



Legislation Text

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City of Alexandria, Virginia

MEMORANDUM

DATE: APRIL 12, 2016

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:

Public Hearing, Second Reading and Final Passage of an Ordinance to Revise Title IX (Licensing and Regulations), Chapter 15 (Food Truck Vendors) of the City Code to Allow Regulations For On-Street Food Truck Vending. [ROLL-CALL VOTE]

ISSUE: That City Council consider amending the regulations for Food Trucks to allow a process to approve on-street locations for vending and associated regulations.

RECOMMENDATION: That City Council:

1. Hold the public hearing, second reading and consideration of the Ordinance to establish a process for adoption of on-street Food Truck vending locations and associated regulations of on-street Food Truck vending; and
2. Direct the City Manager to:
 - a. Finalize proposed on-street vending locations map and docket the map for consideration of a recommendation of the Traffic and Parking Board regarding the change in use of the parking spaces on their April 25, 2016 docket;
 - b. Docket City Council's consideration of the On-street Food Truck Vending Location Map to adopt the locations at the first Legislative Meeting in May; and
 - c. Remove the \$250 fee for the Food Truck vendor permit for 2016 in order to incentivize Food Trucks to test the current off-street locations and the new on-street locations.

BACKGROUND: On December 12, 2015, after a two-year long pilot program, the Alexandria City Council adopted regulations that allow Food Truck vending in certain off-street locations, including private property, public property and farmer's markets, with the permission of the property owners. The off-street regulations provide an additional avenue to permit Food Truck vending on public and private off-street property which can also be permitted through a Special Event Permit or a Special Use Permit. Additionally, City Council requested

staff to research certain on-street locations that would also address the demand for the additional food choices provided by Food Trucks while minimizing the impact on City streets. Staff has researched potential locations and engaged in community outreach regarding the locations. The proposed ordinance would establish the process and criteria for on-street locations as well as some additional standards for Food Truck vending in on-street locations. The actual locations will then be presented to the Traffic and Parking Board in April for its review and recommendation to City Council and then brought to City Council in a Legislative Meeting in May for final adoption by the City Council.

In addition to researching the expansion of the program to on-street locations, staff has been working on raising community awareness of the existing opportunities for off-street Food Truck vending. To that end, staff from the Alexandria Economic Development Partnership (AEDP) has been in contact with office buildings around the city (including Canal Center, King Street Station, and the Park Center office buildings) to make them aware of the off-street regulations and the opportunity to invite Food Trucks to vend on their private parking lots. Additionally, the Patent and Trademark (PTO) has been in contact with staff about inviting Food Trucks to locate on its campus as part of a special event. We believe these opportunities, coupled with the additional on-street location could provide the balance needed for a successful Food Truck program.

DISCUSSION:

Ordinance Changes

The proposed ordinance amends the current Food Truck Regulations to add section 9-15-15 to the City Code which establish criteria and minimum standards for Designated On-street Vending Locations. City Council would then use this criteria and standard to approve an “On-street Vending Location Map”. The initial draft map is attached as Attachment 1. The proposed locations will first be presented to the Traffic and Parking Board pursuant to Section 5-8-2 of the City Code since the on-street vending will change the use of certain parking spaces. Once a recommendation is made by the Traffic and Parking Board after a public hearing, the City Council will consider and adopt the locations at a Legislative Meeting. The On-street Vending Locations map may be amended by City Council from time to time by undergoing the same process of obtaining a recommendation from the Traffic and Parking Board and considering the changes (additions of locations or deletions of existing locations) at a Legislative Meeting.

The proposed ordinance also adds additional regulations pertaining to on-street vending such as a requirement to keep a minimum unobstructed area on the sidewalk adjacent to where a Food Truck is vending and a prohibition on trucks taking deliveries while vending in a Designated On-street Vending Location. Additional minor amendments are also included to clarify some language.

Proposed Locations

Staff research on potential locations for on-street vending revealed that the greatest demand for on-street vending is in locations that do not have off-street parking lots that can accommodate Food Truck vending. As has been reported to City Council, the off-street regulations have successfully been used in locations on the western part of the City such as the Hilton Mark Center and the Port City Brewery.

Additionally, staff from AEDP has been in contact with office buildings and Food Truck vendors to raise awareness about the off-street Food Truck regulations and opportunities for office buildings to provide these food options for their employees.

Therefore, staff proposed three locations which are as follows (maps are attached as Attachment 2 showing more detail regarding the locations):

1. **Location A/North West Street/Braddock Metro** - North West Street north of Madison Street, near the Braddock Metro Station: spaces for up to two (2) Food Trucks to vend.

Staff believes that a location near the Braddock Metro may be successful because of the number of people coming and going from this Metrorail Station. Additionally, there are at least two office buildings and numerous residential buildings within one quarter mile of this location that together provide a concentration of people. TES staff has reviewed the location to determine the capacity on the street for circulation and demand on parking, and believe this street can accommodate the vending.

2. **Location B/North Fairfax Street** - 900 Block of North Fairfax Street near Montgomery Park: spaces for up to three (3) Food Trucks to vend.

Location B is within a ¼ mile of the Canal Center office complex as well as hotels and residential buildings bringing with it a concentration of people. Additionally, the proposed location is adjacent to Montgomery Park which provides a location for patrons of the Food Trucks to sit outside to eat their food. TES staff has reviewed the location to determine the capacity on the street for circulation and demand on parking, and believe this street can accommodate the vending.

3. **Location C/Eisenhower East** - 2200 block of Eisenhower Avenue near Mill Road two blocks from the Eisenhower Avenue Metro Station: spaces for up to three (3) Food Trucks to vend.

Location C is located between the PTO office building and the future National Science Foundation (NSF) building. AEDP has discussed this potential location with both the NSF and the PTO representatives and have received significant support for the location. The location is also across the street from the Eisenhower Metro, which could contribute to additional foot traffic. TES staff has reviewed the location to determine the capacity on the street for circulation and demand on parking, and believe this street can accommodate the vending.

Alex Engage Results

On March 16, 2016, staff launched an informal poll on AlexEngage to get feedback from the community on the three potential locations. The poll closed on Sunday, April 3, 2016, with 2,375 responses. The poll was answered mostly by residents or workers in the City, as noted in Figure 1 on Attachment 3. Figure 2 on Attachment 3 shows the responses. While informative to show City Council how those who participated in the poll felt about the three proposed locations, this poll did not use a random sample and thus the results may not be representative of the community as a whole.

The vendor that maintains the AlexEngage platform notified the City that 504 responses came from the same source, and were all “opposed” or “strongly opposed” to the three potential food truck locations. While it is possible for multiple responses from the same source to be legitimate (e.g. members of the same household, employees at the same workplace, a common computer in a recreation center or building business center), it is unlikely that any one source could have yielded so many users, and that there was no variation in opinion. Depending on the circumstances, these responses may not meet the requirements for civil discourse posted on the site. As a result, the figures in Attachment 3 are presented both with and without these 504 responses included.

The poll also included an opportunity for input regarding any other suggested locations. Staff received much feedback on other potential locations, many of which are already covered by the current off-street regulations such as the Farmers' Markets and West End office complexes. We did receive a number of suggestions for locations on King Street including Market Square. However, at this time, staff does not recommend locations in the Old and Historic Alexandria District.

Staff received two additional suggestions that may be viable options for consideration:

- 4. Potential Location D/Madison Street:** 300 block of Madison Street between North Royal and North Fairfax Streets adjacent to the Alexandria House open space; space for up to three (3) Food Trucks to vend.

This location is close to the Fairfax Street location however the Food Truck operators report that having two locations close together is better for attracting patrons of the Food Trucks. Additionally, this location has more foot traffic than the Fairfax Street locations. TES staff has reviewed the location in terms of capacity on the street to allow space for circulation as well as demand on parking and believe this street can accommodate the vending.

- 5. Potential Location E/King Street Gardens:** 1806 King Street adjacent to the King Street Gardens Park; space for up to three (3) Food Trucks to vend.

This location is close to a number of office buildings as well as hotels and has significant foot traffic from the King Street Metro stop. However, the renovations of the King Street Metro parking lot scheduled to start within the next year will already put a burden on the parking spaces in this area. TES has reviewed the location and while there is capacity on the street in terms of space for circulation, they do have a concern about the demand on the parking spaces.

The three initial locations, plus these two potential additional locations will be further researched, presented to the Traffic and Parking Board and docketed for the City Council's consideration at a Legislative Meeting.

Lastly, the poll also presented an opportunity for the community to comment in general. Attachment 4 is a compilation of the written comments received through the poll or through Facebook during the time the poll was open.

Fees

The current Food Truck Vendor fee as set by administrative regulation established by the City Manager is \$250 a year. Additionally, there is an annual \$100 application fee. This fee was calculated when the proposed regulations allowed more locations to vend. One of the concerns that has been raised by Food Truck vendors is that the fee is high given the limited number of locations to vend in Alexandria. This has discouraged a number of Food Trucks from coming to Alexandria. In order to encourage Food Trucks to come to Alexandria and try the current and new proposed locations, Staff recommends removing the \$250 Food Truck Vendor fee for one year, keeping the \$100 application fee to mitigate the cost to Staff of processing the permits and enforcing the regulations.

The following annual permit fees would still be required for Food Trucks, where applicable:

- Health Department City and State Fee: \$90
- Health Department one time Plan Review Fee: \$200
- Propane Tank Fire Safety permit fee: \$143
- Business License: \$250

With the City Council's concurrence, the administrative regulations will be amended to make the Food Truck Vendor permit \$0 for 2016.

CONCLUSION: While the allowance for Food Trucks on off-street locations by itself was not widely used, it did start to fill a demand that the recent polls of the community has made clear are there. The additional work that Staff has done to raise awareness of the opportunities, in addition to the expansion of the regulations for on-street locations if approved by the City Council, will hopefully result in the balance between fulfilling the demand and mitigating the impacts on the community.

FISCAL IMPACT: The City collected \$1,000 in 2014 and \$1,750 in 2015 for Food Truck Vendor Fees. If the fee is removed for 2016 this revenue would no longer be collected.

ATTACHMENTS:

- Attachment 1: Draft On-street Vending Map
- Attachment 2: Aerials Showing Specific Proposed Locations
- Attachment 3: Poll Results
- Attachment 4: Compilation of written comments on poll
- Attachment 5: Ordinance
- Attachment 6: Powerpoint Presentation

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