



Legislation Text

File #: 17-916, **Version:** 3

Ordinance No. 17-49 amending Section 104.F, Article 15, Chapter 10 and Section 106, Article 15, Chapter 10 of the City Code to allow mobile food vendors to utilize on-street metered parking spaces.

Presenter:

Greg Warnke, Parking Administrator

Summary:

The Parking System Enterprise is proposing an amendment to Section 104.F, Article 15, Chapter 10, and Section 106, Article 15, Chapter 10 of the City Code to allow mobile food vendors to use on-street metered spaces.

Previous Council Action:

On May 22, 2017, this item was introduced during City Council work session:

Questions were raised regarding outreach to, and support from, the stakeholders in the Old Colorado City area. City Staff have had frequent contact with Jon Carlson, SIMD Administrator, regarding the proposed ordinances. Jon has confirmed that the Old Colorado City Board does not object to food trucks operating from the curb when sponsored by a brick and mortar establishment. Their one concern was potential impact to public landscaping from mobile food vendor related foot traffic. City Staff has agreed to restrict permits in areas where public landscaping could be damaged.

Welling Clark from the Alliance of Historic Westside (AHW) was also consulted regarding the Mobile Food Vendor ordinance. He expressed strong support for the proposal and saw it as a potential catalyst that may attract more people and renewed excitement in OCC.

Background:

The current city code prohibits mobile food vendors from occupying metered parking spaces to conduct business. In 2015, with the food truck industry growing in popularity, an off-street area known as "Curbside Cuisine" was established at the intersection of Platte and Nevada Avenue. This area allowed mobile food vendors to set up their trucks and sell their food to walk-up traffic. Unfortunately, with the planned renovation and expansion of the YMCA, these food trucks were given notice that they would no longer be allowed to use this area.

Soon thereafter, the Parking System Enterprise started to receive requests from mobile food vendors seeking permission to use on-street metered spaces to conduct their business. The Downtown Partnership was also receiving requests from Downtown businesses who wanted to hire a specific mobile food vendor to cater a special event in front of their business. Both requests had to be denied because the current code does not allow mobile food vendors to operate from metered parking.

With requests mounting, it was decided that a committee would be established to research and discuss how other cities have addressed mobile food vendors and determine if the City of Colorado Springs could find a way to accommodate this type of commerce in the Downtown and Old Colorado City, the only locations in Colorado Springs with metered parking.

In late 2016 the City and the Downtown Partnership met with a stakeholder group comprised of food truck operators, food cart operators, and brick and mortar shop owners, to discuss options and to gather information. The stakeholders, both mobile food vendors and brick and mortar shops, expressed strong interest for mobile food vendors to be able to operate in metered parking spaces.

After the meeting, the City staff began to discuss how to possibly implement some of the stakeholder group's ideas and best address their concerns. This group was represented by City Planning's Urban Planning Division, The City Attorney's Office, The City Clerk, Parking System Enterprise, and City Council member Jill Gaebler. This group worked together to craft the language, along with rules and regulations, that would permit mobile food vendors to operate from metered parking spaces with a permit from the Parking System Enterprise.

Below is the proposed language for the rules and regulations which all applicants (property or business owners) and mobile food vendors would have to abide by to rent parking meter hoods. Some of the proposed regulations were tailored to limit the number and frequency of mobile food vendors that may be operating in metered areas throughout the year. The desire was to allow occasional operation of metered parking stalls by mobile food vendors without creating unfair competition to adjacent brick and mortar restaurants.

CITY OF COLORADO SPRINGS
RULES AND REGULATIONS
FOR USE OF MOBILE FOOD VENDOR PARKING METER HOODS

Section 10.15.106 of the Code of the City of Colorado Springs, 2001, as amended, authorizes the City Parking Administrator or his/her designated representative to issue permits for extended use of parking meters ("parking meter hoods") to an applicant. Issuance of a parking meter hood allows the applicant to reserve on-street metered spaces for the sole purpose of providing Mobile Food Services for the applicant's business. The parking meter hoods are not intended to provide reserved parking for any vehicles not so engaged. Any use other than that specified shall be considered cause for revocation of such parking meter hoods without refund, and may result in additional fines for illegal parking. The City Parking Administrator may issue mobile food vendor parking meter hoods under the following terms and conditions:

1. A mobile food vendor parking meter hood or hoods will be issued only if the applicant operates a business on the face block, defined as one side of the street between two (2) intersections.
2. Mobile food vendor parking meter hoods will authorize the use of up to four (4) on-street metered spaces adjacent to the applicant's business as determined by the Parking Administrator.
3. Consistent with the requirements of City Code § 2.3.703, authorized spaces may occasionally

need to be moved on a temporary basis to accommodate special events such as parades, festivals, etc. as determined by the Parking Administrator.

4. An applicant may be provided up to four (4) mobile food vendor parking meter hoods that will be placed over the meters at the metered spaces to be reserved for use in providing mobile food vendor Services.
5. Signage shall comply with the City's mobile food vendor licensing requirements.
6. Mobile food vendor parking meter hoods may be used by the applicant or the applicant's mobile food vendor contractor (collectively, "mobile food vendor").
7. Mobile food vendor services shall be provided for no more than twelve (12) consecutive hours.
8. Mobile food vendor parking meter hoods shall be placed on the meters two (2) hours prior to the commencement of mobile food vendor services and shall be removed at the end of the service period.
9. Each unique address is limited to two (2) mobile food vendor parking meter hood applications per calendar year.
10. The mobile food vendor shall ensure the surrounding area is cleaned and returned to its previous condition. All trash shall be collected and removed. Downtown recycle bins and on-street trash receptacles may not be used for the mobile food vendor's refuse. All spills shall be cleaned and removed from all surfaces in the surrounding area.
11. All water, grease, and other cooking materials shall be removed by the mobile food vendor. No dumping of any type of material on the street, in tree wells, on brick pavers, etc. is permitted. Dumping violations will result in the revocation of the parking meter hood in use at the time of the violation and may result in denial of future applications for a mobile food vendor parking meter hood. In addition, any and all costs associated with the clean-up of such spills, or dumping shall be the responsibility of the mobile food vendor.
12. The operation of the mobile food vendor shall not interrupt the vehicular or pedestrian flow adjacent to the permitted area. This includes the public's ability to utilize the parking stalls adjacent to the hooded stalls. Furthermore, the location and orientation of the mobile food vendor must allow for adequate operator and customer safety.

Strategic goal: This item supports the City's strategic goal of building community and collaborative relationships. Brick and mortar shops are looking for ways to bring more excitement and variety to Downtown and Old Colorado City. They believe by allowing mobile food vendors in front of shops in the Downtown and in Old Colorado City their foot traffic will increase, thus creating a more festive and bustling atmosphere. We anticipate the shops will collaborate with mobile food vendors and will take full advantage of this opportunity. A new and different way of doing business Downtown could build community and foster collaborative relationships going forward.

Financial Implications:

Applicants shall pay for the necessary parking hoods at \$6 each per day. This modest \$18-\$24 fee would help cover administrative fees to run the program.

Board/Commission Recommendation:

- City Planning Commission was briefed at their April 13th informal meeting and expressed support for this effort
- The Downtown Review Board was briefed at their May 3rd meeting. All present expressed strong support for this proposal
- The Downtown Partnership also supports the proposed amendment

Stakeholder Process:

- One stakeholder meeting was held in late 2016 to discuss ideas on how to bring mobile food vendors to the Downtown
- One public meeting was held on March 9, 2017, where planning staff presented the ideas and answered questions to food truck owners, food cart owners, shop/restaurant owners, media representatives, health department representatives and the general public. Over forty (40) people participated at this event.

Alternatives:

- Approve the Ordinance as presented
- Recommend modifications to the Ordinance
- Deny the Ordinance amending City Code

Proposed Motion:

Move to approve Ordinance amending Section 104 F, Article 15, Chapter 10, and Section 106, Article 15, Chapter 10 of the City Code pertaining to permits for extended use of parking meters

An Ordinance amending Section 104.F, Article 15, Chapter 10 and Section 106, Article 15, Chapter 10 of the City Code to allow mobile food vendors to utilize on-street metered parking spaces