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[Food pop-ups: new permitting process needed](#)

[Permitting requirements for a food pop-up](#)

[Assessment of barriers](#)

[Best practices research](#)

[Summary of recommendations](#)

[Case studies](#)

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

<p>General Occupational License <i>from OneStop, City of New Orleans</i></p> <ul style="list-style-type: none"> • \$50/year • 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 	<p>Revenue Certificate <i>from Dept. Revenue, City of New Orleans</i></p> <ul style="list-style-type: none"> • \$50 via check (must be from a checkbook, not a "temporary check" from the bank) or money order
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Special Event Promoter Permit	OR	Special Event Vendor Permit
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<p>from OneStop, City of New Orleans</p> <ul style="list-style-type: none"> • \$250.25 plus additional fees based on the event activities, often estimated to be \$750 • Lasts up to 10 days • See Special Event/Promoter Permit 	<p>from OneStop, City of New Orleans</p> <ul style="list-style-type: none"> • \$50 • Must have letter from authorized event promoter • Lasts for rest of year for use with any authorized event promoter.
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<p>Temporary Food Service Establishment Permit</p> <p>from Louisiana Department of Public Health, New Orleans Division</p> <ul style="list-style-type: none"> • \$37.50 via money order, once inspected and approved for each occurrence • Required if any cooking is taking place outside of a licensed commercial kitchen • Must hold inspection of pop-up a day prior to each event • Includes food safety requirements • See Temporary Food Establishment Permit 	<p>Mobile Vending Permit (Fire Dept. Doc)</p> <p>from OneStop, City of New Orleans</p> <ul style="list-style-type: none"> • \$305.25/year • Required for selling in public places and for stationary vendors at private places of business • Includes fire safety requirements • See Mobile Temporary Vendor Application
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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/>

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

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-HTxWqvAz9TII0U3YxTtlyAvHdKD_uebLk/edit

SistaDip

docs.google.com/document/d/165pPF4y1eTcFCF6QhNy4X9INvh-T0CQiW-9BVmttj_l/edit