan (2008) notes a similar process in which mayors framed the relocation of street vendors into market stalls as a public safety issue during a time when the city was plagued with crime. Importantly, these actions coincided with a weakening of street vendor unions enabling the city to enact their plans for relocation. In the L.A. case, AVA's inability to resolve a history of fragmentation and internal conflict contributed to the demise of the McArthur Park SSVD. In 1992 AVA claimed 500 members and actively supported individual vendors by providing them with loans and educational resources but soon after the establishment of the SSVD AVA dissolved ceding leadership to the IURD, an economic development non-profit. As in Bogota, without a political organization to mobilize street vendors the McArthur Park SSVD, a space which had been created after years of political struggle by AVA, could not be sustained when faced with economic instability and adversarial political pressure from the BIDs.<sup>17</sup> The instrumental role of street vendor organizations as mediating institutions is supported by international research on street vendors. A Women in Informal Employment: Globalizing and Organizing (WIEGO) survey published in 2014 found membership based organizations and NGOs are viewed by vendors as principal institutions which play a positive role while local governments, national governments, large retailers and banks are viewed as unhelpful. WIEGO concludes street vendors are well within the regulatory reach of the state yet they lack effective legal rights and bargaining power so that without mediating institutions they engage with the state regulatory system on fundamentally different terms than formal entrepreneurs

Now, L.A. is crafting a new street vending ordinance within a different urban politics in which the smart growth paradigm and related concepts such as Complete Streets guide development. The

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<sup>17</sup> AVA Archives

stated purpose of this approach is to revitalize urban cores, increase density, new public spaces and street life. Once again there is heavy opposition from organizations representing storefront owners such as the L.A. Bid Consortium and the L.A. Chamber of Commerce. But the city recognizes the failure of the SSVD model and is actively researching and analyzing alternative models. At this stage the city is considering a new ordinance which issues individual sidewalk vending permits for both food and non-food item vendors along with creating economic development programs to provide educational and training for vendors participating in the program. What type of spatial restrictions will be imposed on street vendor mobility is yet to be determined.

### *Street Vending Ordinances in other American Cities*

Like L.A. several other major cities in the U.S. are grappling with street vending. Among these New York City is of major interest given its existing permitting system, its long history with street vendors, the large size of the population and presence of vendor advocates and grassroots organizations in conflict with BIDs and the municipal government agencies over the use of public space for work. Current estimates indicate 13,000 licensed street vendors work in the city, 3,000 of whom sell food.<sup>18</sup> Other notable cities include Philadelphia and Oakland for their innovative policies which are less spatially restrictive and in some cases emphasize cooperation rather than the criminalizing of street vendors. As L.A. creates its own policy it looks to these models for effective practices.

In an analysis of New York's enforcement of street vending laws over a five-year period (2006-2010), Kettles (2014) found while NYC does not use a vending district model its policy is still too restrictive both in terms of space and the number of vendors legally allowed to work. Through a statistical analysis of approximately 127,000 violations he found New York's Administrative Code's spatial rules, those which demarcate the legal boundaries within which vending can occur, are more frequently enforced than non-spatial rules, those which determine what kind of products can be sold legally. He also found offenders resisted the enforcement of spatial rules more than non-spatial rules and the city often could not collect fines for these violations. In terms of the number of vendors allowed to work, Kettles argues a limit on permits results in an informal market for them. Individuals with permits can often sell or rent them for prices well above the cost mandated by the city since demand far exceeds their supply. This raises the costs for vendors trying to enter the permit system which ostensibly determines who can work legally and who cannot.

A study by students from the Columbia Graduate School of Architecture, Planning and Preservation (2011) also found the presence of BIDs in NYC is strongly correlated with a prevalence of street restrictions for vending. Using geographical information systems (GIS) to analyze the geography of 64 BIDs in NYC and street restrictions on vending they generated a map which shows the majority of New York's street restrictions fall within the jurisdiction of a BID. This is because the current policy allows BIDs to request street closures and restrictions. Through a series of interviews and observations this study also found BIDs, which hires their own security to regulate activity within

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<sup>18</sup> [http://www.arch.columbia.edu/files/gsap/imceshared/StreetVendorReport\\_Final.pdf](http://www.arch.columbia.edu/files/gsap/imceshared/StreetVendorReport_Final.pdf)

their boundaries, aggressively police vendors, sometimes harassing them, and often reporting violations to law enforcement agencies. Ultimately the study finds the complex system of rules and restrictions which regulate street vending is confusing and difficult to navigate for vendors who often find themselves unknowingly in violation of the law.

As a result of these findings, the Columbia study recommended the city simplify its rule and adopt an 8 foot rule which would operate as a flexible, principle-based rule as opposed to a fixed, bright-line rule. The objective of this rule is to create more space for vendors to work. It would replace the existing system of minimum and maximum allowed distances on sidewalks which often results in confusing and contradictory rules. The 8 foot rule would simply require street vendors maintain an 8 foot wide clear pedestrian path along the sidewalk, that it not restrict the ingress or egress of abutting buildings and that it not obstruct police and fire services and block display windows, signs and street furniture.

The 8 foot rule idea for simplifying the rules and making them flexible is inspired by the City of Philadelphia's ordinance which simply states:

"No vendor or person shall conduct himself or his business in such a way as would restrict or interfere with the ingress or egress of the abutting owner or tenant or to create or become a nuisance, or increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police, or sanitation vehicles"

As cities have generally adopted an ambivalent stance on the regulation of street vending, public-private partnerships, BIDs being the primary example, have contributed to a generally restrictive environment for vendors. However, some cities are promoting a subset of street vendors who specialize in selling healthy foods. One of the more successful programs includes Oakland's Food System Strategy which promotes the vending of health food through changes in city ordinances and through the creation a commercial kitchen. New York has also created a Green Cart program issuing 1,000 licenses for vendors willing to join. However, the (2011) Columbia study found few vendors had taken up the offer. Again they point to a confusing regulatory system and application process. Ironically, one of the better practices with respect to promoting healthy food vendors is L.A.'s lack of enforcement against fruit vendors. Law enforcement has learned to associate fruit vendors with brightly colored umbrellas which are often given a pass.<sup>19</sup>

## Policy Conclusions

This brief emphasizes the political dimension of the debate over street vending in Los Angeles. At stake in this debate are conflicting views of spatial mobility and the use of public space in the city. On the one hand, to borrow from Lefebvre, we have representations of space, the space conceived by city planners, urban designers and architects. Today these spatial arrangements are elaborated within the developmental paradigm of smart growth and complete streets as exemplified in LADOT's Great Streets Initiative and the People Streets program. These plans are created in conjunction with public-private entities such as BIDs which are best suited to implement them

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<sup>19</sup> Morales and Kettles (2009). "Healthy Food Outside: Farmers' Markets, Taco Trucks, and Sidewalk Fruit Vendors." *The Journal of Contemporary Health Law and Policy*, Vol. 26. The Catholic University of America

considering their financial resources and the city's own budgetary constraints. On the other hand, we have representational spaces which signify the lived experience of street vendors, the political and economic demands they and their advocates make. The spatial mobility of street vendors is constructed both by their need to secure a source of income and the cultural resources at their disposal. The encounter between these two spatial practices is political since street vendors through their transgression of legally determined boundaries subvert state plans. Therefore as the city moves forward its complete streets plans, in partnership with private business entities like BIDs, which have emerged as the most significant opponent to street vending, political conflict and negotiation is unavoidable.

The value of Dunn's analysis in her case study of VAMOS Unidos is that it opens the door for an examination of the political nature of this conflict. Critically important is her emphasis on the discursive strategy of VAMOS Unidos which emphasizes not simply economic claims but also political claims on dignity and respect. These discourses seem to be effective since they transcend any discussion of unfair economic competition, legal violations and issues of public safety and health. Instead the debate is reframed as one over the political rights vendors have to earn a living and support their communities in the city.

So, what policy recommendations can be made in light of this analysis of street vending in Los Angeles?

1. The city should create a policy which legalizes street vendors but is not overly restrictive on their spatial mobility. Philadelphia's relatively simple vending ordinance, enhanced by Columbia's recommendation for implementing a principle-based 8 foot rule, appears to provide a sufficient regulatory framework which ensures the efficiency and safety of pedestrian traffic flows and other forms of transportation.
2. The city should enable the creation of commissions, local political bodies, which are locally based in city districts with large vendor populations to facilitate the mediation of conflict between vendors and other stakeholders. A model for this exists in the city's interaction with day laborers. Dziembowski (2010) chronicles the formation of neighborhood-based commissions which include representatives from day labor worker centers, local businesses such as Home Depot, and other impacted stakeholders.
3. The city should consider potential areas for collaboration between LADOT and street vendors as they prepare for the next phase of their People Streets program. Currently the city is completing the pilot phase of this program and will soon be taking new applications for community partners who want to install parklets and plazas in their neighborhoods (Interview with Karina....). The city should reconsider its application requirements which favor BIDs and more proactively engage other political actors such as street vendors. An apparently positive example is VAMOS Unidos collaboration with local municipal authorities on launching a Clean Streets Initiative....<sup>20</sup>

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<sup>20</sup> [http://council.nyc.gov/d25/downloads/pdf/pressrelease\\_101110.pdf](http://council.nyc.gov/d25/downloads/pdf/pressrelease_101110.pdf)

Ultimately, the NYC case and WIEGO's international survey provide evidence that mediating institutions, such as labor unions or trade associations, play an important role in ensuring the effectiveness of city policies concerned with street vending. Unfortunately, the only documented case of a self-organized, street vendor organization in L.A. ended in failure. A more extensive analysis of AVA's history, its formation, political structure and internal conflict, may yield valuable lessons for future attempts at organizing street vendors.

Other necessary lines of research include further study of the economic impact of street vending in L.A. What is the size of this market? How many vendors participate in it? What income levels are generated through this work? Last, understanding the geographical distribution of vendors and the multiplier effects of their economic activity may help not just the city but also advocates concerned with establishing standards and social protections for these workers.