Curb Space Food-Vehicle Zone Vending

Effective August 22, 2011

The City adopted Ordinance 123569 in July of 2011 in order to stream line the rules and regulations for street-food vending. The City of Seattle encourages street-food vending to increase public use, enjoyment, and safety of our public right-of-way. With proper design and management, street-food vending can be a great way to encourage walking, add vitality to the street, and promote local economic development.

In this Client Assistance Memo (CAM) 2507, you are given information regarding the rules and requirements for vending food from a food vehicle in a designated Food-Vehicle Zone and how to obtain a Street Use vending permit. For more information on Sidewalk and Plaza Street-Food Vending refer to CAM 2501, for Stadium and Event Center Vending refer to CAM 2508, for Mobile-Food Vending refer to CAM 2509, or for Temporary Curb Space Vending refer to CAM 2510.

Curb Space Food-Vehicle Zone vending (SMC 15.17.120)

Vending of food from a food vehicle is allowed in a curb space that has been designated and signed as a Food-Vehicle Zone by the Seattle Department of Transportation (SDOT). Use of this designated zone requires a valid Street Use vending permit for that specific location and permitted days and hours. There is a maximum limit of one Food-Vehicle Zone that may be designated per block face. One Food-Vehicle Zone may be able accommodate a maximum of two food vehicles based on the site characteristics approved by SDOT. In addition, vending of food from a food vehicle may also occur on a public plaza, please refer to CAM 2501 for those permit requirements.

The Curb Space Food-Vehicle Zone vending permit is valid for one year and is issued based on daytime (6 AM – 8 PM) or nighttime (8 PM – 6 AM) use in 4-hour blocks of time. (Street Use permit use codes 19G and 19H.)

All food vehicles must comply with the Traffic Code, Title 11.

A. Location

To vend from a Food-Vehicle Zone, a vendor must find a suitable site that meets all the setback requirements and submit a request to SDOT to designate a Food-Vehicle Zone location. Once approved and signed, the Food-Vehicle Zone location will become the assigned location for your food vehicle. If multiple locations are requested by the vendor, a separate Street Use vending permit will be required for each location. Use of a Food-Vehicle Zone will be scheduled through the Street Use permitting process.

The following setback and clearance standards apply to all vending activity in the public place. SDOT has the discretion to increase some of these distances or add specific conditions to the Street Use permit based on site characteristics. Street Use will determine the appropriateness of each requested location based on the following setback and clearance standards:

1. **Zoning.** The food-vehicle zone must not be located in a public place abutting a lot zoned RSL, SF 5000, SF 7200, SF 9600, LR1, LR2, or LR3 as

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shown on the Official Land Use Map, SMC Chapter 23.32. The City of Seattle zoning map can be viewed at: http://www.seattle.gov/dclu/Research/gis/webplots/smallzonemap.pdf

2. **Clear Pedestrian Zone Area.** A designated pedestrian zone with a linear-pedestrian-visual corridor is required adjacent to all vending activity. A clear pedestrian zone must be maintained at all times on the sidewalk adjacent to the food vehicle. The pedestrian zone is measured from the outside edge of the vending area to the nearest obstruction; for example, a tree pit, parking pay station, bike rack, sign post, or other similar object. If no obstruction exists, the pedestrian zone is measured to the back of the curb. The pedestrian visual corridor is within the pedestrian zone and dictates that the pedestrian zone will be generally straight and with no sharp or jagged turns that impair pedestrian circulation (see Figure 1: Pedestrian Zone/ Pedestrian Visual Corridor).

   - In the Downtown Urban Center (see Map 1: Downtown Urban Center), a pedestrian zone at least 6 feet wide with a 4-foot-wide pedestrian visual corridor is required.

   - Outside the Downtown Urban Center, a pedestrian zone at least 5 feet wide with a 3-foot-wide pedestrian visual corridor is required.

   - Free-standing umbrellas or canopies, A-frame signs, portable signs, planters, or any other encroachment is not allowed in the pedestrian zone or pedestrian visual corridor. Awnings with a minimum clearance of 8 feet above the sidewalk grade may project over the pedestrian zone.

   - Electrical cords or strings of lights may not be strung over or be placed on the pedestrian zone.

3. **Setbacks.** Setbacks are required from the following elements and must be clearly identified on the required site plan for the Street Use permit application (see Figure 2: Food Vehicle Location):

   - 50 feet from a food-service business if the permittee is vending food or nonalcoholic beverages;

   - 15 feet from any business entrance or exit;

   - 1,000 feet from any public or private school containing a 9th grade through 12th grade class if the permittee's vending cart or food vehicle is located in a public place abutting a lot zoned RSL, SF 5000, SF 7200, SF 9600, LR1, LR2, or LR3 as shown on the Official Land Use Map, SMC Chapter 23.32;

   - A larger setback distance may be required by the Director to provide for pedestrian passage, traffic management, or any other public-use purpose.

   - Additionally, Food-Vehicle Zone locations may not be in driveways or loading zones. Vending may only occur from the side of a food vehicle that is parked abutting and parallel to the curb.

4. **Near Parks property.** If the proposed Food-Vehicle Zone location is within 50 feet of a park as defined in SMC Section18.12.030, the Superintendant of the Parks Department may recommend to the Director of Transportation whether the vending site should be approved or denied based on the following considerations:

   - Public safety or access within the park;
   - Conflicts with existing businesses and concessionaires, permitted events, or other special activities occurring in the park; or
   - The need to encourage park activation.

5. **Pike Place Market Historic District.** Vending is allowed on public places located in the Pike Place Market Historical District, as depicted in Map 2: Pike Place Market Historic District, only if:

   - The Pike Place Market Preservation and Development Authority is the applicant and obtains a Street Use vending permit; or

   - A business located in the Pike Place Market Historic District, licensed by the City to do business and permitted to do business in the Pike Place Market Historic District by the Pike Place Market Preservation and Development Authority, is the applicant and obtains a Street Use vending permit; and

   - The applicant has obtained a Certificate of Approval for the vending activity from the Historic Commission subject to the provisions of SMC Chapter 25.24.

B. Application to SDOT

A Street Use vending permit is required to operate a food vehicle in a Food-Vehicle Zone. This type of permit is valid for one year and is issued based on daytime (6 AM – 8 PM) or nighttime (8 PM – 6 AM) use in 4 hour blocks of time. (Street Use permit use codes 19G and 19H.)

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Step 1: Initial Application Submittal. Street Use vending permit applications may be submitted at the Street Use Permit Counter on the 23rd floor of the Seattle Municipal Building at 700 5th Avenue. The permit applicant must provide the following information at the time of application submittal:

- ☐ Signed **Street Use vending permit application**;
- ☐ Three copies of a legible **site plan** including the following:
  - North arrow;
  - Name and location of adjoining street(s) or alley(s);
  - Width of adjacent sidewalk(s);
  - Location of existing improvement (e.g., utility poles, parking pay stations, bus shelters, sign posts, tree pits) detailing distance of each from nearest edge of the proposed Food-Vehicle Zone vending area;
  - Location of property lines and dimensions of the public place area proposed for vending use, including food vehicle, customer queuing area, and accessories;
  - If fencing or other delineating barrier is proposed by the applicant or required by the Director for customer queuing, fencing detail including materials and dimensions;
  - Sidewalk width remaining for pedestrian zone and pedestrian visual corridor;
  - Location and dimensions of any proposed installations in the sidewalk area associated with the vending activity;

NOTE: Installations such as tables and chairs require a separate Street Use review and permit(s);

  - Location of abutting building exits and entrances; and
  - Location and description of adjacent parks, adjacent streets that are closed to traffic, or adjacent public plazas available for pedestrian travel.
- ☐ **Use description** including the following:
  - The anticipated periods of use during the year;
  - The proposed hours of daily use;
  - Photo of food vehicle including description of the dimensions;
  - Copy of menu approved by the Seattle-King County Department of Health; and
  - License plate number of food vehicle.
- ☐ Copy of **Seattle-King County Department of Public Health Mobile Food Unit permit**, proof of permit exemption, or receipt of pending permit;
- ☐ Copy of **Seattle Business License** or receipt of pending permit;
- ☐ Copy of **Seattle Fire Marshall permit**, if using an open-flame or liquid petroleum gas (LPG) or receipt of pending permit; and
- ☐ **$344 Field review fee deposit.** A vending site field review fee deposit is collected for 2 hours of work by the permit reviewer. If review time is less than 2 hours, the remaining balance will be refunded after the permit is issued. If the review time is more than 2 hours, an invoice will be sent for the additional review fees not covered by the field review fee deposit. Field review fee deposits cannot be applied to the permit fee at the time of issuance.
- ☐ If the proposed site is within the Pike Place Market Historic District (see Map 2: Pike Place Market Historic District), a **Certificate of Approval** from the Historic Commission.

Step 2: Field Review. An SDOT Street Use inspector will conduct an on-site field review within two weeks of a complete application submittal as described in Step 1. The field review is to verify compliance with all setback and clearance requirements and to determine whether there are other potential conflicts not identified. The inspector may require modifications to the site plan or resubmittal of a new site plan prior to the posting of the public notice of application comment period.

If the proposed location has not previously been designated by SDOT as a Food-Vehicle Zone, additional review by the SDOT Traffic Management Division will be required in order to designate the Food-Vehicle Zone curb space.

NOTE: If multiple applications are received for the same location prior to the posting of the public comment period, the proposed Food-Vehicle Zone may be subject to a permit lottery.

Step 3: Public Notice of Application Comment Period. Once the field review inspections have been approved, SDOT will prepare a public notice form for the applicant. The notice form will include information regarding the proposal including proposed location, dates and hours of use, comment period dates, as well as provide information on how the public can comment on the pending application and how to request a review or reconsideration of a Street Use permit decision. SDOT will provide the applicant with the notice form to be mailed by the applicant and SDOT may provide the applicant a list of the contacts based on data provided by the King County Tax Assessor. The applicant is responsible for complying with the notice requirements

of SMC 15.17.009. The public notice period will run for 10 business days.

The applicant must send all required notices three calendar days before the start of the public notice period by first-class mail to:

- All street-level business entities, public entities, and residences located:
  - Within a 100-foot radius of the vending site, and
  - On the adjacent and opposing block face of the vending site, and
  - On the adjoining block face around the corner if the vending site is located within 10 feet of a corner-curb-radius area.

- The property manager, homeowner's association, or apartment manager of all residential units located above:
  - The adjacent and opposing block face of the proposed vending site, and
  - On the adjoining block face around the corner if the vending site is located within 10 feet of a corner-curb-radius area.

SDOT will also post notice of the pending applications on the SDOT vending webpage at: http://www.seattle.gov/transportation/stuse_vend.htm

Notice of application is not required if a permittee with an existing vending Street Use permit applies to renew the same type of vending Street Use permit for the same vending site.

Step 4: Final Submissions. The applicant must submit the following prior to the end of the public comment period:

- ☐ $1,000,000 Liability Insurance with the City of Seattle as an additional policy holder. (For more information, see CAM 2102, *Certificate of Liability Insurance*); and

- ☐ Contact list of all the business entities, public entities, residences, property managers, home owner's association, and apartment managers that were sent a notice as required in Step 3. This contact list must be signed by the applicant verifying all entities within the required public notice area were sent the notice by first-class mail within three calendar days before the start of the public notice period; and

- ☐ Copies of Seattle Business License, Seattle-King County Department of Health Mobile Food Unit permit, proof of permit exemption, or Seattle Fire Marshall permit, if receipt was submitted with initial application.

Step 5: Final SDOT Review and Permit Decision. After the public notice of application comment period has ended, SDOT will: compile all the comments received, verify that all required documents have been submitted, and verify that the site plan meets the minimum requirements as established in SMC Chapter 15.17.

After the close of the comment period, SDOT will review all comments and documents and make a final decision to approve, approve with additional site-specific conditions, or deny the permit based on the following:

- Proposal meets standards established in SMC Chapter 15.17 and Director's Rule; and
- Requested conditions from public comments are consistent with the allowable Director's conditions.

Request for Review or Reconsideration. A request for review or reconsideration of a vending permit decision may be made to the SDOT Director by filing a written request within ten calendar days of the date of the SDOT decision (SMC 15.04.112). The request must identify the decision for which review or reconsideration is requested, grounds for objecting to the decision based on City standards, and the specific remedy being proposed. The Director will designate a review officer who will make a recommendation to the Director. The Director may, at the Director's discretion, stay implementation of a decision pending review or reconsideration. The Director's decision on review or reconsideration is final.

C. Permit Conditions

1. **Standard Conditions.** All SDOT vending Street Use permits will be conditioned with the following requirements:

- Compliance with all of the SMC Chapter 15.17 Vending standards and Director's Rules;

- Compliance with the Seattle-King County Department of Public Health requirements and Seattle Fire Department requirements if propane or a combustible fuel is used;

- Obtain and maintain in effect all required permits and business licenses;

- Proper display of a valid Street Use Vending decal while vending in the public place;

- Provide a copy of the Street Use vending permit on-site at all times. This permit must be available for anyone to view if requested;

- Sell only food and beverages that are capable of immediate consumption;
- All vending permit-related encroachments must be removed from the public place when the Street Use permit expires;
- Use of amplification or noise-making devices are not allowed by the food truck vendors and the permittee must comply with Chapter 25.08, Noise Control;
- The food vehicle may not be left unattended in the public place for longer than 30 minutes;
- The food vehicle must be removed from the public place by the end of authorized business hours; and
- Garbage, recycling, and composting receptacles must be supplied by the permittee for the public use and are capable of accommodating all refuse generated by the vending activity. The containers must be maintained and emptied regularly. The adjoining and abutting public place must be free of all refuse of any kind generated from the vending activity.

2. **Additional Conditions.** In addition to the standard vending permit conditions, the Director may, as deemed appropriate, condition the Food-Vehicle Zone Street Use permit to address:

- Design and placement of food-vending equipment and umbrellas;
- Hours of operation and dates of use;
- Impacts associated with the vending activity from:
    - Lighting;
    - Noise;
    - Air emissions; or
    - Placement of signage, furniture, or equipment;
- Impacts to the abutting business displays, business signage, or intake vents from the proposed vending activity;
- Need for repairs or improvements to the public place in order to accommodate the vending activity; or
- Pedestrian circulation, traffic management, or any public use purpose.

3. **Vending Decal.** A Street Use Vending decal is required to be affixed to any food vehicle permitted to operate in the public place. This decal must be prominently displayed at all times and must be viewable by the public while the vending activity is occurring. SDOT will provide this decal to the permittee at the time of permit issuance. The decal must include the following information:

- Vending site reference number;
- SDOT contact phone number and email address to submit comments regarding the vending-related activity or site; and
- SDOT vending website where permit specific information can be accessed by the public.

D. Permit Administration

1. **Site Priority.** Certain uses of the public place may be given Street Use permit priority over a vending site location. These include, but are not limited to:

- If a vending Street Use permit has not been previously issued for the site, only merchandise display Street Use permit applications submitted before the public notice for a complete vending Street Use permit application will be given priority use of the site; and
- If the abutting property or business owner applies for a merchandise display Street Use permit at least 30 calendar days before the current vending Street Use permit for the vending site expires, the merchandise display application will be given priority use of the site.

If an existing permittee submits a complete application for a renewal of their Street Use vending permit at least 30 calendar days before the expiration of their Street Use vending permit and they have not had two or more Street Use citations upheld by the Hearing Examiner within the last year, they will have priority for the vending site and will not be subject to a lottery.

2. **Lottery.** There may be instances when a lottery for a vending Street Use permit may be necessary to equitably determine the permittee for the site. These include, but are not limited to when:

- SDOT posts an on-line request for applications for a specific location. The lottery will be conducted for all applicants that submit a complete application by the posted due date.
- Multiple complete applications are received for a new vending site before a public notice period has commenced.

- Multiple complete applications are received for an existing vending site at the time of permit expiration and the existing permittee does not submit a complete application for a renewal of their Street Use vending permit at least 30 calendar days before the expiration of their Street Use vending permit.

- Multiple complete applications are received for an existing vending site location at least 30 calendar days before the current Street Use permit expires and if the existing permittee has had two or more Street Use citations upheld by the Hearing Examiner within one year before the expiration of the Street Use permit.

3. **Issuance and Modification.** After the final SDOT review determination that an application is approved or approved with conditions, the applicant can obtain their Street Use vending permit at the Street Use permit counter. The applicant must pay all required fees, sign the permit, and pick up their Vending Decal.

The permit fee includes: $146 issuance fee, $468 parking occupation fee per 4-hour block in a week. (For example, every Monday, Wednesday, and Friday from 10 AM - 2 PM equals three 4-hour blocks), and an additional Program Administration Fee is assessed based on the hours of use:
Daytime (6 AM – 8 PM) = $344
Nighttime (8 PM – 6 AM) = $688

All vending Street Use permits authorized by SMC Chapter 15.17 are of a temporary nature, vest no permanent rights, and are revocable as provided for in SMC Section 15.04.070.

The Director may modify the conditions of a vending Street Use permit, including permitted hours or days of operation, after providing the permittee with written notice 10 calendar days before modifying the Street Use permit. A copy of the modified Street Use permit will be mailed by first-class mail to the permittee at the address listed on the Street Use permit. The permittee may request a Director's review of the decision to modify the conditions of the Street Use permit as provided for in SMC Section 15.04.112.

The Director of Transportation may suspend any vending Street Use permit to:

- Promote transportation mobility or public safety; or

- Coordinate with permitted Special Events authorized by SMC Chapter 15.52, or parade permits authorized by SMC Chapter 11.25; or

- Coordinate with any other permitted activity.

4. **Renewal.** All Street Use vending permits have an expiration date and do not automatically renew.

To reissue a Food-Vehicle Zone vending Street Use permit for an existing permitted site, the permittee must submit a new complete application at least 30 calendar days before the current Street Use permit expires.

The vending Street Use permit may be reissued if a timely and complete application is received from an existing permittee and the site still complies with all the location requirements in Section A.

Failure of the existing permittee to submit a complete application at least 30 calendar days before the expiration of their existing Street Use permit, may subject the vending location to a lottery.

5. **Expiration.** A Street Use permit for vending expires if:

- The business or food vehicle changes ownership;

- The Street Use permit duration expires; or

- Street Use permit fees are not paid as required by SMC subsection 15.04.074.B.

All vehicles, objects, or other Street Use permit-related encroachments must be removed from the public place when the Street Use permit expires. A Street Use permit to vend is not transferrable or assignable.

E. Permittee Responsibilities

- The permittee must maintain the vending site and the adjoining and abutting public place free of all refuse of any kind generated from the operation of their businesses.

- All materials and supplies used by the permittee must be contained in the food vehicle; and the permittee must not store supplies or other materials in the public place.

- The surface of the public place must not be altered and permanent fixtures of any kind may not be installed in the public place unless authorized by a Street Use permit.

- A food vehicle may not be secured to any public amenity unless authorized by a Street Use permit. A food vehicle may not be unattended in the public place for longer than 30 minutes.

- The permittee must temporarily clear the public place as the Director of Transportation deems

necessary to temporarily accommodate access to abutting properties or utilities.

- The permittee is responsible for ensuring that customer queues or vending activity do not encroach into the roadway; or cause pedestrians to divert from the abutting pedestrian zone.

- The permittee must not conduct business in such a way as to: restrict or interfere with the ingress or egress of the abutting property owner or tenant; create or become a nuisance or hazard to public health, safety, or welfare; increase traffic congestion or delay; or constitute an obstruction to adequate access to fire, police, or sanitation vehicles.

- The permittee must immediately remove the vending activity when ordered by the Director of Transportation, the Chief of Police, the Fire Chief, or other City official.

Contact Information

Street Use Division
Annual Permits

(206) 684-5267
AnnualPermits@Seattle.gov

Seattle Municipal Tower, 23rd Floor
700 5th Avenue
P.O. Box 34996
Seattle, Washington 98124-4996

Additional Resources

- Street Use Vending webpage:

http://www.seattle.gov/transportation/stuse_vend.htm

- Office of Economic Development vending web portal:

- Seattle Municipal Code (SMC), Chapter 15.17, Vending:

http://clerk.seattle.gov/~public/toc/15-17.htm

- SMC, Title 11, Traffic Code:

http://clerk.seattle.gov/~public/toc/t11.htm

- SDOT Director's Rule C-2011

- The City of Seattle zoning map: http://www.seattle.gov/dclu/Research/gis/webplots/smallzonemap.pdf

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Figure 1: Pedestrian Zone/ Pedestrian Visual Corridor

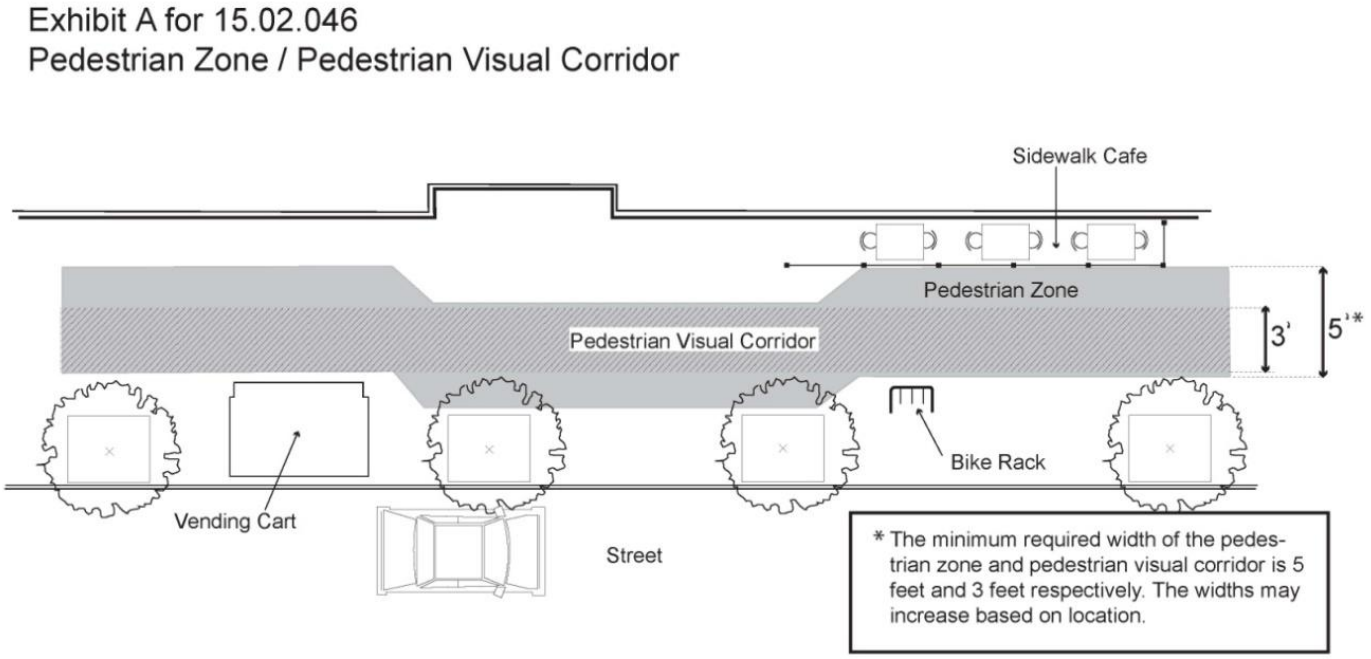
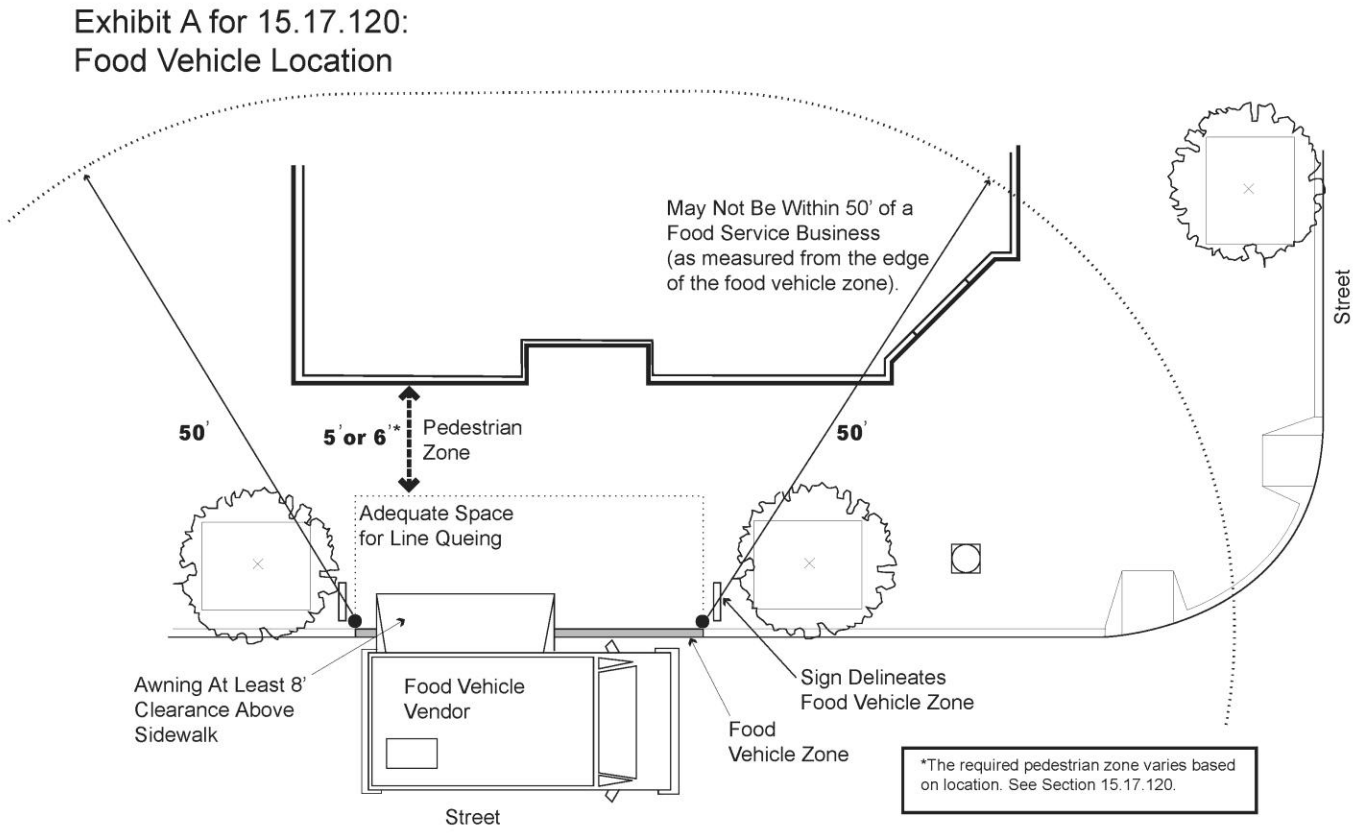
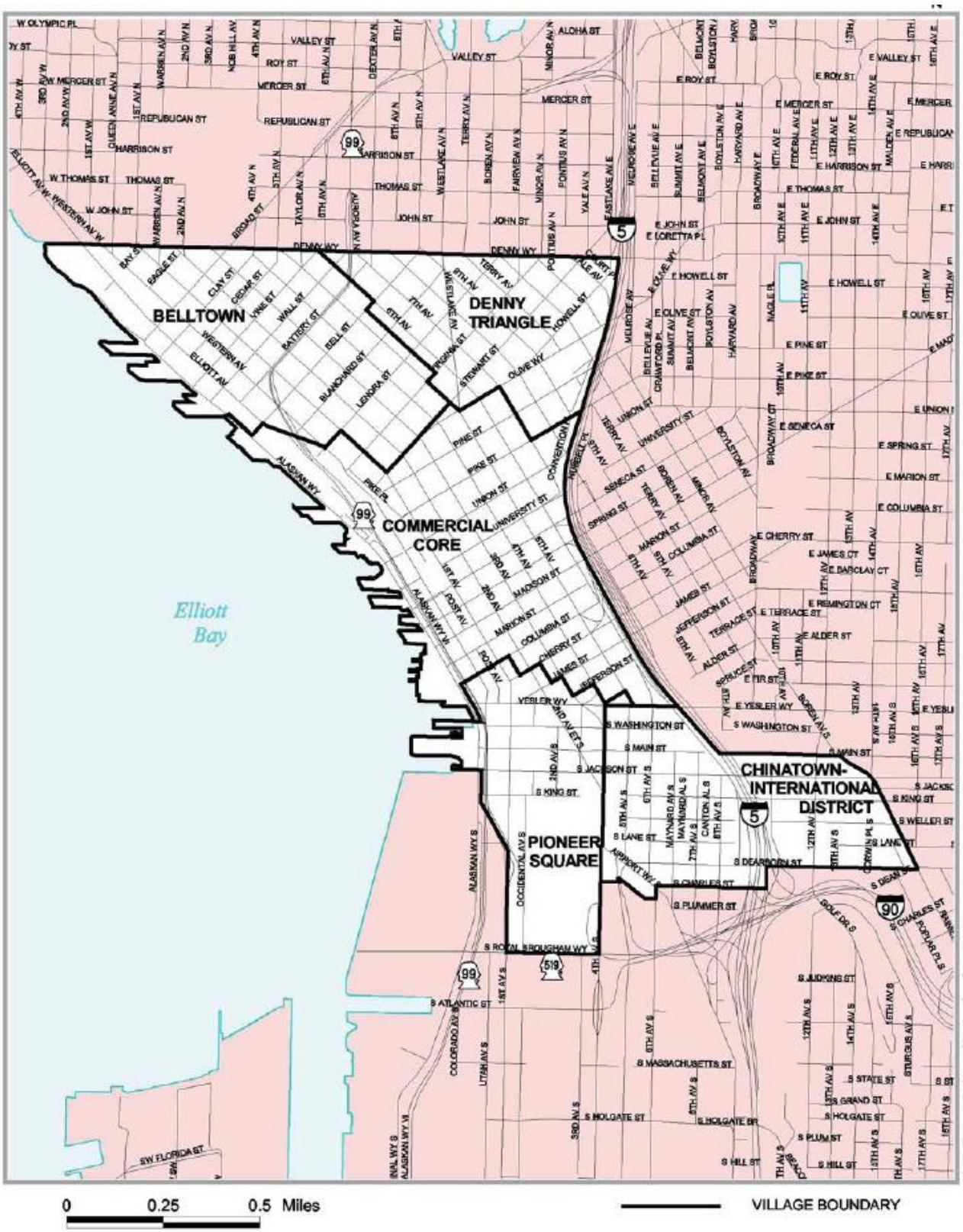
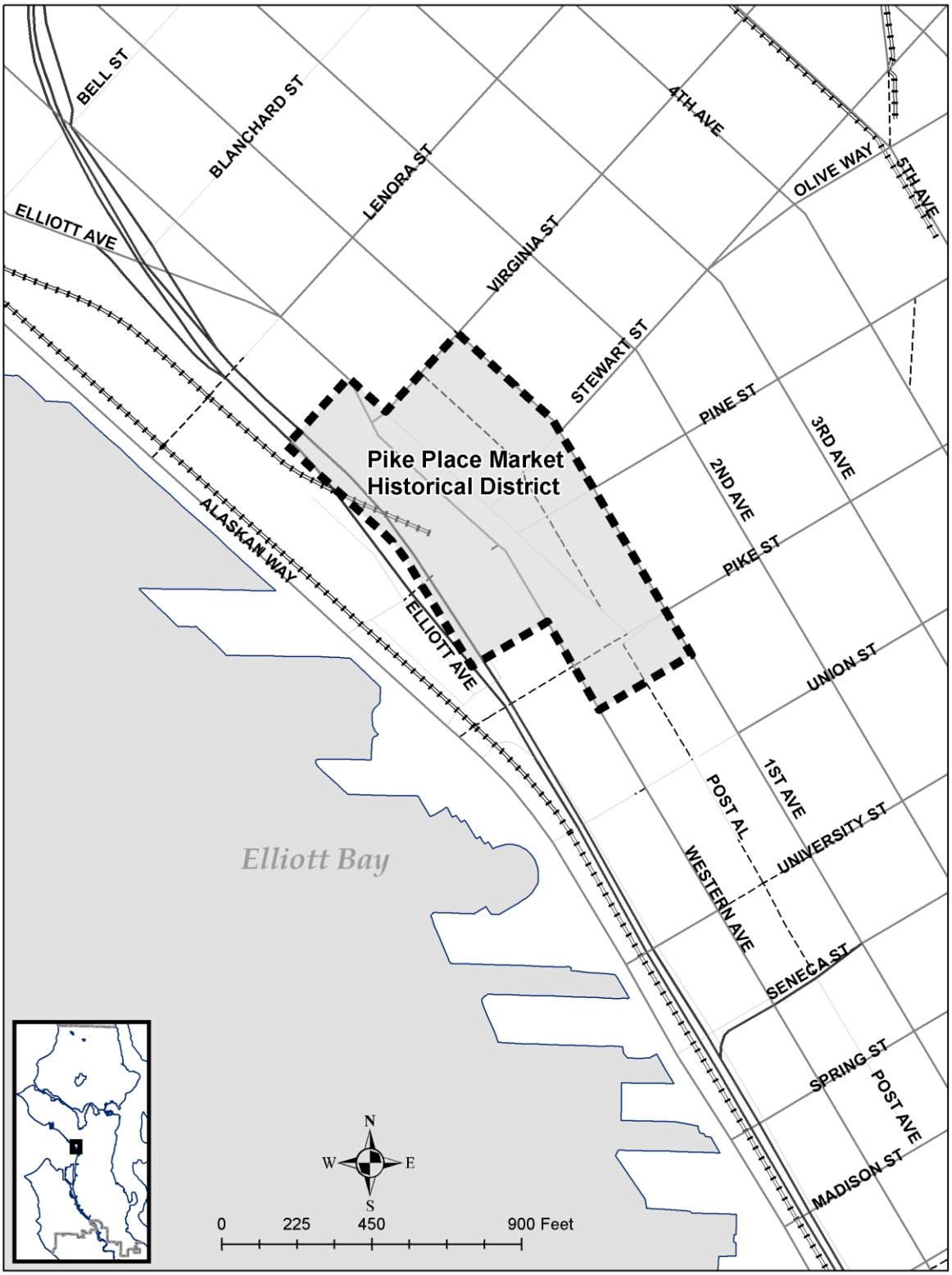


Figure 2: Food Vehicle Location



Map 1: Downtown Urban Center



Map 2: Pike Place Market Historic District