



Department of Planning & Community & Economic Development

## Economic Development Division

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### Office of Business Resources Street Vending

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**To: Vending Oversight Committee**

**From: Office of Business Resources Staff**

**Date: January 29, 2014**

**Subject: Staff Proposed Late Night Vending Changes**

The City values a vibrant late night food cart vending program and we have had a recent increase in late night food cart vending license holders. Based on feedback received from late night vending license holders and downtown “bricks and mortar” businesses, staff believes that changes are needed to the late night vending ordinance. The following memo outlines Office of Business Resources staff observations and suggestions for changes to the late night vending ordinance.

There is currently only one late night vending location considered viable by most late night vendors, Broom Street. The City values a balance between vendors and “bricks and mortar” establishments; however, we currently have no restrictions on the number of late night vending licenses issued by the City. As a result, we currently license nine (9) late night vendors, with often as many as 6-7 vendors on Broom Street many weekend nights. We believe this does not respect the balance noted above, and without any changes to the ordinance, we believe this number could increase in 2014 given the growing popularity of late night vending.

In an attempt to foster greater balance between the late night food cart vending program, and “bricks and mortar” restaurants, Office of Business Resources staff propose the following changes to the street vending ordinance, both in terms of how late night vending is managed and the locations where late night vending is allowed to occur:

### **Recommended Late Night Vending Management Changes**

- Limit the number of late night vending licenses issued per year to ten (10), to include eight (8) large food carts and two (2) small push carts. This will allow all existing late night vending license holders to continue vending.
- Allow existing late night vending license holders to renew their license every year.
- Create a waiting list for vendors interested in late night vending who do not yet hold a late night vending license. As current license holders chose to not renew their license, licenses will be offered to vendors on the waiting list.
- Late night vendors with the most seniority would be given first choice among the locations noted below, with the Street Vending Coordinator being granted final discretion in terms of “tied seniority,” a desire for diverse food offerings, etc.

## **Recommended Late Night Vending Location Changes**

Staff recognizes that late night vending impacts downtown restaurants and residents, and for late night vending to be successful, vendors must be located in areas where enough potential customers are likely to walk by. Staff believes these competing interests can best be balanced by first limiting the total number of late night vending licenses issued as noted above. Second, staff believes that late night vending should be distributed to multiple locations, with only 1-4 late night vendors at a single location.

For each of the following locations, staff recommends that a specific number of vendors, as noted, be assigned to that specific location. While staff recognizes that individual parking spaces cannot, per State law, be assigned to specific vendors, we believe that we can assign vendors to a specific location. For example, using a hypothetical "ABC Food," we would assign "ABC Food" to the Broom Street location as described below. ABC Food would only be allowed to vend within the Broom Street location, and only the four (4) Broom Street late night vending license holders would be allowed to vend in the Broom street location. They would not be assigned or guaranteed a specific parking spot, rather only a location within which they have the right to use a parking spot for late night vending purposes. This remains consistent with the current ordinance.

We recommend the following locations:

**Zone A - Frances Street** (300 block on the same side of the street as the Fluno Center) having **one (1) vendor** (large food cart). Vendor will park on the street in a legal parking space if and when a space opens up.

**Zone B - West Gilman Street** (just north of University Avenue) having **two (2) vendors** (large food carts). Vendors will park on the street in a legal parking space if and when spaces open up.

**Zone C - Broom Street** (between W. Gorham and W. Gilman) having **four (4) vendors** (large food carts). Vendors will park on the street in a legal parking space if and when spaces open up.

**Zone D - West Gilman Street** (just north of State Street) having **one (1) vendor** (large food cart). Vendor will park on the street in a legal parking space if and when spaces open up.

**Site L3 - Frances Plaza** (closest to State Street) having **one (1) vendor** (small push cart). This vendor will be assigned a specific location on the "sidewalk," which will most likely be one of the current "Arts & Crafts" vending locations.

**Site L4 - Corner of University Avenue and Lake Street** (in front of Associated Bank) having **one (1) vendor** (small push cart). This vendor will be assigned a specific location on the sidewalk.

We recommend the following modifications to additional existing locations:

**Frances Street** (400 block, current locations of the two small push cart vending sites). We propose not allowing any street vending on the 400 block of Frances Street in 2014 given construction of the adjacent "The Hub" mixed-use project. We recommend; however, keeping these two small push cart locations on the map for 2015 if we find that the aforementioned small push cart locations are not successful in 2014.

**700 Block of State Street – Library Mall** (current late night vending sites). We recommend removing the 700 Block of State Street – Library Mall late night vending sites from the map of available locations. This has not historically been a successful location for late night vendors and late night vending will not be possible during the 2014 reconstruction. We would consider revisiting this location at a future date if late night vendors are interested.

**Johnson Street** (current late night vending locations). We recommend striking the current Johnson Street late night vending sites from the map. Late night vendors have not historically used these sites, and a large portion of this area will be impacted by construction projects in 2014.

A map, dated January 2014, is included with this memo. The map shows the general locations of the proposed late night vending zones. A more detailed map, showing the exact location of each zone, will likely be needed before any final ordinance changes are made.

This memo is being presented to the Vending Oversight Committee (VOC) at its January 29, 2014 meeting to introduce staff's recommended changes. Based on the direction provided to staff by the VOC, staff can begin drafting formal amendments to the vending ordinance language and late night vending map. These changes would be introduced to the Common Council, with referral back to the VOC for formal action by the VOC, at a later date.

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