SEATTLE STREET-FOOD INITIATIVE
Director's Report
February 15, 2011

Introduction

The City has an interest in encouraging street-food vending and the multiple public benefits it provides. Recognizing that current regulations have tended to discourage street-food vending, the Executive is proposing legislation to amend or remove regulatory barriers. The proposal includes amendments to the Seattle Municipal Code (SMC) Titles 11 (Traffic) and 15 (Street and Sidewalk Use) and the repeal of Seattle Food Code Chapter 10.10 that is consistent with its previous incorporation into the Seattle-King County Board of Health (Health) Code by prior City resolution.

The legislation also proposes minor amendments to sidewalk café and merchandise display regulations in order to establish consistent access and mobility regulations for all sidewalk-related programs and vending types.

Benefits

Experience in other cities indicates that street-food vending offers multiple benefits:

- **Economic vitality** — Street-food vendors help "brand" a neighborhood by attracting foot traffic to commercial districts that increases sales and creates a more vibrant retail business climate. By offering low-cost, culturally-diverse foods, street-food typically complements rather than competes with sit-down restaurants, and gives people more reasons to frequent local shopping districts.

- **Festive, pedestrian-friendly streets** — Food vendors bring positive activity to the street and add a festive, people-oriented feel that improves public safety.

- **Expanding the diversity of foods** — In many cities, food vendors provide a window into diverse cultures, introducing people to new foods and to the pleasure of spending time in the city's public spaces.

- **An entry point to owning your own business —** Food vending can be an ideal first business. For a modest investment, it helps an entrepreneur develop a track-record and build loyal clientele. For many immigrant and refugee communities, food vending offers a point-of-entry into the economy and a way to learn the food-service industry.

- **Increase access to healthy, local food** — Street-food can provide readily accessible outlets for locally-sourced, healthy foods providing additional points of sale for local farmers.

History/Current Regulatory Environment

The Seattle Department of Transportation (SDOT) reviews and issues Street Use permits for vending carts in the public right-of-way. Other than amending the SMC to authorize

stadium vending, the regulations on street-food vending have remained essentially unchanged for over 20 years.

Prior to 1984, Seattle had very general regulations regarding street vendors and over time, a number of vending “shacks” were placed in the retail core, fostering a perception of blight. In response, public hearings were held by Seattle's then Board of Public Works with vendors, City officials, and the public. From these hearings, regulations emerged governing sidewalk vending that were, in the words of a Street Use supervisor at the time, consistent with the thinking of the local citizenry “who have a neat and orderly mentality”.

The outcome of these hearings in combination with the Food Code (SMC 10.10) was that only three types of food are allowed to be sold from sidewalk carts: coffee, hot dogs, and popcorn. Commercial sales, including food, from trucks or trailers are not allowed in the right-of-way anywhere in the city.

The existing regulations served their purpose by tightly regulating street-food vending and discouraging its proliferation. Seattle has, however, changed dramatically since 1984 and there is a new appreciation of the role that street-food vending can play to enliven and activate public spaces.

Health holds an important role in changing the street-food vending regulatory environment: every food truck, trailer, and cart must secure a permit from Health before they can operate. Current Health regulations limit sidewalk cart sales to coffee, hot dogs, popcorn, corn-on-the-cob, and other “potentially non-hazardous foods”. Health also requires that vendors return to an approved commissary each day and that vendors operating at a location for more than an hour provide written proof of permission for restroom access for vendor employees.

Addressing Expanded Vending Concerns

The Executive realizes that, particularly in this time of economic recession, brick-and-mortar restaurants may feel threatened that street-food vendors present low-overhead competition that is not burdened with many of the costs associated with operating a full-scale restaurant. This proposal is intended to strike a balance between promoting a more robust street-food environment and protecting the interests of traditional food-service businesses. Studies show that street-food vendors attract new customers to a business district and that the street food and sit-down dining experiences tend to appeal to different people at different times, helping to minimize direct competition situations. Recognizing the concerns of full-scale restaurants, a requirement that street-food vendors operate no closer than 50 feet from any food-service business has been included in the proposal.

The current regulations require that a prospective street vendor obtain the adjacent business or property owner’s permission to operate in the right-of-way adjacent to their property. The City cannot, however, delegate Street Use permitting authority to approve or deny the use of the City’s right-of-way to private property owners. Acknowledging that locational issues related to street-food vending deserve consideration in the

permitting process, the legislation will require that Street Use permit applicants must give written notice to every business and residence within a100-foot radius of the proposed vending site. If an abutting property or business owner applies for a merchandise display permit adjacent to their business at least 30 days before a current vending Street Use permit expires or prior to the public notice period for a vending Street Use permit application, the merchandise display Street Use permit application will be given priority use of the site.

During the outreach process leading up to drafting the proposed legislative changes, staff heard strong opinions about the need to effectively enforce new vending regulations in order to ensure the program's success. Late-night vending, often associated with "entertainment districts" was noted as a particular concern. Consequently, the Mayor proposed and the Council agreed to include funding in the City's 2011 budget for an enforcement team focused on ensuring a safe and successful nighttime street-food environment. Police, Fire, SDOT, Health, and Finance and Administrative Services (business licenses/taxes) staff will work together to: determine if vendors have required permits and licenses, and are in compliance with permit conditions and vending regulations; and if violations are found, enforce the regulations. Additionally, the proposal increases fines for non-compliance and provides a means to direct fine proceeds to a fund that supports enforcement efforts. It is anticipated that this revenue stream may decline over time as the number of violations decrease.

Proposed Vending Regulation Changes

The following are highlights of the proposed changes (see Attachment A for a summary of changes):

Street-food vending site locations

- Setbacks from restaurants and grocery stores — The proposal requires food vendors locate 50 feet from an adjacent food-service business. A food-service business may have the ability to vend food in front of their business with a Street Use permit.

- Setbacks from schools — The proposal continues the current setback requirement from public and private schools of 200 feet for permitted vending sites, but clarifies that only schools containing a Kindergarten through 12th grade class are affected. Also, the legislation maintains the 1000-foot setback for mobile food vendors from both public and private K-12 schools.

- Setbacks from City Parks — The proposal provides that in a situation where an application is received by SDOT for a food vending Street Use permit within 50 feet of a public park, SDOT will confer with Parks in order to assess potential conflicts with park activation efforts, existing concessionaire contracts, and public safety and access issues, prior to issuing a Street Use permit.

Restrictions on vending operations

- Public Place Conditions — SDOT will include, but is not limited to, permit conditions for managing litter, line queing, and storage of ancillary vending materials.

- Amplified sound — Street-food vendors will not be permitted to play amplified music or use other noise-making devices at vending locations, with one exception for mobile-food vendors of food products that Health has determined is exempt from obtaining a Health permit (as an example, prepackaged ice cream products). This exception recognizes that amplified music is an essential component of this business model. These mobile food vendors will, however, be prohibited from stopping at a curb space longer than necessary to serve waiting customers. The proposal requires that all vendors comply with SMC 25.08, Noise Control.

Vending permit application procedures

- Improve noticing requirements to the abutting public and area businesses — The proposal requires public notice of all pending Street Use permit applications for new vending locations, by requiring the vending applicant to notify all adjacent businesses and residences within a 100-foot radius of the proposed vending location.

- Creates a lottery for vendors at specific locations — The proposal provides that SDOT may conduct a lottery in order to provide equal access to new food vending locations when more than one complete Street Use permit application is received for a site. Vendors that have operated with a good compliance history at a site may not be subject to a lottery when they are renewing their Street Use permit before it expires.

Public place vending

- Diversify the types of food sold from food vending carts — Vending carts are currently limited to vend hot dogs, espresso, popcorn, and flowers. The proposal will defer to Health to determine the type of food that may be vended. As a part of this initiative, Health is proposing to change its regulatory approach, creating the possibility for an expanded range of foods to be sold from food vending carts.

- Vending setback standards — Required setbacks will maintain sufficient space on the sidewalk to allow for street-food vending while maintaining the necessary room for pedestrian mobility and access, passage for persons with disabilities, and access to businesses and residential buildings. An established “pedestrian zone” will set minimum widths for pedestrian mobility. An established “pedestrian visual corridor” within the pedestrian zone will set a minimum width for a continuous and straight corridor that provides pedestrians with a clear visual indication of the location of the path of travel within which obstructions may not be placed. The setbacks are consistent with the Pedestrian Master Plan and sidewalk café guidelines. Prospective vendors will submit a site plan denoting,

among other things, dimensions, compliance with required setbacks, and queuing plans.

- Vending Cart Density — SDOT will not issue Street Use permits for more than two street-food vending cart locations on any block face.

Vending from the curb space

- Create a Street Use Permit type for food vehicles in curbside food vending zones — Food vending is currently prohibited in the curb space or roadway. The proposal would allow SDOT to create curbside food vehicle zones and issue Street Use permits for their use by food-vending vehicles.
- Create Street Use Permit type for food vehicles in temporarily reserved curb space. —Food vending is currently prohibited in the curb space or roadway. The proposal provides that SDOT may issue to a vendor, property owner, or public entity a temporary curb space vending Street Use permit that authorizes vending from a curb space that is not designated a food vehicle zone. The temporary curb space food vending Street Use permit shall only be issued in conjunction with an event located on the private property or public place abutting the curb space. This provision allows community or private event organizers to have a food vehicle be a part of the event by parking within the permitted area in the roadway. The Street Use permit may not be issued for more than four days during any six-month period for the adjoining address.
- Create a Street Use Permit for mobile food vendors — A separate Street Use permit type will be created to allow vending of food products that Health has exempted from obtaining a Health permit (for example, prepackaged ice cream products). These vendors can move while vending but will be limited to stopping only long enough to serve waiting customers. This mobile food vending activity will not be allowed in the greater downtown area or on University Way and also as currently restricted in the SMC.

Vending in plazas

- Allow food vending in public plazas — In addition to vending food from a vending cart from a sidewalk, this legislation also provides the ability for food vending to occur in other public places like pedestrian plazas or pedestrian malls and from other modes like food vehicles. While it remains unlawful to detach and park a trailer or camper in other areas of the roadway, SDOT may permit detached trailers in designated pedestrian plazas or pedestrian malls**.**

Stadium and Exhibition Center Event Vending

- Clarifying stadium and exhibition center event vending area regulations — The proposal clarifies prohibitions related to the "stadium and exhibition center event restricted vending area" currently surrounding Safeco Field. The proposal expands the stadium vending area to include all events that may occur at Qwest Field, Safeco Field and the Exhibition Center. The 'event day' is further clarified as starting four hours before the start of the event and ending two hours after the

event is scheduled at the stadiums or exhibition event center. The legislation will further clarify the vending permit procedures and regulations consistent with the other vending proposed regulations.

Vending in Historic Districts

- The proposed legislation is intended to supersede existing rules governing street food vending in historic districts. Seattle has seven designated historic districts — Pioneer Square, Chinatown/International District, Pike Place Market, Ballard, Harvard/Belmont, Ft. Lawton, and Columbia City. The districts are administered by Department of Neighborhoods' (DON) staff, in conjunction with citizen review boards, with the purpose of ensuring the appearance and historical integrity of structures and public rights-of-way are maintained in accordance with adopted standards. In order to address historic preservation concerns, SDOT, DON, and Planning & Development staff will be developing a set of design guidelines for street-food vending carts and a process by which DON staff would administratively review the vending carts for consistency with the design guidelines before SDOT has issued a Street Use permit for the proposed vending cart.

Vending on private property

- The proposal does not change vending on private property — The changes in this legislation apply only to vending on public right-of-way. As noted, street-food vending is currently not allowed from a food vehicle or in the curbspace. Consequently, private property affords street-food vehicles vendors the only opportunity to vend in the City. It is legal for street-food vehicles to vend from a legal parking lot in a commercial zone with the permission of the property or business owner. On other private parcels, food service would need to be established as a permitted use before street-food could be sold, subject to certain development standards. The City Council is considering legislation that would permit food vending on any lot in certain zones and include food vending as one of a menu of required uses before the owner of a "stalled" development project could operate short-term parking on the site.

Vending in Business Improvement Areas (BIAs)

- The proposal does not require vendors to contribute to BIAs — Seattle currently has seven BIAs (Pioneer Square, Chinatown/International District, West Seattle, Columbia City, Broadway, University District and Downtown). BIAs are self-taxing districts where business or property owners contribute funds for neighborhood improvement activities such as cleaning, beautifying, and marketing. It has been suggested that it would be equitable for street-food vendors to contribute to the BIA where they are operating. The City's Office of Economic Development is working with the BIAs to suggest a possible contribution methodology. This legislation, however, does not propose BIA contributions. It is possible that future legislation would be needed should the City decide to make contributions mandatory.

Sidewalk cafes

- Changes to provide consistent regulations — The proposal adds a "pedestrian zone/pedestrian visual corridor" and other requirements to sidewalk café permitting in order to bring consistency to requirements related to street-food, sidewalk cafes, and merchandise display vending.

Merchandise display

- Consistency between merchandise display and other vending regulations — Merchandise displays can be an effective way for merchants to display to prospective customers the types of goods for sale inside a retail store. It can also provide visual interest enhancements to the streetscape. The fruit and vegetable displays outside of some Chinatown/International District stores are good examples. The proposal builds on changes passed in 2008 related to sidewalk cafés and will allow merchant displays on the "curb side" of the sidewalk, subject to setback requirements. Other changes bring consistency to merchant displays, sidewalk cafés, and street-food vending.

Outreach and public input

- City staff met with numerous neighborhood, business, and other advisory groups during 2009 and 2010 as the Street-Food Initiative was being developed in order to provide information and seek feedback. A partial list of groups and meetings is attached (see Attachment B). Some changes to the proposal that were a direct result of input received during the public engagement process include:
    - Litter management and site cleanliness requirements;
    - Consideration of site issues such as the location of display windows and air intake vents during the permit application review process;
    - Lottery system eliminated for locations when vendors have not violated the vending code;
    - Recommendations from Disabilities Commission;
        - Consideration of the Portland model for "pedestrian visual corridor/pedestrian zone" requirements;
    - Need for an effective enforcement mechanism, particularly late at night;
        - The 2011 budget includes funding for an enforcement team. Fire, Police, SDOT, Finance and Administrative Services (business licenses/taxes) and Health are anticipated to be regular participants.
    - Encourage food service businesses to prepare and sell food in front of their restaurants. Exempt from setback requirements related to food service businesses.

SEPA

- SDOT conducted an analysis of potential environmental impacts from the proposed changes in accordance with Washington State's State Environmental Policy Act (SEPA) and issued a determination of non-significance. This determination was published in the Daily Journal of Commerce, the Seattle

Times, and was made available at the Department of Planning and Development's Public Information Center. The SEPA determination was not appealed to the Hearing Examiner.

Fees and fines

- The legislation proposes that fines related to vending-related violations of permit conditions or for operating without required vending permits be raised to discourage illegal vending and help support vending enforcement. Increases in Street Use permit fees reflect the costs of administering and enforcing the program.

Appendix

Additional information about street-food vending is available at the following links:

- "Food Cartology – Rethinking Urban Spaces as People Places." Food Cart Study for the City of Portland, OR by the Urban Vitality Group. http://www.portlandonline.com/shared/cfm/image.cfm?id=200738
- Study Project for Public Spaces – the benefits of food vending in the right-of-way. http://www.pps.org/blog/mobile-food-carts-on-a-roll/
- Seattle Street Food Forum- Facebook page: http://www.facebook.com/pages/Seattle-Street-Food-Forum/124224457627988?v=wall&ref=ts#!/pages/Seattle-Street-Food-Forum/124224457627988?v=wall&ref=ts
- http://SeattleStreetFoods.com/forum
- Food Vending in Portland, OR – information, potential for Seattle. http://foodcartsportland.com/
- FareStart – Seattle's job training and placement program for homeless and disadvantaged individuals. http://www.farestart.org/
- Washington CASH (Community Alliance for Self-Help)- micro lending starter business support. http://washingtoncash.org/
- San Francisco Changes Street Food Regulations. http://missionlocal.org/2010/11/planning-commission-eases-street-food-vending-rules/