Food pop-ups: new permitting process needed

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**Food pop-ups: new permitting process needed**

Food pop-ups are defined within this document as food service establishments that pop up in one or more places, often on a recurring schedule. They are an important tool for early-stage culinary entrepreneurs to test the market before growing their business into a formalized entity capable of creating jobs.

These small food businesses serve populations at times of day and in locations when customers cannot get food otherwise, such as when restaurants are closed, within a restaurant outside of its typical operating hours, or at a bar or business that does not serve its own food.

Currently, as detailed below, the permitting processes for food pop-ups in New Orleans present barriers that are prohibitively complex and expensive, and they require many individual permits.

Due to the prohibitive nature of the number, cost, and requirements of permitting, food pop-ups are forced to operate outside of oversight, resulting in loss of sales tax revenue for the City of New Orleans and unmanaged food safety risks.

### Permitting requirements for a food pop-up

<table>
<thead>
<tr>
<th>General Occupational License from OneStop, City of New Orleans</th>
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<tbody>
<tr>
<td>● $50/year</td>
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<tr>
<td>● Must bring commercial/commissary kitchen letter, copy of kitchen’s occupational license, copy of kitchen’s Health Department inspection, copy of kitchen’s Fire Marshall inspection</td>
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<thead>
<tr>
<th>Revenue Certificate from Dept. Revenue, City of New Orleans</th>
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<tr>
<td>● $50 via check (must be from a checkbook, not a “temporary check” from the bank) or money order</td>
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| Special Event Promoter Permit | OR | Special Event Vendor Permit |
### Assessment of barriers

- **5 Permits**: The amount and costs of necessary permits are prohibitive.
- **Commercial Kitchens**: Commercial kitchens are cost prohibitive to low-profit enterprises, but food safety is an important priority to preserve. Transportation of prepared food from a commercial kitchen is sometimes not practical for the pop-up, as in the case of smoothies where safety may be better managed on-site.
- **Not “Special Events”**: Pop-ups are not “special events.” Pop-ups are typically recurring on a weekly or monthly basis, whereas special events permits are limited to 10 days.
- **Not “Temporary”**: Temporary food establishment permits are good for one occurrence, but recurring pop-ups in particular go beyond being “temporary” establishments.
- **Inspection Feasibility**: Inspection of a pop-up for the temporary food establishment permit one day prior to executing is impractical, particularly in venues such as parking lots or when damage or loss of property is a risk. This would usually require disassembling and reassembling for each pop-up.

### Best practices research

**Alameda County**
- Allows pop-ups within facilities that have Alameda County permits to serve food, which must sign off as the host facility
- Pop-up operators must apply for a permit through the Alameda County Environmental Health Department and pay a fee
- [https://www.eastbaytimes.com/2018/10/08/rules-for-pop-up-restaurants-developed-for-alameda-county/](https://www.eastbaytimes.com/2018/10/08/rules-for-pop-up-restaurants-developed-for-alameda-county/)

**San Francisco**
- Uses the submission of floor plans and operation plans in their permitting processes
- [https://www.sfdph.org/dph/files/EHSdocs/ehsFood/PopUpdocs/Pop-up_Guidelines.pdf](https://www.sfdph.org/dph/files/EHSdocs/ehsFood/PopUpdocs/Pop-up_Guidelines.pdf)
Summary of recommendations

Allow Food Pop-Ups Under the General Occupation License
Establish a food pop-up permit granted by the OneStop to authorize food pop-ups under a General Occupational License.

- Food pop-ups must register one of the following with their General Occupational License: (a) a commissary kitchen, (b) the hosting facility(-ies) with licensed kitchen, or (c) a food pop-up safety plan.
- The food pop-up safety plan must include: (a) a description of set-up and safe food handling practices addressing contamination and temperature risks, (b) identify how sanitation is maintained, and (c) comply with the LDH food safety requirements (see Temporary Food Service Establishment Permit) and NOFD fire safety requirements (see Mobile/Temporary Food Vending Permit).

Simplify Regulatory Responsibilities
Establish an MoU between the City (OneStop, Fire Department) and State (Louisiana Department Public Health New Orleans Division) agreeing that OneStop may grant a General Occupational License authorizing food pop-ups.

Case studies

La Monita
docs.google.com/document/d/1j3dsD6Y2q-HTxWqvAz9Tl0U3YxTtlyAvHdKD_uebLk/edit

SistaDip
docs.google.com/document/d/165pPF4y1eTcFCF6QhNy4X9lNvh-T0CQiW-9BVmttj_/edit