

NEWS

Difficult permitting, hamstrung enforcement: Long Beach street vending rules are off to a slow start

 by John Donegan
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Al pastor a preparation of spit-grilled as is cooked up as the crew of Tacos Uziel prepares food for a line of customers in Long Beach, Tuesday, Aug. 13, 2024. Photo by Thomas R. Cordova.

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Grace Yoon compared it to the first arduous moments of riding a bicycle.

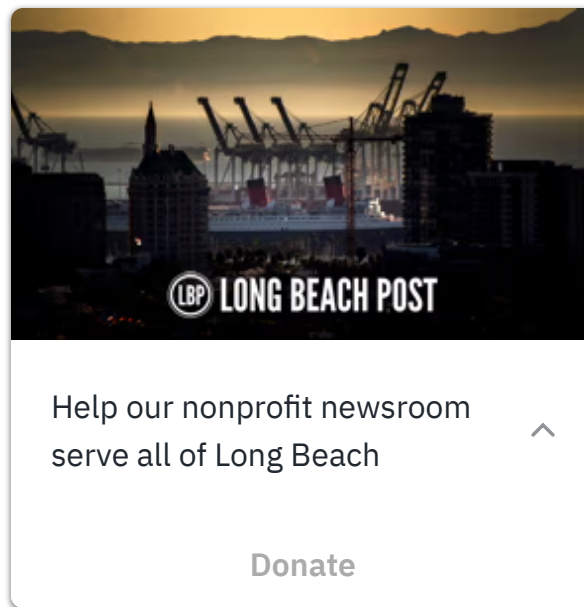
“When you first start pedaling, it takes a lot of effort to get moving,” Yoon, one of Long Beach’s deputy city manager, said. “... But with each pedal, momentum builds.”

The description, explained with a smile, was the preface to the city of Long Beach’s first update on how it is implementing a new sidewalk vending ordinance.

This ordinance, established in February and enforced starting in July, requires that food vendors — those who hawk anything from hot dogs to horchata — obtain a health permit, insurance and business license, or face strict penalties.

But **the rollout has been difficult** — hindered by public confusion and hamstrung by overlapping state law — with few vendors becoming licensed and enforcement not yet fully operational.

In a 53-page report Yoon presented to the council on Tuesday, she reported the city has received 118 applications for business licenses from food vendors. Two have so far been approved. No vendor has yet received a health permit, which is required for most types of food.



Reactions to the figures were scattered.

Some blame rests on vendors, officials said. According to city Environmental Health Bureau Director Judith Luong, 72% of applicants filed their applications wrong. Many have since been unreachable.

“Many of them were called, left messages, left voicemails. ... We want them to be able to come to us,” Luong said.

Some applicants, she continued, are waiting to see if they will be awarded a free cart — **one of the 40 the city has earmarked as part of the rollout**. As of Tuesday, no carts have been awarded; 17 of the 22 applications are still pending, while the other five didn’t qualify because they were either outside the city limits or not eligible.

In public testimony, residents lambasted the ordinance as confusing and tedious, with some suggesting there has been too much emphasis placed on enforcement.

James Suazo with Long Beach Forward noted that while many California cities took a year to implement their ordinances, Long Beach completed the process in less than six months.

“The result of that, I think, we see in this presentation,” Suazo said.

The ordinance stems from a new state law, Senate Bill 946, that decriminalized sidewalk vending. It ordered cities to establish their own regulatory framework that wrangles an entire economy that has for decades lived outside the law.



A street fruit stand vendor in North Long Beach Wednesday, Sept. 18, 2024. Photo by Thomas R. Cordova.

But it remains unclear who will count as a legal vendor.

Luong explained that while state law bans criminal penalties against virtually all vendors, state health code doesn't allow “pop-up restaurants,” a larger operation where raw food is cooked onsite, as they are too

susceptible to foodborne illness.

“Because of all those things, a pop-up restaurant is currently not allowed in the health and safety code,” Luong said.

This leaves a large swathe of taco stands and other local vendors in legal limbo, as they are unable to obtain a health permit.

Qiana Mafnas, a co-owner of the well-known barbecue popup Axiom Kitchen, said she had to close her shop after she couldn't secure a permit. They also lost their slot at one of the two shared kitchens, or commissaries, in the city.

“We're not making money, we depend on that money to feed our family,” Mafnas said.

Mafnas' business remains in abeyance. While she works locally, she does not live in a qualified area. And their cuisine — smoked meat — is supposedly not allowed by local law. If it did, she said, it would cost about \$100,000 to purchase all the necessary equipment to come into compliance.

Food vendor Angelica Franco argued that the city is using this as “a loophole” to force hot vendors to change their business model.

“If you move forward in the way this ordinance is written, you are erasing the culture of Long Beach at the very core of what we are,” she said.



Jose Badajoz, 50, hands tacos to Long Beach resident Eduardo Carrasco at the outdoor 562 Taco stand in West Long Beach on July 6, 2020. Photo by Crystal Niebla.

Despite a presentation and discussion that spanned nearly four hours, city officials on Tuesday did not clearly state whether there will eventually be a legal pathway for these types of vendors.

None of the carts available in the giveaway program can be used to cook or store raw ingredients. But at the inquiry of Councilmember Megan Kerr, officials said they'd be open to finding these carts, so long as they're pre-approved by the state.

Conversation then shifted towards enforcement.

Citations and confiscation of food and equipment are tools the city will eventually use, officials said, but only as a last resort, after education and warnings have been exhausted.

Police can only become involved when the vendor is “a threat to public safety,” presents an “imminent” risk of death or violence, or is breaking some other law.

Otherwise, if there is not an immediate threat, enforcement is typically handled by the city’s Compliance Resource Team.

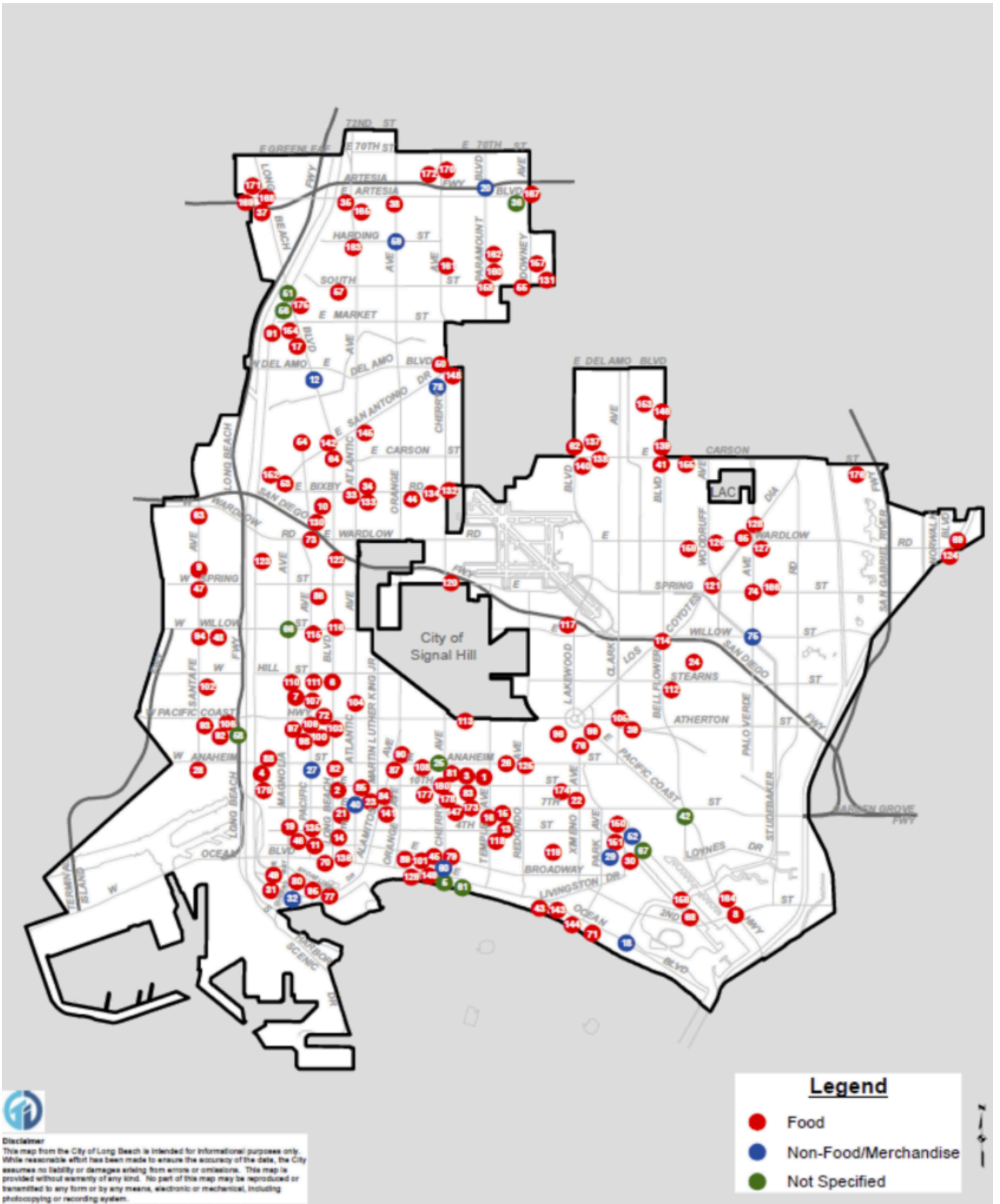
But the team has been grounded for more than a year, after an incident in September 2023 in which inspectors were harassed and threatened led to the city’s employee union to intervene with safety concerns.

The union first met with the city in April and they are in the “final stages” of negotiations, Yoon said. Once that is finished, there will be a training period before they start working on “key cases.”

Some residents felt there was too little time offered to vendors to figure out the rules before the city began issuing citations. Councilmember Mary Zendejas, who represents Downtown and areas where many vendors operate, worried the city’s rollout focused too heavily on enforcement.

Councilmembers Kristina Duggan and Daryl Supernaw, however, felt the city’s rules lack any teeth.

Residents routinely flood their offices with phone calls and letters that vendors block the right-of-way, blare music and sell unsafe food. A map of complaints details concentrations in Downtown, along the oceanfront and around the Alamitos Beach neighborhood.



A map of complaints about street vendors submitted to the city council in Oct. 17, 2024.

Since the ordinance's introduction, the city has logged 266 business license complaints and 275 health complaints. There have been 53 cease-and-desist orders issued for health violations and 24 notices of violation related to business licensing, with two hearings held to address these issues.

"Of those 53 orders issued, how many have ceased and desisted," Supernaw said. "We would want to know if this is an effective tool and working."

This surge in workload is tacked onto the 17 complaints the city's nine inspectors typically receive each month from about 2,400 permitted food facilities. Officials noted that three of the eight business license inspector positions are vacant, while more than half of the 11 health inspector roles are unfilled.

Some on the council likened it to growing pains. "We knew from the beginning that this process wasn't going to be easy," said Councilmember Cindy Allen. "... We really are trying to get it right."