

City of Alexandria, Virginia

MEMORANDUM

DATE: MAY 7, 2014

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: RASHAD M. YOUNG, CITY MANAGER /s/

DOCKET TITLE:

..TITLE

Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Title (Licensing and Regulations) of the Code of the City of Alexandria, Virginia, as Amended, to Add Chapter 15 (Food Truck Vendors).

..BODY

ISSUE: Consideration of a proposed ordinance to permit food truck vendors on public and private property within the City of Alexandria.

RECOMMENDATION: That City Council pass the proposed ordinance to permit food trucks on public and private property within the City on first reading and set it for public hearing and final passage on May 17.

BACKGROUND: At its March 2013 Retreat, City Council requested staff to draft a proposal to bring food trucks into the City. The initial draft staff proposal was distributed in May 2013 (Attachment 1). As a result of concerns raised by restaurateurs and some citizens, the City Manager established a 10-person Food Truck Policy Advisory Work Group to review the issues related to food trucks, consider the staff draft proposal as a starting point for discussion, and make suggestions for improvements or develop alternative proposals for Council's consideration (Attachment 2). The Advisory Work Group met from September 2013 through March 2014.

During the Work Group deliberations, continuing concerns were raised regarding the impact of food trucks on existing restaurants and the appropriateness of food trucks in historic areas. A consensus was reached on some issues as noted in the attached draft report (Attachment 3) based on Work Group deliberations and comments from the general public and restaurateurs. Other issues were approved by voting.

In response to continuing concerns about the scope of the City's ability to regulate food trucks, the City Attorney provided the following guidance. "The equal protection clause of the U.S. Constitution requires that any regulation be rationally related to a legitimate governmental interest, and the due process clause requires that regulations not be arbitrary or lead to inconsistent enforcement...If food trucks are allowed on any public streets, then they need to be allowed on all public streets unless a governmental interest that needs to be addressed has been identified that justifies the additional regulations...Without some legitimate governmental

interest, the City cannot restrict food trucks from parking in front of established restaurants, as protection of business competition is not a legitimate governmental interest.”

DISCUSSION: The proposed ordinance authorizes food trucks to operate Citywide from 7:00 a.m. to 8:00 p.m. The food trucks must be parked in legal parking spaces and pay the parking fees, with some restrictions. Food trucks will not be allowed in residential permit parking districts unless catering a private event. In high traffic and pedestrian areas, Restricted Vending Zones will be established. The parking spaces in these zones will be designated with proposed signage that notes the spaces are reserved for food trucks only from 11:00 a.m. to 12:00 p.m. If no food trucks are parked in the designated spaces at 12:00 p.m., the parking spaces would be available to the general public. Initially, four Restricted Vending Zones will be established with three designated parking spaces each from 11:00 a.m. to 2:00 p.m. in the traffic corridors. A description of the zones follows.

- King Street from the Metro Station to the Potomac River, and two blocks north of south (between Prince and Queen) of King Street.
- Mount Vernon Avenue from Glendale Avenue to Clifford Avenue and East Glebe Road to the Arlington County line.
- Eisenhower/Carlyle which is bound by Holland Lane on the east, Duke Street on the north, Dulany Street to Jamieson Avenue to Andrews Lane to Grist Mill Road , to Mill Race Lane on the west, and the south side of 2300 block of Eisenhower Avenue on the south.
- Washington Street from First Street to Church Street.

The map displays the City of San Diego with various streets and zones highlighted. A legend in the bottom left corner identifies the following:

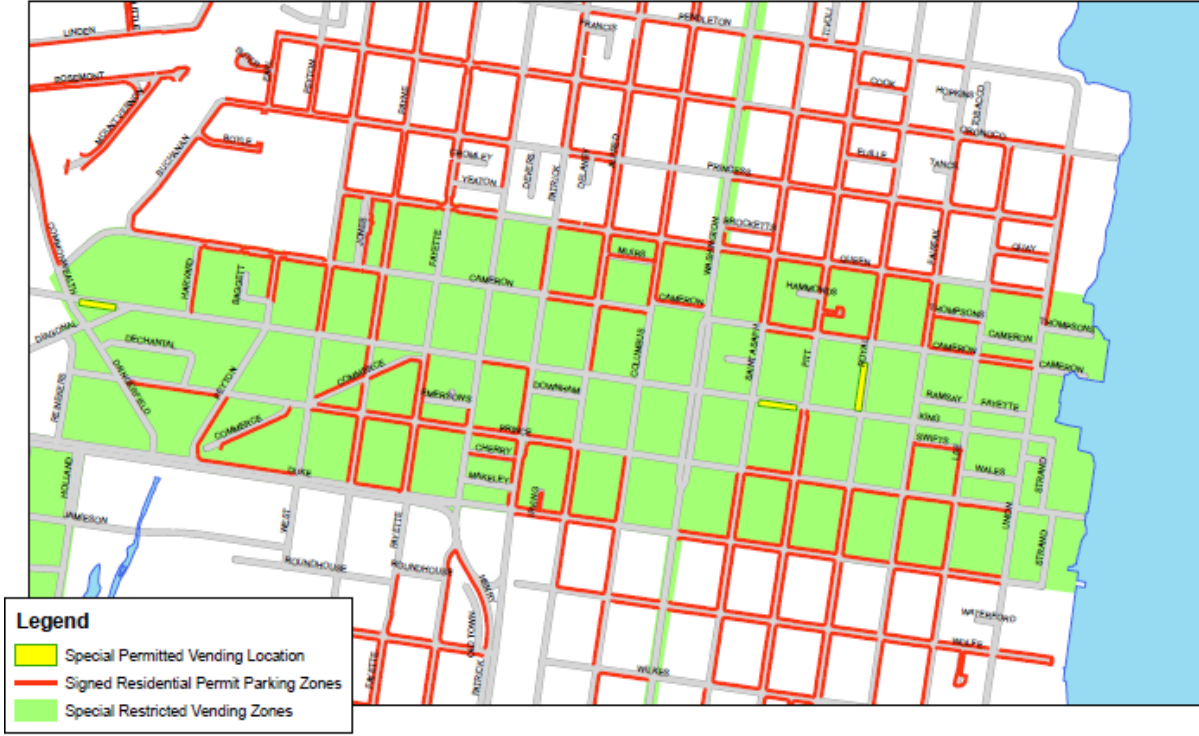
- Signed Residential Permit Parking Zones:** Indicated by red lines and red shaded areas on the map.
- Special Restricted Vending Zones:** Indicated by green shaded areas on the map.
- Special Permitted Vending Location:** Indicated by a yellow shaded area on the map.

The map shows a dense network of streets, with major thoroughfares like I-15, I-805, and I-5 visible. The coastal area is shown in blue, and the city's boundary is marked by a thick black line.

King Street Restricted Vending Zone

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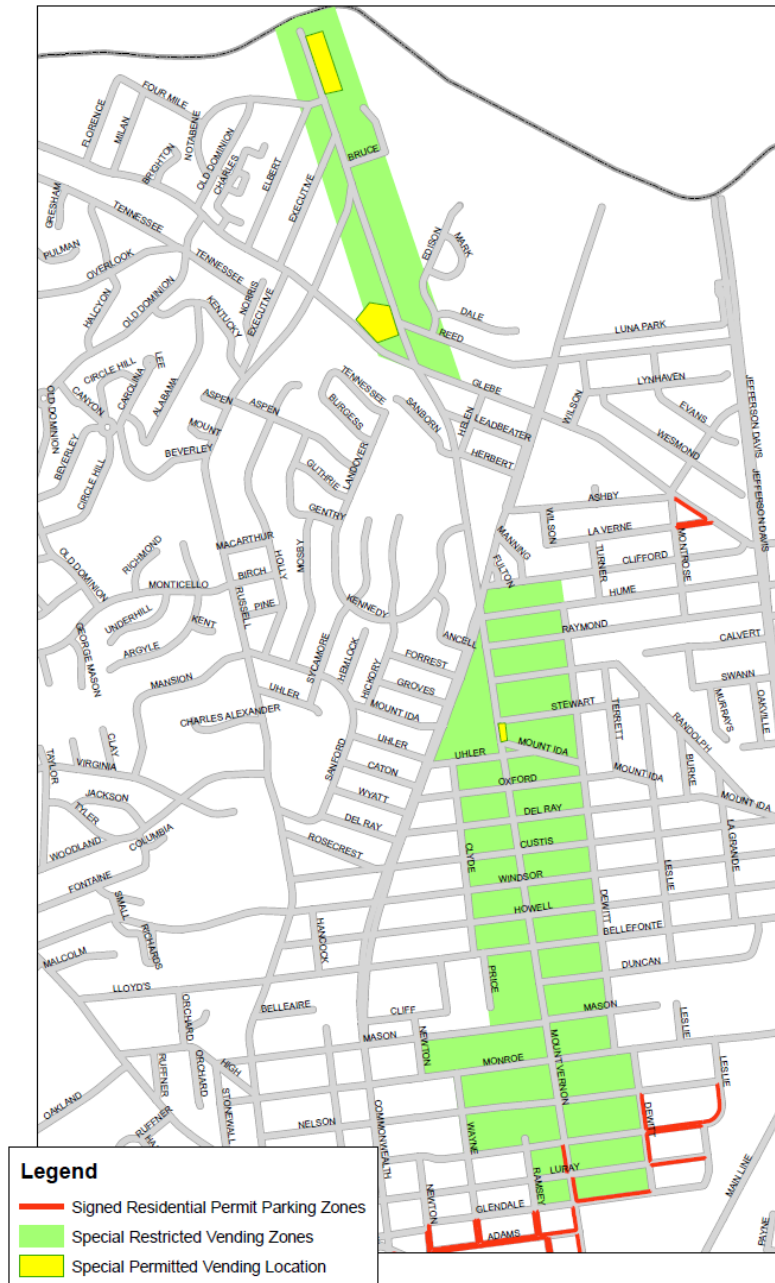
King Street Zone



Mt. Vernon Avenue Restricted Vending Zone

- In front of the DCHS Building at 2525 Mount Vernon Avenue is the only on-street location.

Mount Vernon Avenue Zone



Eisenhower/Carlyle Restricted Vending Zone

- North side of the 2300 block of Eisenhower Avenue.

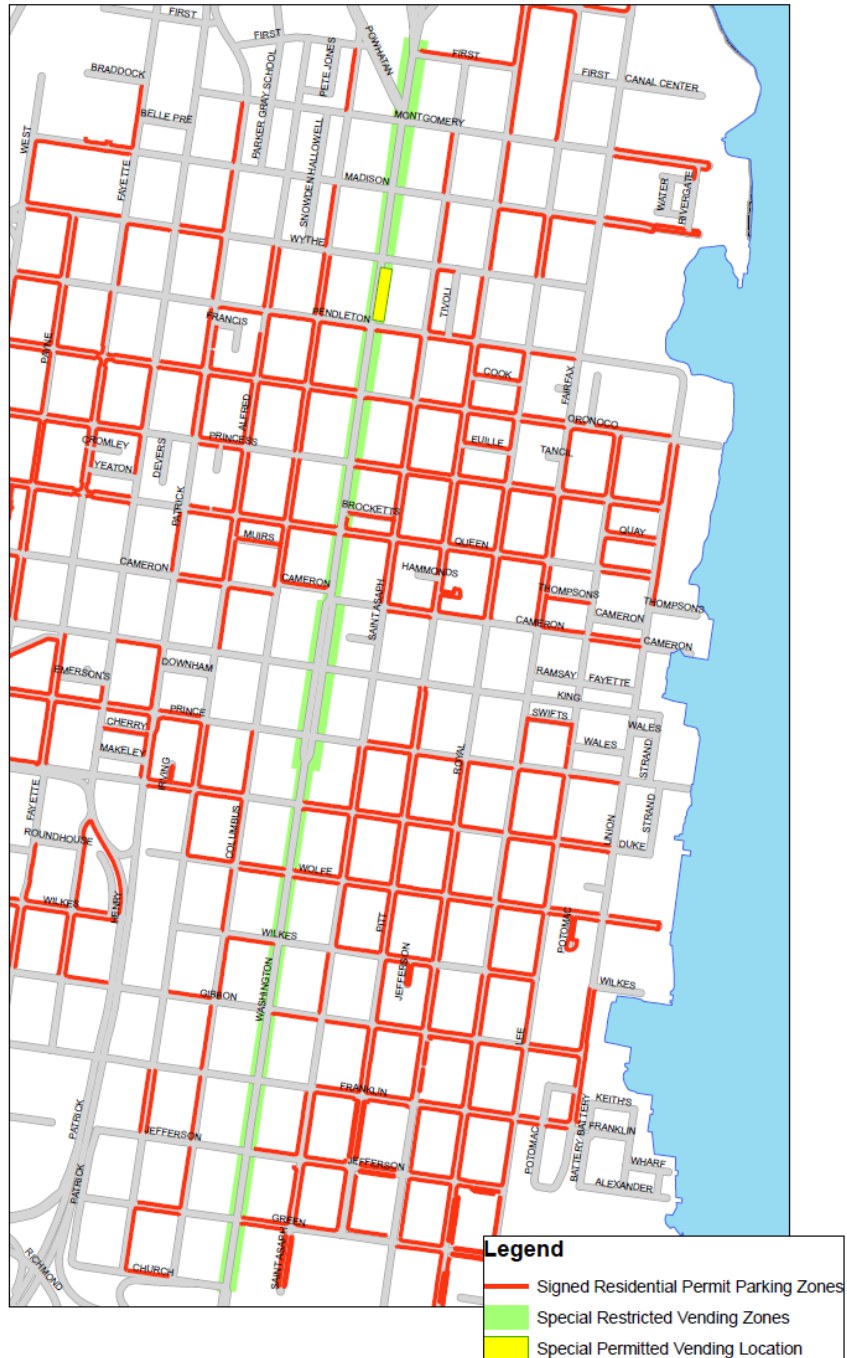
Eisenhower/Carlyle Zone



Washington Street Restricted Vending Zone

- 600 block of North Washington Street.

Washington Street Zone



The proposed ordinance also provides for food trucks to be on public property (e.g. parks, City parking lots such as the Arlandria City Parking Lot and Four Mile Run Park Parking Lot), and community buildings) with the permission of the City Manager; at Farmer's Markets with written permission from the Market Manager; and on Schools property with the permission of the Superintendent of Schools. Food trucks would be allowed at all permitted special events; and on private property including churches, private schools, commercial parking lots, and residential areas in private driveways with the written permission of the property owner.

Under the proposed ordinance, food trucks would be allowed to vend on any public street (no more than three trucks in any block) that has not been signed as a Residential Permit Parking District that has at least five feet of unobstructed sidewalk. The trucks would be limited to a maximum of four hours on any block (less if posted restrictions dictate) and not allowed to park within 20 feet from a commercial outdoor dining area. Food trucks will also have to comply with applicable parking regulations, and pay any parking fees and display the required receipt.

The Department of Planning and Zoning will be responsible for enforcing the general provisions of the ordinance. The Health Department will enforce all food handling, sanitation, and safety related regulations. The Police Department will enforce on-street parking restrictions. All permits will be processed through the Permit Center.

Following is a listing of the proposed fees for food truck vendors. All fees are annual unless noted otherwise.

- Application fee of \$100.00
- Application renewal fee of \$100.00
- Plan Review fee of \$200.00
- Right-of-way fee of \$450.00
- Food Vending License fee of \$40.00
- Health Permit of \$50.00, plus a \$40.00 fee imposed by the State.
- Semi-annual propane tank inspection fee of \$143.00

FISCAL IMPACT: Staff anticipates, based on an informal survey conducted by the DMV Food Truck Association, that 10 – 12 food trucks will apply for permits to vend in Alexandria. Assuming that 12 vendors apply, the projected revenue from the permitting process is \$15,192.00.

ATTACHMENTS:

1. August 16, 2013 Memorandum from Rashad Young to City Council Members
2. May 28, 2013 Draft Food Truck Legislative Proposal
3. Food Truck Policy Advisory Work Group Report Draft as of April 14, 2014
4. Proposed Ordinance

STAFF:

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