



City of Longview

1525 Broadway
Longview, WA 98632
www.ci.longview.wa.us

Agenda

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US (San Jose)

Planning Commission

Wednesday, January 20,
2021

7:00 PM

City Hall

The City Hall is accessible for persons with disabilities. Special equipment to assist the hearing impaired is also available. Please contact the City Executive Offices at 360.442.5004 48 hours in advance if you require special accommodations to attend the meeting.

1. ROLL CALL

2. APPROVAL OF MINUTES

20-000561 Minutes of the December 9, 2020 Planning Commission Meeting

3. AUDIENCE PARTICIPATION OF CORRESPONDENCE

4. DECLARATION OF EX-PARTE COMMUNICATIONS AND APPEARANCE OF FAIRNESS

5. PUBLIC HEARINGS

6. OTHER BUSINESS

21-00042 PC 2020-4 Discussion on: COMPREHENSIVE PLAN IMPLEMENTATION WORK PLAN

7. NON-PUBLIC HEARING ITEMS

20-000562 PC 2020-5 WORKSHOP ON CODE AMENDMENTS FOR FOOD TRUCKS/MOBILE VENDORS

RECOMMENDED ACTION: provide direction to staff on whether to draft new regulations for food trucks, or a trial program for permitting mobile vendors/food trucks on private property or a new rule process to permit mobile vendors/food trucks as temporary uses.

8. PLANNER'S REPORT

9. ADJOURNMENT



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Minutes

Agenda

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669 900 6833 US (San Jose)

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1. **ROLL CALL**

Chairman Collins called the meeting to order at 7:00 p.m.

Present: Member Craig Collins, Member Bill Josh, Member Ramona Leber, Member Shawn Marvin, Kalei LaFave

Staff Present: Ken Hash, Public Works Director; John Brickey, Community Development Director; Steve Schuman, Assistant City Attorney; Adam Trimble, Planner; Lisa Vertrees, Administrative Assistant

2. **APPROVAL OF MINUTES**

20-000540 MINUTES OF THE NOVEMBER 18, 2020 SPECIAL MEETING

A motion was made by Member Ramona Leber, seconded by Kalei LaFave, to Approve the minutes of the November 18, 2020 Special Planning Commission meeting. The motion carried by the following vote:

*Ayes: Member Craig Collins, Member Bill Josh, Member Ramona Leber, Member Shawn Marvin, Kalei LaFave
Nays: None*

3. AUDIENCE PARTICIPATION OF CORRESPONDENCE

Mr. Trimble introduced Mary Craig, a food truck owner.

4. DECLARATION OF EX-PARTE COMMUNICATIONS AND APPEARANCE OF FAIRNESS

Waived

5. OTHER BUSINESS**20-000542 PC 2020-5 WORKSHOP ON FOOD TRUCKS AND POTENTIAL CHANGES TO THE LMC TO ALLOW IN MORE ZONES.**

The Planning Commission and City Council have directed that changes to the zoning code and related ordinances be reviewed to allow greater flexibility for operating and siting food trucks for business.

RECOMMENDED ACTION: Hold workshop and give direction to staff on what changes should be considered for a future public hearing.

Mr. Trimble reviewed the current codes and ordinances related to food truck operations and the potential changes.

Mary Craig shared her previous food truck experience in Utah, including the idea that once or twice a month several food trucks gathering in one location for a community event. She would also like trucks to be allowed in the parks.

The current mobile vendor code prohibits non-Park approved concessionaires.

Planning Commission feels the current code is too restrictive.

Mr. Hash suggested looking at the City of Vancouver code as they allow trucks on unbuildable downtown lots and legal parking spots for walk-up business.

Mr. Trimble will prepare draft code changes, considering all suggestions provided, including food truck routes, parking lots, etc. to be reviewed at the next scheduled Planning Commission meeting.

20-000543 COMPREHENSIVE PLAN IMPLEMENTATION WORK PLAN

Responses to the survey on priorities for the land use goals and objectives in the comprehensive plan can be reviewed here:

<https://www.surveymonkey.com/results/SM-KTJ5CZJZ7/>

Based on survey responses and discussion, residential infill and residential zoning modifications are priority.

6. NON-PUBLIC HEARING ITEMS

20-000541 PC 2020-8 MINT FARM INDUSTRIAL PARK COVENANTS, CONDITIONS AND RESTRICTIONS AMENDMENT**SUMMARY STATEMENT:**

When the City of Longview and Weyehaeuser Company developed the Mint Farm Industrial Park, CC&R's were attached to ensure the park would be developed with quality buildings and landscaping and compatible industries among other goals. The City has been a part of the resulting owners association and architectural review committee since. Because the City was a landowner and developer of the park, the city leaders at the time chose to include in the private covenants, a requirement that the Longview Planning Commission review any amendments to the CC&R's and the City Council approve of any changes.

Community Development Director, John Brickey, who serves on the Mint Farm property owners association for the City, has provide a memo summarizing a recent change proposed for the CC&R's to remove some use restrictions on warehousing, distribution and sale of goods stored at such facilities. Staff finds all such changes remain consistent with the uses permitted in the Heavy Industrial zone.

RECOMMENDED ACTION:

Motion to recommend the City Council approve the amendments to the Mint Farm Industrial Park CC&R's.

Mr. Trimble reviewed the summary statement. Mr. Brickey explained the CC&Rs are more restrictive than the current Heavy Industrial zoning codes. Planning Commission is involved to be sure any changes to the CC&Rs align with the current codes and land uses. The current proposed changes would not be inconsistent with the Heavy Industrial land uses.

A motion was made by Member Bill Josh, seconded by Kalei LaFave, to recommend City Council approve the amendments to the Mint Farm Industrial Park CC&Rs. The motion carried by the following vote:

Ayes: Member Craig Collins, Member Bill Josh, Member Ramona Leber, Member Shawn Marvin, Kalei LaFave

Nays: None

7. PLANNER'S REPORT

20-000544 Report on possible mixed-residential apartment development on downtown parking lots and future involvement of the Planning Commission in reviewing and recommending polices for downtown residential development.

** Manufactured Home Park application.*

** Mt Solo Place (formerly Estates) binding site plan is going to Council for review/approval.*

** Interest in developing downtown parking lots to allow residential/commercial buildings to re-use under utilized downtown parking lots.*

PW:

** Emergency sewer repairs at Alabama St., and Ocean Beach Hwy/37th are wrapping up.*

Mr. Brickey announced his retirement set for January 28, 2021.

8. ADJOURNMENT

The next Planning Commission meeting is scheduled for January 6, 2021.

With no further business to discuss, the meeting adjourned at 8:15 p.m.

Lisa Vertrees, Recorder

Draft Implementation Schedule

10 year implementation

	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Highlands Neighborhood Plan											
City-wide landscaping requirements											
City-wide Sign Regulations											
Sign code updates											
Crime Prevention Through Environmental Design Comm ind.											
Residential infill regulations											
Residential zoning modernization (housing											
Review Civic Center, Country Club and Riverfront District zoning											
Urban Growth Agreement with Cowlitz County and PAB											

COMP PLAN UPDATE

TO: Longview Planning Commission

FROM: Adam Trimble, Interim Planning Manager

MEETING DATE: January 20, 2020

SUBJECT: PC 2020-5 – Planning for Food Trucks workshop

The Planning Commission has initiated an effort to recommend code amendments to permit food trucks aka mobile vendors, food carts and walk-up food establishments in the city. These businesses are currently allowed in three manners:

- as food truck ‘pods’ which are permanent locations on private property, pre-approved through a public hearing process, in certain commercial zones; and
- as mobile vendors which use the public streets, either parked and observing parking rules, moving and stopping occasionally or visiting private property only to serve people working there; and
- As vendors at special events like festivals and celebrations, the fair, or at City parks as licensed by the City.

The goal of this planning effort is four fold- to allow food trucks in more zones, to permit them outright instead of requiring a public hearing process, to adopt reasonable requirements to protect the public welfare and not create a hazard in the immediate area either for pedestrian or vehicular traffic, and recommend changes to the mobile vendor code to accommodate food trucks.

The Planning Commission has heard from food truck owners who desire to have a few locations for vending and would like flexibility to hold special events and participate in community events that have vendors.

Staff suggests three options to consider-

1. Adopt rules very similar to City of Vancouver (see attached). Vancouver addresses the various forms of mobile vending such as temporary and permanent, mobile and fixed locations.
2. Adopt a trial approach where a process for ‘a temporary use’ or ‘temporary food vending’ is permitted on a case-by-case basis is established. This will go on for 6 months to a year and then we will adopt more permanent rules with lessons learned from the trial period.
3. Adopt a permitting process that treats mobile vending/food trucks as temporary uses which must meet certain conditions for safety, garbage pickup and vehicle access to be permitted for a certain period of time. This is the approach that Kelso and other cities have taken.

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Here are a couple resources to consult for more information on other cities approaches.

Research

<https://www.huduser.gov/portal/periodicals/cityscpe/vol18num1/Cityscape-March-2016.pdf>

<https://datasmart.ash.harvard.edu/news/article/case-study-food-trucks-585>

Draft Code: (some but not all the links here have been updated from the Original Vancouver code).

Mobile Vending is a great way for food and beverage entrepreneurs to bring their concept to market quickly, as well as provide a wide array of choices to customers and enliven city streets and sidewalks. Below you will find information on mobile food vending in the City of Longview. This includes required licenses and permits, mobile vending in the public right-of-way, mobile vending at special events and in public plazas, and contact information for City staff that can answer questions about mobile vending.

Desired location				
Sidewalk vending in the Public Right of Way (ROW)	Mobile Food Unit in the Public Right of Way (ROW)	Mobile Food Unit on Private Property — Temporary	Mobile Food Unit on Private Property — Permanent	Mobile Food Unit in Parks — Special Event Spaces
A mobile sidewalk food vending unit (push cart) that locates on the public sidewalk.	A mobile food vending unit (truck/trailer) that locates in the public right of way.	A mobile food vending unit (cart or truck/trailer) that locates on private property and leaves the site daily.	A mobile food vending unit (cart or truck/trailer) that locates on private property and does not leave the site daily.	A mobile food vending unit (truck/trailer) that locates in Lake Sacajawea or another park or public space.
Approvals/Permits Required (listed in the order they should be applied for)				
1. Cowlitz County Health Permit : Fee varies 2. City Business License : \$50< Fee varies. 3. City Food Vendor's License : \$62	1. State Department of Labor & Industries Approval : \$128.40 <i>*Note: this process can take several months.</i> 2. Cowlitz County Health	1. State Department of Labor & Industries Approval : \$128.40 <i>*Note: this process can take several months.</i> 2. Cowlitz County Health	<i>*Note: The City requires a Site Plan Review approval (Type I) for any new permanent food truck site on private property.</i> 1. State Department of Labor & Industries Approval :	1. State Department of Labor & Industries Approval : \$128.40 <i>*Note: this process can take several months.</i> 2. Cowlitz County Health Permit : Fee varies

4. City Street Use Permit : \$28 *Note: WA State Department of Labor & Industries approval is not required for push carts	Permit : Fee varies 3. City Business License : \$50< Fee varies. 4. City Food Vendor's License : \$62 6. Right-of-Way permit: \$75 per location.	Permit : Fee varies 3. City Business License : \$50< Fee varies. 4. City Food Vendor's License : \$62	\$128.40 *Note: this process can take several months. 2. Cowlitz County Health Permit : Fee varies 3. City Business License : \$50< Fee varies. 4. City Food Vendor's License : \$25	3. City Business License : \$50< Fee varies.. 4. City Food Vendor's License : \$25 5. City Parks Food and Beverage Concessionaire Request : see application for terms
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Required Permits

City Business License

Each business operating in the City of Longview is required to hold a city business license, in addition to any State of Washington licensing requirements. The city partners with the Washington State Business Licensing Service (BLS) for the administration of its new and renewing city business licenses. Please visit [BLS's Longview website](#) for more information and instructions on how to apply for a city business license.

Food Vendor Special License

Each food vendor operating in the City of Longview is also required to hold a city food vendor special license issued by the city's Finance Department. Please visit the city's Special Licenses website for information on how to apply for a city food vendor special license.

Home Occupation Permit

A mobile food business addressed from a residence located in Longview city limits must comply with the [city's home occupation requirements](#) and may be required to hold a city Home Occupation Permit issued by the city's Community & Economic Development Department. Please visit the city's [Home Occupation Permit website](#) or call CEDD staff at (360) 487-7803 to verify if you must to hold a city Home Occupation Permit.

Street Use Permit

Any mobile vending unit that operates in the public right-of-way is required to obtain a street use permit. [Street Use Permit applications](#) should be submitted via email to Traffic Engineering

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at TrafficEngineering@cityofLongview.us or at the customer service desk in the lobby of City Hall.

Mobile Vending Parking Approval

A limited number of permits are available for mobile vendors to use public on-street parking, via the Mobile Food Vending Parking Approval pilot project. It is available on a limited basis in certain parking zones. Please see Mobile Food Vending in the Public Row below for more information and contact [City of Longview Parking Services](#) for permit availability.

Cowlitz County Public Health

All food businesses must get a license to operate a food establishment from Cowlitz County Public Health. Visit the [Cowlitz County Food Safety](#) website for more information.

Washington Department of Labor & Industries

Mobile food units are reviewed and inspected by the Washington Department of Labor & Industries to ensure they meet health and safety standards, and a state permit is posted on each truck. Please visit the [Department of Labor & Industries Conversion Vendor and Medical Units webpage](#) for more information.

[Please see the Mobile Food Vending Permits & Approvals matrix for a full list of requirements.](#)

Mobile Vending in the Public ROW

Ten Mobile Food Vending Approvals are available to mobile vending units to park at metered parallel parking stalls without payment of the meter and to exceed the posted time limits while the permit is properly displayed on the vehicle. The approval is only valid in some parking zones, and must be renewed on a monthly basis. The cost is \$75 per parking stall per month. Please see the [Program Fact Sheet](#) for additional information and a map of locations where the approval is valid. All other applicable regulations must be followed while participating in the pilot project. Find the [pilot project application here](#), and contact City of Longview Parking Services for more information—(360) 487-8650 or parking@cityofLongview.us.

Mobile Vending at Special Events & in Public Plazas:

Other opportunities for mobile food vending include special events and a downtown public plaza that is currently open to food vendors—the Sculpture Garden at 9th & Broadway. [Applications for becoming a vendor at Esther Short Park or the Sculpture garden](#) should be directed to Johnnie Tucker, Event & Recreation Coordinator, at (360) 487-7096 or Johnnie.Tucker@cityofLongview.us.

***PLEASE NOTE:** Esther Short Park is considered an event venue, and mobile vending in or adjacent to the park is only allowed as part of City-permitted special events. This includes the park, the immediately adjacent sidewalk, the street, and the far sidewalk.

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~~Mobile food vending at Turtle Place (on 7th St. between Washington and Main) is being organized by the WA Food Truck Association.~~

~~If you would like more information about this new food truck vending opportunity, the Association's Lot Management Program or how to participate, please contact: Washington State Food Truck Association at 360-223-3801 or email lori@wafoodtrucks.org.~~

Mobile Vending Pre-Application Meeting with City Staff:

Requirements for mobile vendors differ depending on location and whether the unit is temporarily or permanently located in a given location. Prior to submitting permit and license applications, City staff will sit down with mobile vendors to help them understand what is required of them and how the process works. For more information or to set up a meeting, please contact Kristian Corbin at (360) 487-7818 or kristian.corbin@cityoflongview.us.

Designing Fair and Effective Street Vending Policy: It's Time for a New Approach

Renia Ehrenfeucht
University of New Mexico

Abstract

Cities have experienced an upswing in food trucks and other forms of street vending in the past decade. This upswing has led to new debates over how, where, and when street vending should be allowed. Using evidence from three research projects, this article examines three assumptions that underlie discussions about street vending regulations—that extensive regulations are necessary to (1) protect property interests, (2) prevent pedestrian congestion or other impacts, and (3) keep the street orderly. The findings suggest that fewer regulations are needed to meet legitimate public purposes, and cities would benefit from a new approach in which they reduced street vending regulations and actively planned to enhance compatibility with other urban activities.

Introduction

In 2008, Roy Choi and his Kogi taco truck inspired a food truck phenomenon across the United States. His Korean tacos reinvented the traditional *lonchera*, or taco truck, into an urban global fusion food experience. Chefs in other cities were experimenting with food trucks and, by 2012, 1,400 food trucks were operating (Esparza, Walker, and Rossman, 2014) in as many as 1,100 large and small cities nationwide (FoodTrucksIn.com, n.d.). Taco trucks often had served events, work sites, and, in some cities, immigrant neighborhoods, but the new food trucks have sought locations throughout the city at all times of day. This trend has caused city councils, restaurant associations, food truck operators, brick-and-mortar business owners, and urban residents to debate how and when food trucks operate.

U.S. street commerce is severely restricted, but the attention to food trucks has created an opportunity to reconfigure street trade regulation and policy. Food trucks, along with farmers markets, public markets, and sidewalk vending, have created a renaissance in street commerce (Morales

More people also have become increasingly dependent on contingent work and obtain income from multiple sources (Peck and Theodore, 2001; Theodore, 2003; Valenzuela, Jr., 2003, 2001). Although street vending occurs disproportionately in low-income communities, college graduates are also reenvisioning work, both constructing opportunities out of limited choices and seeking different types of work. They are working in agriculture, crafts, specialized manufacturing, and the service sector (Dawkins, 2011; Hess, 2009; Jurjevich and Schrock, 2012). Because street commerce creates markets for local products and produce, it can help urban residents earn a living or supplement their incomes.

In addition, urban cultural and planning trends promote dynamic public environments. Pop-up bars and restaurants, street vending, food trucks, and public markets can contribute to placemaking efforts and community economic development (Bishop and Williams, 2012; Morales, Balkin, and Persky, 1995). Local policymakers and economic development professionals also have tried to facilitate distinctive local economic development and vernacular cultural practices (Carr and Servon, 2008).

At the same time, enabling one type of street vending while restricting others can unintentionally lead to unfair vending opportunities. Public officials embraced food trucks because their customers and proprietors are middle-income residents associated with gentrification and creative class-oriented urban redevelopment (Esparza, Walker, and Rossman, 2014; Martin, 2014; Newman and Burnett, 2013). The politics within localist, fresh food movements has limited views of healthy food, which has led to alternative food practices that reproduce racial difference (Slocum, 2007). One Toronto, Ontario, Canada initiative failed because too many public objectives were layered into a highly regulated street vending program (Newman and Burnett, 2013).

Finally, establishing vending districts or markets has been a repeated response to street vending conflicts. These efforts privilege the concerns of street vending opponents and disregard factors that make street vending profitable and convenient (Donovan, 2008; Huang, Xue, and Li, 2014). Even though some vendors participate and attempt to vend legally, markets have not replaced sidewalk vending (Donovan, 2008; Kettles, 2007; Stoller, 1996). Instead, street commerce—including markets, sidewalk vending, and food trucks—can be seen as a range of activities that serve different niches and have distinct benefits.

A Complex Regulatory System

Street vending regulations are restrictive, complex, and varied. Los Angeles prohibits most sidewalk vending, New York caps the number of vending permits, and Seattle, Washington, allows only products such as flowers to be sold. Where allowed, vendors must comply with local permitting and licensing requirements. They are also subject to parking restrictions, local ordinances that require streets and sidewalks to stay clear of obstructions, and litter prohibitions. In all cases, street food vendors are subject to state and local health regulations that guide food handling and preparation.

In cities where vending is permitted, vendors are subject to restrictions about how and where they vend. These restrictions can include minimum distances from business entries, crosswalks, and restaurants and may also include restricted districts. They limit the length of time that vendors can

stay in one location, or they require vendors to move when not making a sale (Esparza, Walker, and Rossman, 2014; Morales and Kettles, 2009a). In a survey of food truck regulations in 11 cities, 2 had caps on the number of permits, 4 had time limits on parking, 7 had proximity bans near restaurants, and all 11 had restricted zones (Esparza, Walker, and Rossman, 2014).

The complex regulations can make it impossible for vendors to operate legally. Irregular enforcement enables street vending even in restrictive environments but also leaves vendors vulnerable. Vendors can be fined. They lose time during court appearances and revenue when their goods are confiscated, which creates an unstable work environment. Between 2006 and 2010, New York issued 127,758 notices of violation (Kettles, 2014). Because much enforcement is mostly complaint driven (Kettles, 2007), business owners' complaints and, at times, harassment determine how and where vendors operate as much as specific regulations (Devlin, 2011). Even in Portland, Oregon, where food trucks are authorized, Newman and Burnett (2013: 245) argued that Portland's "laissez-faire attitude towards minor infractions" has contributed to the street food scene's success.

The Assumptions Underlying the Current Regulatory Approach

Are restrictive policies necessary? In the 2010s, the food truck regulation discussions have focused on protecting brick-and-mortar establishments. Business groups—business improvement districts, restaurant and hotel associations, and business associations—have supported strict regulations, and city officials have publicly stated that protecting businesses is a primary concern. Because cities cannot explicitly limit competition, they subsequently use pedestrian congestion to justify the ordinances if and when they are challenged. Because the vendors promote their interests and many residents actively support vendors, however, cities also have attempted to balance competing positions. Nevertheless, because street vending regulation and enforcement are complaint driven, the result is a process that unfairly supports some vendors over others instead of addressing direct impacts. A close look at vending activity and the debates, however, suggests that planning could resolve direct impacts and the regulations are not serving obvious public purposes. The following subsections outline the current approach and possible alternatives.

Assumption 1: Adjacent Businesses Must Be Protected

Sidewalks have an ambiguous position as public spaces that also are the front yards of abutting businesses and residents. As public spaces, they are where people travel, see or communicate with others, and trade and socialize. Sidewalk activity nonetheless affects nearby properties more than other residents and businesses (Loukaitou-Sideris and Ehrenfeucht, 2014). U.S. restaurant and business associations have argued that food trucks are unfair competition to or adversely affect abutting brick-and-mortar businesses (Kettles, 2007; Loukaitou-Sideris and Ehrenfeucht, 2009; Newman and Burnett, 2013; Stoller, 1996). They argue that food truck owners do not pay rent and have lower water and disposal fees. Because food trucks can arrive for the most lucrative hours, they can skim business during busy times without the sunk costs. In Portland, the Oregon Restaurant & Lodging Association also has argued that stationary food carts are unfair competition because they have lower costs than restaurants, but they do not change locations (Newman and Burnett, 2013).

City officials respond to concerns about unfair competition in city after city, in both the public media and council chambers. A search of the LexisNexis® Academic Search database's Major World Publications using the keywords "food trucks" from January 1, 2008, to July 15, 2015, returned more than 500 articles from 2011 to 2015 that discussed food truck proponents and opponents. The two main topics included the arrival of food trucks as a new food trend and debates over new regulations. The most frequently reported concern was the effect on established restaurants, or, in the *Tampa Bay Times*' words, "Bricks and Mortar vs. Wheels and Steel" (Lang, 2012). The following paragraphs consider the controversies in Albuquerque, Chicago, and New Orleans in more detail.

In the case of Albuquerque, the city had few restrictions when new food trucks started operating. In 2015, the city had approximately 100 food trucks. In early 2015, the city considered a new ordinance restricting food trucks from operating within 100 feet of brick-and-mortar restaurants unless they received explicit permission from the property owner. According to Isaac Benton, the city councilor who proposed the ordinance, the point was to strike a balance between the restaurant and mobile vendors, citing the potential for unfair competition. The New Mexico Restaurant Association supported the ordinance because it would reduce direct competition, but the 100-foot rule would effectively restrict access to the most lucrative locations, such as the Central Avenue corridor near the University of New Mexico (McCay, 2015). In nearby Santa Fe, the Santa Fe Downtown Merchants Association representative also responded, "I don't think it's fair for the 22 restaurants within a block of the Plaza" (Last, 2015) to a proposal to allow food trucks on the Santa Fe Plaza at night.

In Chicago in 2010, two chefs approached their aldermen about revising Chicago's mobile food vending ordinance to allow cooking. When Chicago Alderman Scott Waguespack introduced such an ordinance, he met with resistance from Alderman Tom Tunney, who was a member of the Illinois Restaurant Association, because the trucks would compete with brick-and-mortar restaurants (Esparza, Walker, and Rossman, 2014). Illinois Restaurant Association President Sheila O'Grady stated that food trucks should be confined to food deserts (*Huffington Post*, 2011). After the proposed ordinance languished for more than a year, in 2012, the mayor and numerous aldermen passed an ordinance that allowed food trucks to cook (City of Chicago, 2012), but the food trucks were prohibited within 200 feet of restaurants except at designated food truck stands and were required to move every 2 hours. Given the density of restaurants, the 200-foot proximity restriction effectively eliminated food trucks from most of the city's downtown Loop. Two food truck operators have challenged the 200-foot restriction. Chicago overturned a 200-foot regulation previously, in 1986, but it was reintroduced in 1991 (Gowins, 2014).

In 2011, when New Orleans food truck operators began to put pressure on the city to revamp its food truck regulations, the city responded with a less restrictive ordinance. The previous ordinance capped active vendor permits to 100, set 45-minute time limits, and had a 600-foot restaurant and school buffer. In 2012, the first proposed ordinance reduced the restaurant buffer to 100 feet. Councilmember Stacy Head and the city attorney questioned whether a restaurant buffer was constitutional (Allman and Woodward, 2012), and Mayor Mitch Landrieu subsequently vetoed the ordinance. Although other councilmembers defended the restriction because it was protecting

cuisine-based tourism, a primary New Orleans industry, the provision was not reintroduced. Nevertheless, the subsequent ordinance restricted food trucks from downtown and the historic French Quarter.

In addition to implementing locational restrictions, cities propose time limits to prevent food trucks from operating like stationary businesses. Chicago and New Orleans have 2- and 4-hour limits, respectively. Albuquerque also recently considered a 4-hour limit. Requirements vary by city, from the time necessary to make a sale (an ice cream truck model) to Portland's stationary food carts. Nonetheless, food truck regulations are changing rapidly. Washington, D.C., lifted its requirement that trucks move unless selling to a customer (Esparza, Walker, and Rossman, 2014). Los Angeles enacted a 1-hour restriction in 2008, but it was overturned because it preempted the state's vehicle code (Morales and Kettles, 2009a).

Are such regulations necessary to protect brick-and-mortar restaurants and businesses? One way to answer this question would be to examine how street vending affects adjacent businesses. Restaurants can benefit from vibrant sidewalk life. One business survey in Portland found that 69 percent of surveyed restaurant owners and 94 percent of other business owners ranked food carts as positive or very positive (Urban Vitality Group, 2008). Street food may compete with takeout establishments, however, where it becomes a local, fresh alternative to fast food (Intuit, 2012; Newman and Burnett, 2013; Urban Vitality Group, 2008), but it is not clear over what distances. New food trucks, for example, use social media extensively, and more than one-half the respondents in one survey found the truck through social media. Therefore, street vending might not primarily compete with adjacent eateries (Wessel, 2012). In many cases, street vendors differ from nearby brick-and-mortar businesses because they have less selection and fewer goods, no seating or other amenities associated with full-service restaurants, no changing rooms when selling clothes, and no protection from the weather (Kettles, 2007).

Adjacent businesses have also expressed concerns about trash, noise, scents, and aesthetics (Kettles, 2007; Urban Vitality Group, 2008). In Portland, one analysis found trash was a problem for food carts operating on private property but not on public property, where trashcans were available. Most respondents from both public and business surveys heard no noticeable noise from food carts. In a public intercept survey, 65 percent noticed the scents but, of those, 86 percent found them pleasant (Urban Vitality Group, 2008). Further analysis could better evaluate potential effects, and most could be addressed through planning.

A different question is whether the restrictions serve a legitimate public interest. People seek food that is affordable and convenient. Readily available street food might change buying behavior because residents have more convenient options. In one survey, 48 percent of respondents reported a food truck purchase replaced food at or from home (Intuit, 2012). Fewer than 20 percent of respondents in a survey of Portland food cart customers anticipated frequenting vendors that moved to brick-and-mortar establishments with higher prices (Urban Vitality Group, 2008). In addition, cities do not have the legal authority to control commerce or competition. Municipalities can address concerns that fall within their police power that allow for regulations to protect public health, safety, and general welfare. Even though the public discussion focuses on competition, municipalities defend their street vending ordinances based on impacts including pedestrian congestion or trash.

Eating on the Go: Mobile Food Trucks

by Beth Humstone

January 26th, 2012

Editor's note: This article by PCJ contributing writer [Beth Humstone](#) supplements the PCJ article by Diana Limbach Lempel & Christina DiLisio, "[Food Planning for Your Local Economy](#)" (Winter 2012).

Across the country [entrepreneurial chefs are peddling their food on the road](#) — moving into parking spaces and serving up customers a broad range of culinary specialties at affordable prices. For many food truckers, this is a chance to try out their recipes, get a following, and move up to a bricks and mortar location someday. For others, it is a way to increase awareness of their anchor restaurants by spreading out into the community to broaden their base.

Food trucks have become so established that Zagat's, the guide to fine dining, offers an interactive food truck finder for some cities. In Columbus, Ohio vendors have their own web site — [Street Eats Columbus](#). The Mayor of Tampa, Florida, likes what food trucks do for his town and is organizing a monthly [Food Truck Fiesta](#).

Truck outfitters, depot kitchens owners, website designers, lawyers, permit expeditors, and marketers are all benefiting. Even established restaurant chains like Taco Bell and Jack in the Box are getting into the act. The industry is serviced by its own website, magazine, podcast series, and a show on the Cooking Channel. It looks like food trucks are here to stay.



Many cities are embracing the rise in food trucks as a way to add jobs, bring vitality to the streets, and offer convenience and diverse eating choices to consumers. Yet others have resisted the trend when faced with angry push-back from established restauranteurs who say the trucks are unfair competition and block views of their businesses.

Opponents complain that the mobile vendors aren't tax-paying, rent-paying, ADA-compliant, health-inspected, and zoning-permitted businesses. While food truck vendors may not pay rent or property taxes, they do incur costs for food, food preparation and storage, fuel, permits and fees, and truck maintenance. They also usually must meet a host of local regulations.

Many communities require health inspections, vending permits, business registration, and zoning permits. Still others, such as St. Petersburg, Florida, [don't permit mobile food vendors at all](#). Pressures are mounting, however, for cities to loosen up their restrictions on food trucks. Courts have struck down

zoning standards on food trucks designed to address unfair competition with bricks-and-mortar restaurants. Support from the business community and even other restauranteurs is beginning to grow — provided some conditions are met.

What are the considerations that planners must make with respect to food trucks to respond to this mobile land use issue?

Definition: Food trucks are distinct from push carts, trailers (towed carts), and other retail vendors. They are motorized vehicles with on board power, refrigeration, food preparation facilities, and usually room for two to four employees.

Location: Local rules on where food trucks are permitted vary across the country. Some are restricted to private property, others to public property. Some communities ban food trucks altogether. Others only allow them to stop when a customer flags them down.

On private property. Parking of food trucks on private property may be subject to zoning approval if a community has identified mobile food vendors as an allowed use and specified where they may go. If food trucks are not mentioned, regulations will either have to be amended or special permits issued to allow them in the community.

On public property. In some communities food trucks use metered parking spaces or public lots and pay the hourly rates. This practice has angered local merchants who claim that they are tying up valuable customer parking spots. As a result, some cities, including New York, [have banned food carts from metered spots](#). Others have allowed food trucks to use public spaces, but have limited the days, hours, and locations where they are allowed. For example, the City of Seattle, which had not previously allowed food trucks on its streets, [is now proposing](#) that food trucks using public parking spaces pay \$2.25 an hour for up to four hours of parking per week for a total of \$468 per year. The City will use a lottery system if more than one vendor seeks to locate at the same spot.

Distance to restaurants. To address the concerns of brick-and-mortar restaurants about competition from food trucks, some communities limit vendors to a minimum distance from existing restaurants. An ordinance has been introduced in Chicago to force trucks to park at least 200 feet from restaurants and 100 feet from retail stores that sell food. However, there may be limits to how far cities can go. When a lawsuit was filed against El Paso, Texas, for its 1,000 foot restrictions, the city dropped this provision.

Totally mobile. Some cities, such as Washington, D.C., still regulate food trucks under antiquated ice cream truck regulations that only allow the vendors to



stop when customers flag them down. Through use of social media, customers can congregate in a location and then notify the food truck of their presence. The food truck then must find a legal parking space nearby in order to serve the customers. Once all customers are served, the food truck must move on.

Good locations. Food trucks don't make sense everywhere. Planners need to consider what sites are appropriate in their community. Some common locations include downtowns, business districts, parks, schools and universities, sporting venues, and special events. All these locations are community gathering places where mobile food vendors could add to a diverse mix of activities and offer convenience and choice to customers. In Denver, the Civic Center Conservancy hosts mobile food vendors in the historic Civic Center Park in the summer on Tuesdays and Thursdays as a way to revitalize the park and provide revenues for the conservancy.

Number of Food Trucks: To manage traffic impacts, crowding, and competition with existing restaurants, some communities limit the total number of food trucks permits they issue annually. Largo, Florida, is in the process of considering regulations to permit up to 15 food trucks a year on private property. Cincinnati permits up to 25 vendors in public parking areas in its downtown.

Size of Food Trucks: Some cities regulate the size of food trucks to minimize their impact on congestion, parking, and views. Washington, DC, allows food trucks up to 18.5 feet long, 10.5 feet tall, 8 feet wide.

Willoughby Road Truck

Hours of Operation: The hours of operation for a food truck will vary with the location, type of goods sold, and whether or not the truck is connected with a special event. Some food trucks in downtowns with a lively nightlife might be allowed to operate until the early morning hours. Others, in quieter areas may be restricted to early evening. In considering hours of operation, planners should take into account the potential noise from the vehicle and its equipment and customers, and may also want to prohibit amplified sound from the vehicles in certain areas.

Under a one-year Mobile Food Vendor Pilot Program, the City of Cincinnati proposed creating a CBD mobile food vending permit that would allow vendors access to three designated areas in the CBD to vend. Permits for the public locations cost \$400-\$800 depending on location and size of the vendor's operation. Due to the success of the program, the pilot has been extended an additional year through June 2012—fees have also been raised to \$1,000; designated areas have been increased to four; and 25 permits are now available.

Other issues planners may want to address include:

- **Table and chair set-ups:** The decision on table and chair set-ups will depend on where food trucks are allowed and if there is adequate space to add seating. On crowded, narrow sidewalks set-ups are not a good idea. But next to parks, in lower density business districts, or in private parking lots there may be room for tables and chairs.
- **Depots:** Food trucks need a place to park at night. And their operators need kitchens, food storage, water, repair and maintenance facilities, cleaning equipment, and waste disposal. Some communities require approved depots as part of the permit process for food trucks.
- **Rest rooms:** If food trucks are allowed to stand for many hours a day, the issue of rest rooms for employees and customers should be addressed. If public restrooms are not available, there should be assurance that food truck employees have access to other facilities. Some employees have made agreements with nearby businesses to use their rest rooms.
- **Trash disposal and recycling:** If public trash receptacles and recycling are not available where food trucks are allowed, the vendors should be made responsible for waste disposal.
- **Signage:** Some communities require food trucks to meet sign regulations that limit the size of advertising on the vehicle. Due to the mobile nature of the vehicles and their short stays in parking spots, planners may want to allow multiple signs on the vehicles.
- **Bike racks:** Some communities require mobile food vendors to provide bike racks.

Planners would be well-advised to think through in advance the locations, hours and days of operation, and other considerations most appropriate for food vendors. Boston provides a good model with very specific rules for food truck locations and hours and days of operation in each location (see "[Food Planning for Your Local Economy](#)"). With good guidance food trucks can bring vitality, delicious and affordable meals, and new businesses to the community.

Additional Resources:

- mobile-cuisine.com
- [Memorandum to Santa Monica Mayor City Council](#) regarding Mobile Vending Trucks (June 2011).
- [Street smarts: The proliferation of gourmet food trucks on city streets](#) (8 minute PPS video; Oct. 10, 2010).



Beth Humstone works as a planning consultant on a wide range of projects in rural communities and small towns. She is an advisor to the National Trust for Historic Preservation; former Executive Director of the Vermont Forum on Sprawl (now Smart Growth Vermont); a past member of the Burlington (VT) Planning Commission; and former Chair of Vermont's Housing & Conservation Trust Fund Board.

Humstone is co-author, with Julie Campoli and Alex MacLean, of *Above and Beyond, Visualizing Change in Small Towns and Rural Areas* (APA Planners Press, 2002).

Tags: [Beth Humstone](#), [Food & Farmland](#), [Miscellany](#), [Retail](#)

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Case Study: On the Go - Insights into Food Truck Regulation in US Cities

Regulatory Reform for the 21st Century City

BY JESSICA HUEY • MARCH 3, 2015

ABSTRACT

Mobile food vending dates back to as early as 1866 with the creation of the “chuckwagon” to feed roaming cattlemen in Texas. Since the late 2000s, however, food truck popularity has exploded capturing the attention of not only consumers and entrepreneurs but also regulators and city officials. A number of hypotheses exist for the dramatic rise of food truck vendors. Some cite the recession’s impact on brick and mortar establishments while others point to the use of social media which enable vendors to reach followers in real-time. Whatever the cause, it is clear that food truck vendors aren’t planning on going away any time soon.

Cities across the country are recognizing that existing regulations do not adequately address the challenges of operating food trucks. According to a 2012 forecast by Intuit Inc., the food truck industry is projected to account for approximately \$2.7 billion in food revenue by 2017, making it a substantial player in the food service industry. This case study presents a review of the current state of the mobile food vending industry, the challenges facing cities in regulating this industry, and examples of how four cities – Austin, Washington D.C., Boston, and Portland - have attempted to balance entrepreneurship with the preservation of public health and safety as they implement regulatory reforms.

I. THE PROBLEM

Prior to 2008, mobile food vendors could most commonly be found scattered around construction sites and a select number of street corners. The recession’s halting effect on the economy, however, changed the landscape of mobile food vendors as construction stalled and many entrepreneurs began to rethink the mobile food industry.

First garnering national attention in large urban centers like Los Angeles and New York City, food trucks have since spread to cities large and small. Offering

an alternative for both business owners and consumers leading increasingly on-the-go lifestyles, food truck vendors benefit from their ability to more easily reach new customers bases while customers benefit from increased variety.

As food trucks have grown in popularity, many city officials wrestle with how to update regulations to mitigate any negative externalities. For many cities, existing regulations applied to mobile food vendors were originally narrowly defined for ice cream and hot dog vendors. Municipalities are being forced to revisit these regulations as issues arise over competitiveness, parking, sanitation, property and sales taxes, and proximity to brick and mortar businesses. Feeling the impact of competition, many restaurant associations are also weighing in to ensure this new industry is subject to the same health and safety regulations as other food service providers. All of this has provided much fodder for the public debate on whether food trucks should be allowed to operate, and if so, how they should be regulated.

II. UNDERSTANDING THE PROBLEM

To fully grasp the mobile food movement debate, it is necessary to recognize the challenges of varied state and local approaches to regulation. Other major issues include how cities can best provide enforcement mechanisms, ensure fair competition, and protect public health and safety.

Varied Regulatory Approach

One of the major hurdles with the rapid growth of food trucks is that each locality has a different approach to regulating, making it difficult to implement standardized regulations. Regulatory debates are shaped by the different perspectives of local stakeholders, including food truck vendors, local restaurant owners, restaurant associations, consumers, and city officials. These regulations – or lack thereof – often reflect the priorities and values of these stakeholders. Portland, for example has actively promoted food trucks as a means to spur economic activity. Other cities have faced strong resistance to food-truck friendly regulations largely due to vocal opposition from restaurant associations.

In some cases, there is tension between state and local regulations. For example, when the City of Los Angeles attempted to impose stricter local rules on mobile food vending, courts overturned these attempts. This is due in part to the fact that catering trucks are regulated by state law, which allows local governments only the authority to impose additional regulations to protect public safety or health. In 1993, the state of California declared in *Barajas v. City of Anaheim* that the use of streets for commercial purposes is a matter of public concern and subject to regulation imposed by the state, and not the city. A 2006 ordinance prohibiting food trucks from parking in the same spot in a residential neighborhood for more than a half-hour or in a commercial area for more than an hour was overturned based on the fact that it did not directly affect public health or safety of citizens.

Enforcement

In addition establishing regulations, many cities are challenged with implementing effective enforcement. In densely populated cities like New York City where the demand for mobile vending permits often exceeds supply, the bureaucratic processes and waitlists for obtaining a permit present stiff barriers to entry for new vendors. As a result, there are many reports of unlicensed vendors. In Los Angeles, an estimate from the Los Angeles County Health Department speculated that around 11,000 illegal vendors operate every day within the county – of which an increasing number are illegal food vendors. According to the U.S. Food and Drug Administration, over 2,000 different state and local agencies in the United States are responsible for inspecting food trucks across the country. Once identified, such illegal vendors can face fines, jail time and have their property confiscated if they are caught selling food illegally. Many cities, however, simply lack the manpower for effective enforcement.

Ensuring Fair Competition

Another major concern with the dramatic rise in food trucks is whether there is fair competition between mobile food vendors and brick and mortar restaurants. Restaurants want to ensure food trucks are subject to many of the same operating regulations while food truck operators would like regulators to think critically about which regulations are appropriate for this new industry.

Some restaurant owners argue that mobile food vendors are not subject to the same taxes as brick and mortar restaurants, such as property taxes. Mobile food vendors contend that they are still required to pay taxes on their mobile truck and equipment, gas, and all required municipal sales taxes, which can vary if vendors cross city or county borders.

With respect to state and local taxes, some states have taken steps to enact new sales tax legislation that has positively benefitted mobile food vending. Recently, California's State Board of Equalization adopted a regulation that saves food truck operators the hassle of charging their customers a different sales tax rate as they drive from city to city. Effective July 1, 2014, the regulation presumes sales tax is included in the price of taxable items if the retailer has not added it separately.

Debates of fair competition also include the issue of use of public and private space. Mobile food vending is most popular in cities with lots of foot traffic. In already densely packed downtown areas, public and private parking for food trucks can be limited. To regulate these spaces, cities have used various approaches including creating food truck hubs or pods as in Austin and Portland or establishing designated food truck parking zones with lottery assignments like Washington D.C. and Boston. Other cities regulate the geographic boundaries between food trucks and brick and mortar restaurants.

Ensuring Public Health and Safety

The food truck regulatory reform debate invariably leads to questions about public health and safety. Many cities and states require food trucks to use a commissary. Commissaries are established commercial kitchens where food service providers can go to prepare and store food. In cities with regulations prohibiting mobile food vendors from preparing, storing, or cooking food on the food truck, commissaries are critical. **Commissaries** also provide cleaning and sanitation areas and facilities to safely dispose of grease, used water, and solid waste.

Some cities are exploring regulatory reforms that work around existing health codes in a way that still protects public health. In 2011, Go Box, a local Portland business, introduced a business model that allows consumers to use re-usable containers despite health code Section 3-304.17 which prevents customers from bringing their own containers for takeout. Go Box's model allows customers access to reusable containers that can be deposited at a number of drop-off sites to be professionally cleaned and returned to participating food truck operators.

In other sustainability efforts, the City Council in Austin **passed a measure** in May 2014 that makes it easier for food truck vendors to recycle and compost. Under the previous health code, it was difficult to offer composting or recycling services. This ordinance would allow mobile food establishments to provide solid waste, recycling, compost, or used oil receptacles on the same property and detached from the mobile food establishment.

Regulatory Reform Policy Areas

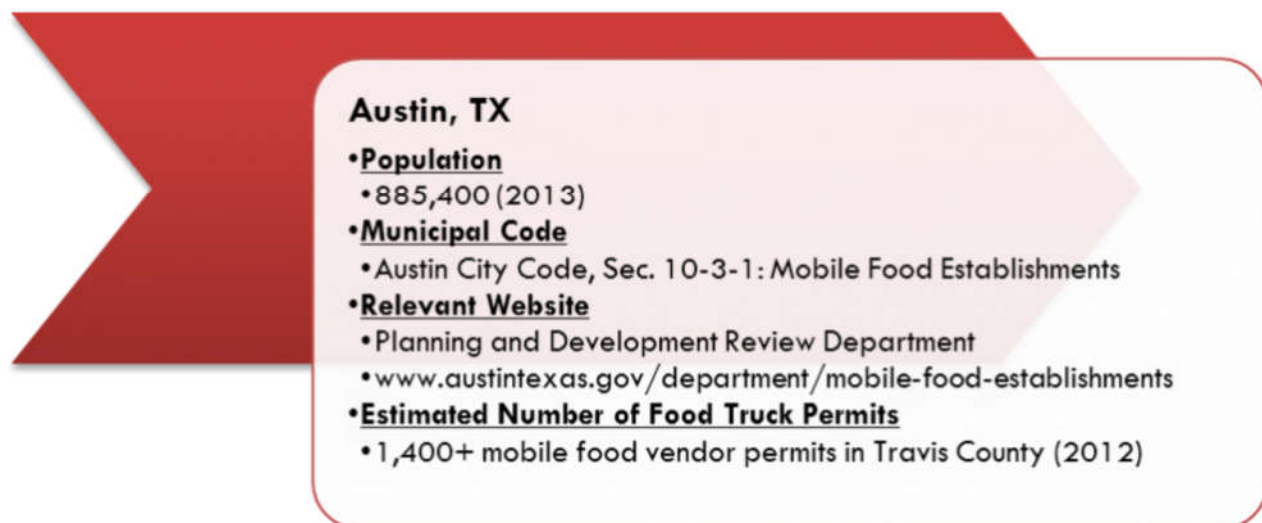
In September 2013, the National League of Cities produced **Food on Wheels: Mobile Vending Goes Mainstream**, a report exploring regulatory reform areas for cities to consider when regulating the mobile food vending industry. After analyzing 13 cities of varying size, the report identified four main policy areas of focus for regulators:

1. Economic Activity – aspects of food truck regulation that could potentially enhance economic development (e.g., streamlining permitting processes and permitting costs)
2. Public Health – aspects related to sanitation and food safety
3. Public Safety – aspects related to the utilization of private property, vending proximity to schools, and pedestrian safety
4. Public Space – aspects of food truck regulation that deal with the use of the utilization of public property to conduct business (e.g., time constraints, proximity rules, and geographic limitations related to density)

These policy areas are among the most debated in the mobile food vending regulatory reform process and will be the basis of our analysis. The following case studies will highlight four cities and provide an overview of their attempts to enact regulatory reforms in these areas.

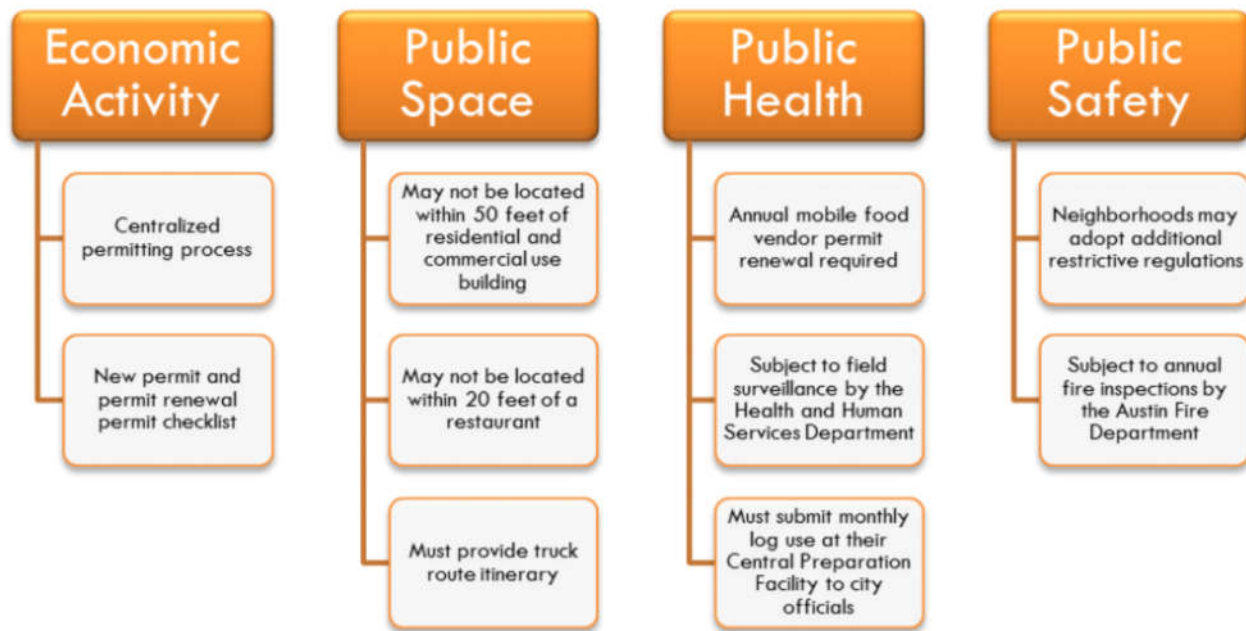
III. CASE STUDIES

Economic Activity – Austin, TX



Austin, TX

- **Population**
 - 885,400 (2013)
- **Municipal Code**
 - Austin City Code, Sec. 10-3-1: Mobile Food Establishments
- **Relevant Website**
 - Planning and Development Review Department
 - www.austintexas.gov/departments/mobile-food-establishments
- **Estimated Number of Food Truck Permits**
 - 1,400+ mobile food vendor permits in Travis County (2012)



Local Context

Known for their food-trailer parks – or hubs of stationary food trucks – Austin's mobile food vending scene has developed almost as rapidly as the city's economy since 2007. During the recession, food trucks became a popular venture with over 900 registered food vendors in Travis County by the end of 2008. By 2012, the City of Austin's Health and Human Services Department reported over 1,400 registered mobile food vendors in the county.

During this same period, Austin's economy and population were also growing rapidly. According to the 2013 Census Bureau estimates, Austin had the greatest population growth among all U.S. cities with fewer than 1 million residents. By 2013, Austin's economy was thriving, leading the nation's cities in gross metro product growth at 4.6 percent.

While the rapid growth was good for Austin's economy, it impacted the mobile food industry by making it more difficult to find open land suitable for food-trailer parks. Food-trailer parks gained popularity from vendors because they could share resources and often attract a stable following. The food-trailer park model also benefits landowners who collect rent from vendors after obtaining the permits and installation necessary to provide electricity and other resources. Despite the challenges of finding open land, many vendors are enjoying Austin's economic boom and the demand for food trucks by Austin residents have helped put the food truck scene on the map.

Regulatory Reform Highlight: Economic Activity

Since 2008, the City of Austin has taken significant steps to encourage the growth of mobile food vendors while ensuring the protection of neighborhood interests. To facilitate growth, the City of Austin streamlined the permitting process for mobile food vendors which previously required vendors to deal with multiple departments for all the appropriate permits. With a centralized permitting process, applicants are presented with a checklist of all the forms required in order to receive a **mobile food vendor permit**. Mobile food vendors in Austin are subject to annual health and fire safety inspections and vendors are also required by law to disclose a central preparation facility, or CPF, where they store, clean and dispose of their products. Enforcement of these regulations lie within the jurisdiction of the City of Austin Code Department, the City of Austin Zoning and Right of Way Departments, and the City of Austin Health and Human Services Department who work together to regulate food truck activity.

While encouraging economic growth, the City of Austin has still remained responsive to the community's interests. The city currently allows for neighborhoods to adopt more restrictive regulations for mobile food establishments with respect to operating times and locations, subject to City Council approval. The Planning and Development Review Department provides a **map indicating zones with additional restrictions** on its website – making it easy for the public and vendors alike to be aware of current regulations.

Public Health - Boston, MA

Boston, MA

•Population

- 645,966 (2013)

•Municipal Code

- Mobile Food Truck Ordinance
- www.cityofboston.gov/foodtrucks/regulations/ordinance.asp

•Mobile Food Vendor Regulation Website

- www.cityofboston.gov/foodtrucks/

•Estimated Number of Food Truck Permits

- 80+ food trucks (2014)



Local Context

With less than a hundred food trucks, Boston's food truck scene may be small in numbers but it certainly has not been overlooked by city officials. Since food trucks became popular in Boston's dining scene in 2011, the City has been active in promoting the industry's growth while focusing on ensuring a healthy and sustainable industry.

Boston's approach to mobile food vending largely focuses on transparency and collaboration. In 2010, the City of Boston established the **Office of Food Initiatives**. As part of this effort, the City later established the **Boston Food Truck initiative** which brought healthy food trucks hosted by the city to downtown Boston and into residential neighborhoods.

To help food truck vendors navigate the process of starting up a food truck business, the city has an Office of Food Initiatives as well as a Mobile Food Truck Committee. As required by **ordinance**, the Mobile Food Truck Committee includes representatives from the Department of Public Works, the Transportation Department, the Inspectional Services Department, the Police Department, the Fire Department, the Director of Food Initiatives, and the Assessing Department who collaboratively review and approve food truck applications.

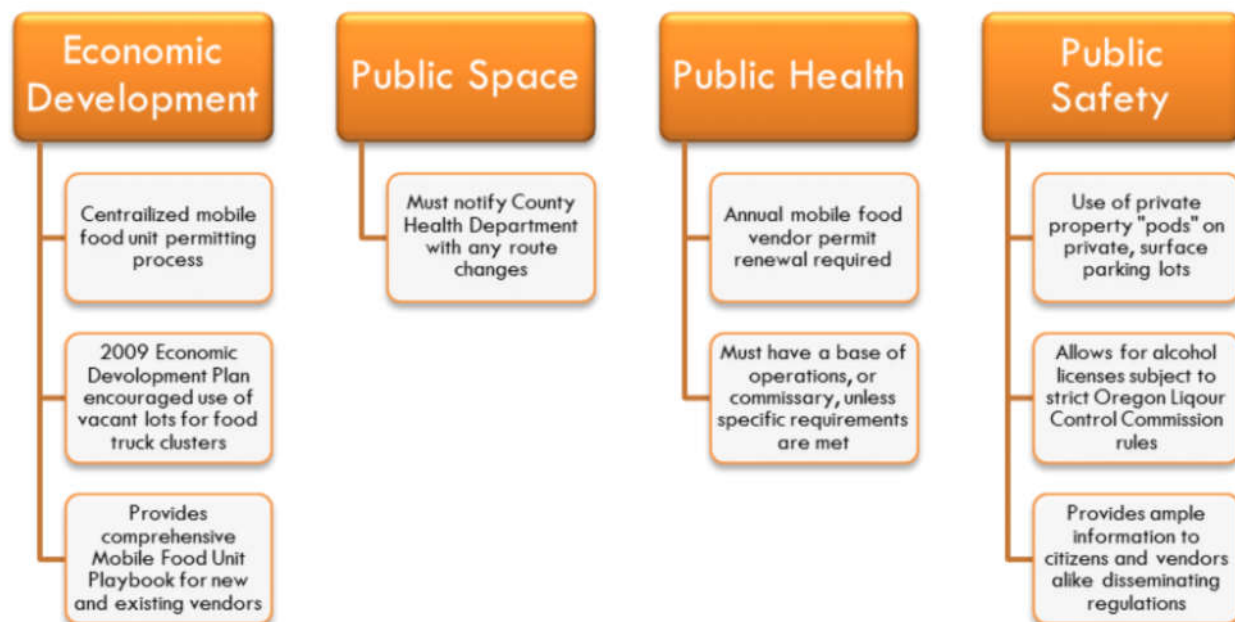
Since 2012, the City of Boston has implemented a **Live Lottery** to provide new and existing mobile food vendors with equal access to all city-approved public sites. This year vendors entered into a lottery to select from over 500 shifts available for the upcoming vending year, which begins April 1, 2015.

Regulatory Reform Highlight: Public Health

Often recognized as one of the most innovative cities, the City of Boston has long been using data and technology to advance public good. As part of the city's food truck permit application process, all mobile food vendors are required to register with a [GPS navigation contract](#). Data is shared with the city to update the Office of Food Initiative's food truck website. This data is open to the public and allows customers and city officials to [see which food trucks are vending only during vending hours](#). This also helps the city ensure that registered food trucks are vending in the appropriate locations at the appropriate times, thus allowing the city to better identify illegal vendors operating without proper certification.

While many cities have established health and safety codes for mobile food vendors, the City of Boston allows residents to access data in a user-friendly format. In accordance with the Massachusetts State Sanitary Code, food service establishments are inspected at least once per year. New restaurants cannot open without an inspection and approval from the Health division. The City of Boston, in addition to listing all food truck locations on the Office of Food Initiative's food truck website, provides data for all food health inspections via [The Mayor's Food Court – Establishment Search](#), an online searchable database with the latest available inspection ratings by the Health Division of the Boston Inspectional Services Department. The site provides a list of previous inspections, ratings, as well as links to specific violations with comments. The city also provides an online, [interactive food truck permitting guide](#) to help ensure vendors are advised of the appropriate regulations.

Public Safety - Portland, OR



Local Context

With the rise in food trucks in Portland beginning in the 1990s, the city has long been referred to as the country's food truck capital. In 1997, a working group was established to create guidelines for the mobile food vendors. In 2009, the city developed an Economic Development Plan which specifically

incorporated the mobile food industry. In the plan, the city outlined steps to encourage the use of vacant lots for food truck clusters to deter blight and promote economic development. As of 2014, the city estimates over 800 licensed food vendors are operating in Portland and the surrounding Multnomah County.

Regulatory Reform Highlight: Public Safety

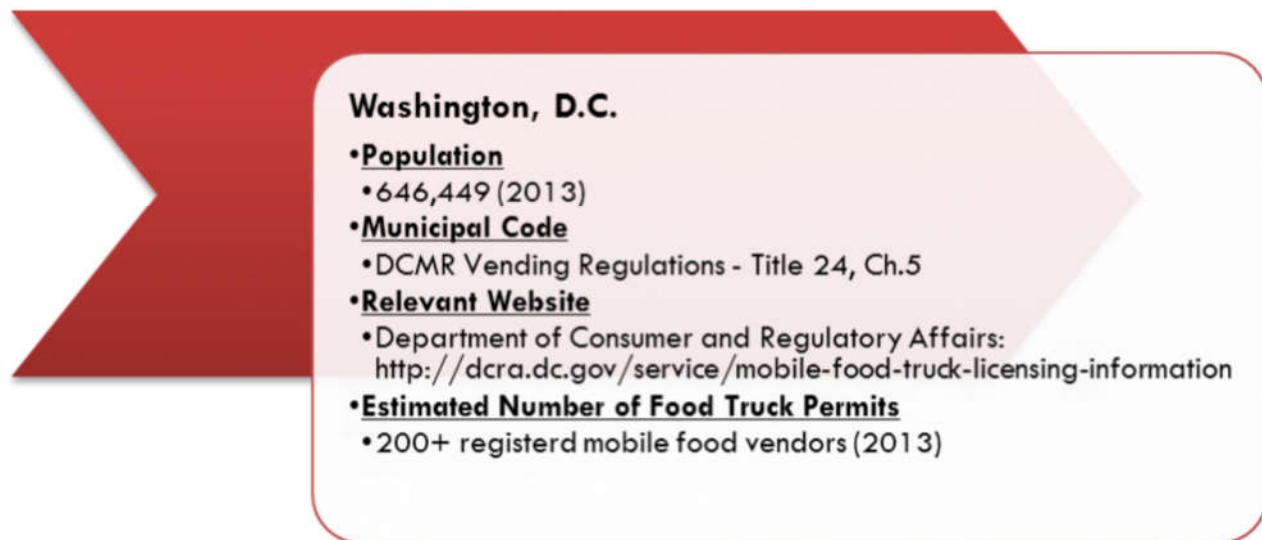
A major challenge for mobile food vendors is how to integrate into a community while preserving public safety of citizens in public spaces. One solution is to create better utilization and regulation of private property where food trucks can reside without competing for limited public space. A second solution is to ensure both food truck owners and citizens are well informed about food truck operations and regulations. Well-disseminated information about regulations is a key to ensuring public safety.

Portland's food truck scene has led the way for developing regulations that would allow for the creative use of private property to create "pods". By transforming vacant lots into food truck hubs, Portland generated more foot traffic into areas that may have been subject to blight and crime. With over 20 pods in the city, vendors are able to share resources and build community. These regulations have helped food truck vendors not only establish themselves in the community but also play a role in revitalizing these vacant lots. Current regulations provide that as long as stationary mobile carts have functional wheels, an axle for towing, and are located in a commercial zone, they are considered vehicles and are not required to conform to zoning or building codes on private property. Portland also recently became the first city to pass regulations that allow food truck vendors to obtain alcohol licenses. In 2014, nearly a third of the city's food car pods served beer, wine or cocktails, under strict compliance with the Oregon Liquor Control Commission.

Portland has also been looked to as a model of a city that allows the mobile food industry to thrive while ensuring regulations are well-disseminated. Citizens and food truck owners alike can find ample information online about food trucks via sites like [Food Carts Portland](#) which offers tips for helping new vendors and maps of the food truck pods as well as links to a number of previous studies on the impact of food trucks on the [Bureau of Planning and Sustainability's website](#).

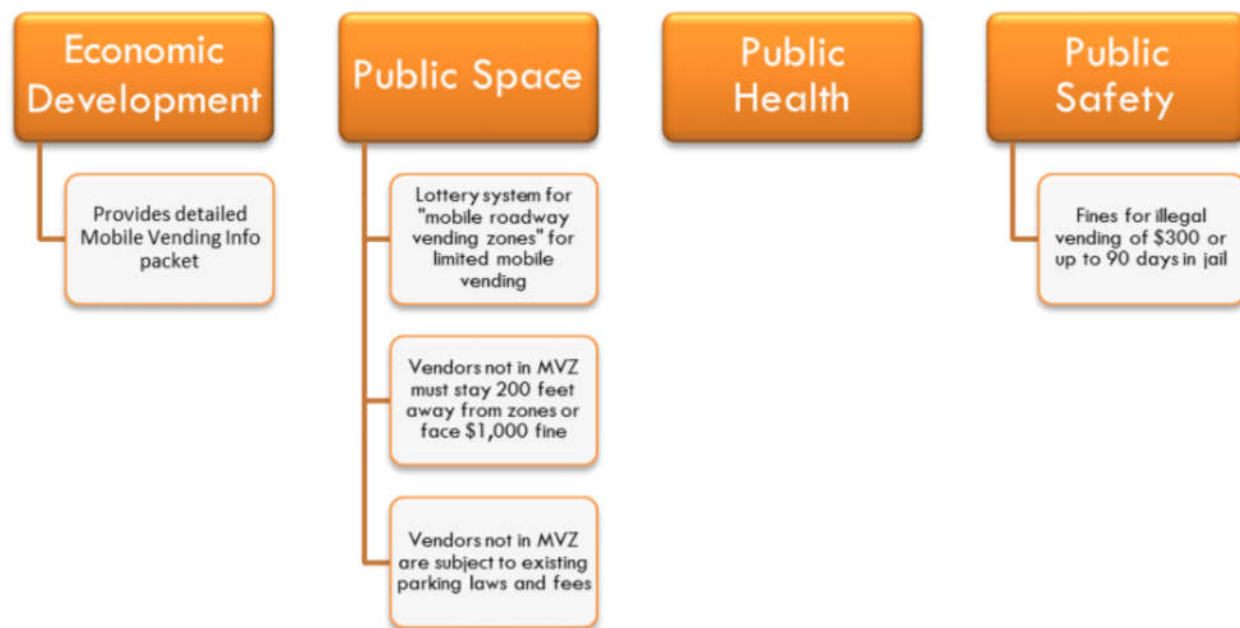
Beyond the mobile food vendor application itself, the city also provides easy access to information about [how to operate vending carts on private property](#) and a detailed [Mobile Food Unit Playbook](#) with examples of different types of vendors and flowcharts to aid new vendors through the application process. The latest food safety news can be found on the [Chefs Connection - Multnomah County Food Safety Blog](#) which helps vendors stay up to date on regulations and provide tips for safer food handling.

Public Space - Washington, D.C.



Washington, D.C.

- **Population**
 - 646,449 (2013)
- **Municipal Code**
 - DCMR Vending Regulations - Title 24, Ch.5
- **Relevant Website**
 - Department of Consumer and Regulatory Affairs:
<http://dcra.dc.gov/service/mobile-food-truck-licensing-information>
- **Estimated Number of Food Truck Permits**
 - 200+ registered mobile food vendors (2013)



Local Context

For the past four years, the debate over the regulation of mobile vending in Washington D.C. has been closely monitored by its many stakeholders. In 2013, after multiple proposals and amendments, new regulations were passed affecting over 200 registered mobile food vendors. These new regulations included health and safety provisions as well as the much discussed “[Mobile Roadway Vending Lottery](#).”

Prior to these new regulations, the Department of Consumer and Regulatory Affairs allowed food trucks to operate under regulations for ice cream trucks as they worked on new regulations. In December 2010, the city council engaged in a lengthy debate over the future of mobile vending operations. The regulations passed in 2013 were a major step towards re-evaluating the current regulatory structure of mobile food vending.

Regulatory Reform Highlight: Public Space

The new city regulations have helped provide guidelines on one of the primary concerns of the local mobile food industry – use of public space. Under the Mobile Roadway Vending Lottery system, the city allows a limited number of vending vehicles, chosen through a rotation-based lottery system, to sell food (or other goods). The lottery occurs monthly and allows vendors to rank their location preference for each day of the week. There are 95 spots in eight different zones that vendors are able to apply for between the hours of 10:30am and 2:30pm. Vendors pay \$25 each month to enter the lottery and \$150 if they accept an assignment.

When vendors are selected by the lottery, they are assigned to their highest preferred location which has an available space. If no spaces are available when selected, they will be assigned as “off”. No vendor will be assigned an “off” day unless the number of lottery entrants exceeds the number of available spaces (i.e. greater than 95 lottery entrants). Based on this rotation lottery system, no vendor will be assigned a second “off” day until every entrant has had a first “off” day, thus ensuring equal access. Vendors who do not receive a spot via the rotation-based lottery system on a particular day must stay at least 200 feet away from the zones or face a \$1,000 fine. The three agencies that oversee regulations of food trucks include the Department of Consumer and Regulatory Affairs, the Department of Transportation, and the Department of Health.

While the effects of these regulations have yet to be seen, Washington D.C. is making steps to tackle the issue of regulating public space. This case is also an example of the growing mobilization of food truck owners’ participation in regulatory debates. With associations like the DMV (D.C., Maryland, Virginia) Food Truck Association and other trade associations being established nationwide – often as a result of lengthy debates with city councils and local restaurant associations - there is a growing trend of food truck owners coming together to strategically represent the collective interests of all mobile food vendors.

IV. RESULTS

As the mobile food industry has grown, it has forced cities across the country to consider the economic and social impact of this industry on all citizens. Every city faces a unique set of challenges – the cases presented here looking at Austin, Boston, Portland, and Washington D.C. - demonstrate the different approaches to regulating the industry based on the input of stakeholders and the status of the local economy. As the examples show, cities are increasingly looking at food trucks not only as an alternative to traditional dining but also as a player in larger economic and community development plans.

The disruption of food trucks has forced cities to think critically about what and how they choose to regulate. Whether it is by leveraging data and

technology to support traditional enforcement or by redefining existing regulations, regulatory reform efforts in the food truck industry have resulted in a wide range of approaches that at the end of the day are aimed at helping you answer the age-old question of “what’s for lunch?”.

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TOPICS REGULATION

ABOUT THE AUTHOR

JESSICA HUEY

Jessica Huey is a MPP candidate at the Harvard Kennedy School of Government. Prior to attending the Kennedy School, Jessica spent five years working for the City & County of San Francisco focusing on workforce development initiatives and labor negotiations. Jessica got her start with the City & County of San Francisco as a member of the inaugural class of [City Hall Fellows](#), a year-long fellowship program in local government. Jessica received a BA from Brown University with a double major in Public Policy and Hispanic Studies. Her current research interests include civic innovation at the local level, public-private partnerships, and economic development.



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➔ ISSUE NUMBER 9

PRACTICE FOOD TRUCKS



Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending

By Rodney Arroyo, AICP, and Jill Bahm, AICP

Recent economic and cultural trends show an explosion in the popularity of food trucks, or mobile vendors, over the past several years.



Jill Bahm/Clearzone

➡ One of the hallmarks of the current food truck boom is an increased focus on “in-truck” preparation over preparation at a central commissary.

According to research done by Emergent for the National Restaurant Association, the growth of mobile food trucks will soar in the next five years, generating up to \$2.7 billion in revenue nationally by 2017—up from \$650 million in 2012 (Emergent Research 2012). All across the country, cities, small towns, and suburbs are seeing food trucks popping up, some in unexpected places like office and industrial parks, where zoning ordinances typically preclude res-

taurants. Amplifying the push for food trucks are the twin trends of “buying local” and “food as entertainment” that are enhanced by programs such as the *Great Food Truck Race* on the Food Network. While ice cream trucks and job-site lunch wagons haven’t disappeared, they are increasingly being joined by gourmet trucks and trucks specializing in ethnic offerings.

All across the United States, people are exploring how mobile food vending might

make a difference in their lives and their communities. More resources are starting to become available for potential business owners. Networks for mobile food vendors are growing; the Southern California Mobile Food Vendors Association was formed in 2010 as one of the first associations dedicated to helping vendors break down barriers to business (www.socalmfva.com). And this fall, Roam—a first-ever industry conference for mobile food

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Go online during the month of September to participate in our “Ask the Author” forum, an interactive feature of Zoning Practice. Rodney Arroyo, AICP, and Jill Bahm, AICP, will be available to answer questions about this article. Go to the APA website at www.planning.org and follow the links to the Ask the Author section. From there, just submit your questions about the article using the e-mail link. The authors will reply, and Zoning Practice will post the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of Zoning Practice at announced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA Zoning Practice web pages.

About the Authors

Rodney Arroyo, AICP, is president of Clearzoning, Inc. He holds a Master of City Planning degree from Georgia Tech and has more than 30 years’ expertise in planning and transportation. His experience includes master plans, zoning ordinances, form-based codes, corridor studies, and access management plans. Arroyo also serves as an expert witness in planning and zoning issues, is a national and state planning award winner, and serves as an adjunct professor for Wayne State University’s graduate urban planning program.

Jill Bahm, AICP, is a principal planner with Clearzoning, Inc. She holds a Master of Urban and Regional Planning degree and has worked in both the public and private sectors as a downtown development authority director, city planner, and real estate marketing professional. Bahm’s professional interests include economic development, recreation planning, historic preservation, community participation, and organizational development.

suppliers and owners—will take place in Portland, Oregon.

On the worldwide stage, the World Street Food Congress is the first of its kind to connect and open up fresh ideas and thought leadership in the massive and growing street-food culture and industry throughout the world. This 10-day street-food festival was hosted in Singapore in January 2013 and featured well-known leaders in the food industry (www.wsfcongress.com).

Faced with inquiries from food vendors, many communities turn to their zoning codes, only to discover that mobile food vending isn’t really defined and may not be permitted in the way vendors might like. With the approach to regulating mobile vending varying widely in communities, it can be hard to know where to begin when considering if and how to accommodate food trucks.

WHAT IS MOBILE FOOD VENDING?

Regulatory codes for many communities recognize transient merchants—those goods and services provided by a traveling vendor. The typical ice cream truck would be a good example of a transient merchant who is mobile most of the time, stopping only when requested for a few short minutes. Many operators of today’s food trucks or carts, however, are seeking more than a few minutes on the street, sidewalk, or parking lot, staying in place for a few hours to serve breakfast, lunch, or dinner. In fact, when they are located on private property, some food trucks may be in one location for days, weeks, or even months. It is important to make a dis-

inction between the food vendors that are more transient in nature, like an ice cream truck, and those that seek to move about less frequently. Both types of uses can offer benefits to the community, and they will each have different potential issues to regulate.

Many mobile food vendors utilize self-driven vehicles that permit easy relocation throughout the community. However, mobile food vending also includes trailers, food kiosks, and food carts. Food kiosks are temporary stands or booths that are typically intended to sell prepared foods, including ice cream, pretzels, and the like. Food kiosks may be found inside a large office building or shopping mall, but may also be secured for outside use. Some communities, like Maui County, Hawaii, allow a variety of products to be sold at a kiosk, provided certain standards are met (§30.08.030). While temporary in structure, food kiosks are often stationary with a defined location. Food carts allow the vendor to sell from outside the moveable unit and are often used to sell fresh fruits and vegetables. Typically, the food in kiosks and carts is prepared elsewhere and kept cold or hot in the unit. The city of New York encourages “green carts” that offer fresh produce in certain areas of the city and has special regulations for these uses (www.nyc.gov/greencarts).

In communities across the U.S., mobile food vendors are seeking permits to start these innovative businesses. They often run into roadblocks at city hall, because while many zoning ordinances include provisions for temporary

uses, most do not contain current definitions for mobile food vending nor do they include any standards that specifically relate to vending and the issues that may arise. The net result in many communities, intentional or unintentional, is a prohibition on mobile food vending.

THE PROS AND CONS OF MOBILE FOOD VENDING

Over the past few years, most of the economy has been struggling and the workforce has been challenged to adapt. With laid-off workers trying to reinvent themselves and new immigrants looking for opportunities, the number of people starting new businesses is rising. Mobile food vending seems, for some, like a low-cost way to wade into the pool of business ownership. There are a number of reasons why communities may elect to sanction mobile food vending:

- ***It provides an opportunity to increase jobs and businesses.*** The cost of starting a food truck business can start at \$25,000, where a traditional bricks-and-mortar establishment may start at \$300,000, according to the National Restaurant Association (Emergent Research 2012).
- ***It offers opportunities to provide food choices where zoning precludes restaurants.*** Traditional zoning codes tend to restrict the uses permitted in office and industrial districts, only allowing uses that narrowly meet the intent of those districts. Office and industrial parks, in particular, are often isolated from the rest of the community, requiring employees to drive to retail and restaurant areas. In addition, some communities may not have access to variety of

healthy, fresh foods, and therefore decide to encourage such food vendors in certain neighborhoods by relaxing requirements. New York's green carts initiative allows additional permits to be issued over the city's defined limit to mobile food vendors that offer fresh produce in underserved neighborhoods, and Kansas City, Missouri, offers reduced permit fees for mobile food vendors in city parks that meet certain nutritional standards (Parks and Recreation Vending Policy 4.7.08).

- **It can increase activity in struggling business districts** by creating a dynamic environment where people gather around the availability of new and fresh food. The economy has taken a toll on businesses over the past several years. Those that are hanging on in some areas find that their neighboring buildings or businesses are vacant. Food trucks can be a way to enliven an area, generating traffic for existing businesses and possibly spinning off new business activity. The restaurant industry is evolving to meet the demands of patrons who are looking for locally grown, sustainable, healthy, and fast options for dining. When food trucks use social media to communicate about their location schedules, it can build up a certain level of excitement and anticipation that can make a positive social impact. In addition, the rising trend of "cart pods" and "food truck rallies" brings multiple mobile food vendors to one location, creating a festive atmosphere in an area for a short time.

- **They signal to other potential businesses that the community is adapting to the evolving economy and supporting entrepreneurship.** Mobile food trucks are a new way of doing business; in these early years, communities that anticipate the demand from businesses and consumers may also find that this flexibility signals receptivity to new business models.

- **They are a way for restaurateurs to test the local market for future bricks-and-mortar facilities.** Mobile food trucks offer opportunities to interact with a potential market, to test recipes and pricing, and see if the restaurant fits with the community. All across the United States there are examples of food truck businesses evolving into permanent establishments, including El Camion ("the truck") in northwest Seattle that has recently opened a restaurant and bar in the Ballard neighborhood after several years of experience with its two mobile food units. Torchy's Tacos in Austin, Texas, started with a food truck and now has eight bricks-and-mortar restaurants in Austin, Dallas, Fort Worth, and Hous-

ton—and two more opening this year. The Lunch Room in Ann Arbor, Michigan, plans to open its bricks-and-mortar location soon, using social media to solicit fans of its existing "Mark's Carts" to become investors in the restaurant.

Along with these potential benefits can come community impacts and possible conflicts. Some of the challenges associated with

went through an extensive research and public input process, surveying their local chamber of commerce and meeting with prospective mobile food vendors, residents groups, and restaurant owners. Their resulting ordinance language responds to the needs and concerns of the community (Longmont 2011).

ADDRESSING AREAS OF CONCERN THROUGH ZONING

Many communities are updating their codes to accommodate or regulate mobile vending. In June 2012 Grand Rapids, Michigan, included the following statement of intent in a new set of mobile food vending provisions:

Employment and small business growth in the city can occur while providing a broad range of food choices to the public through careful allowances for temporary concession sales. The provisions of this section are intended to prevent predatory practices on bricks-and-mortar restaurants while allowing for new food vending opportunities that can add vitality to vacant parking lots and underutilized sites . . . (§5.9.32.K).

Other cities, including Phoenix, Arizona (§624.D.87); Chapel Hill, North Carolina (§§10-66–74); and Fort Worth, Texas (§5.406)—just to name a few—adopted regulations in 2012 to allow mobile vending or food trucks. Chapel Hill's

provisions note that allowing food trucks will "promote diversification of the town's economy and employment opportunities and support the incubation and growth of entrepreneurial/start-up businesses" but also that food trucks pose "unique regulation challenges."

While specific approaches vary from place to place, communities interested in adding or updating regulations for mobile food vending should start by defining the uses and then consider each of the following questions:

- Where in the community should such uses be permitted?
- How long should a food truck be permitted to stay in one location?



Russ Herschler

- ➔ Food truck gatherings are increasingly common in communities with extensive food truck offerings.

mobile food trucks might include problems with maintenance, trash, parking, noise, and vehicular and pedestrian circulation. In addition, some restaurateurs may be threatened by this new competition and try to prevent mobile food vending. Food trucks also have their own operational challenges, including dealing with unpredictable weather and maintaining an appropriate inventory despite limited storage.

The best way to understand and manage the pros and cons of food trucks in individual communities is to solicit public input and dialogue about the needs and wants of the community. For example, Longmont, Colorado,

- Are these mobile units just for food sales, or can other goods be sold as well?
- Does the community want to increase activity?
- How can the zoning ordinance address upkeep and maintenance?
- When can food trucks operate?
- How are visitor parking and circulation accommodated?
- How are these uses reviewed and permitted?
- What do vendors and their customers want or need?
- How is signage for the mobile unit regulated?
- How is the site lit to ensure safety?

Location

It is common to allow mobile food vending in commercial districts, but some communities add industrial districts or specify mixed use districts. Start with the community's comprehensive plan—is there a need or desire to increase activities in specific parts of the community? Are there concerns about the impact of single-purpose districts (especially office and industrial) on connectivity, traffic congestion, and business

In consideration for existing facilities, some communities decide that there should be a minimum distance between mobile units and bricks-and-mortar restaurants. Some communities try to limit the impact on adjacent residential uses through a distance requirement or by restrictions on hours of operation. Planners should test these locational restrictions to ensure that realistic business opportunities exist. El Paso, Texas, repealed its locational requirement of 1,000 feet from bricks-and-mortar establishments following a 2011 lawsuit to provide sufficient opportunities for mobile food vendors (Berk and Leib 2012). Attorneys Robert Frommer and Bert Gall argue that separation from other establishments is not necessary and that food truck regulations should be narrowly tailored to legitimate health, safety, and welfare concerns, not regulate competition (2012).

The American Heart Association has also looked at location issues related to mobile food vending. They report that several communities across the country prohibit mobile food vending within a certain distance of schools (or

nity and often is related to where mobile food vending is permitted. Some communities allow food trucks on public property but prohibit overnight parking. Where on-street parking is at a premium, communities may consider allowing food trucks to utilize public parking spaces for the same duration as other parked vehicles. Chicago requires food trucks to follow posted meter time restrictions, with no more than two hours in one location. In addition, the city also limits mobile food vending to two hours on private property (§4-8).

In contrast, some communities allow food trucks on private property for up to 30 days or more at one location. For example, Grand Rapids allows concession sales for up to 200 consecutive days over 12 calendar months (§5.9.32.K.6).

Regulations like this may impact vendors in terms of the types of food that can be sold and the manner in which they are prepared, especially when preparation is done on-site. Communities may wish to consider whether the allowed duration is reasonable for food vendors as well as adjacent property owners.



➡ This food truck rally in Royal Oak, Michigan, illustrates how a gathering of food trucks can activate an otherwise underutilized space.

retention and recruitment? Are there any areas in the community where the population is underserved by food choices? Planners can take these concerns to the community and invite residents and business owners to share their thoughts on where mobile food vending might be appropriate and desirable.

Some communities make a distinction between vending on public property, which often requires a license but is not regulated by zoning, and private property, which often requires a temporary use permit and is regulated by the zoning ordinance. When permitted on private property, zoning standards should require evidence of property owner approval.

at school release times) to limit the sometimes nutritionally challenged food choices available (2012). Woodland, California, prohibits mobile food vending within 300 feet of a public or private school, but will allow them on school property when approved by the school (§14-15). It a different twist, the Minneapolis Public School System introduced a food truck program this year to offer free nutritious meals to students during the summer months at four different sites in Minneapolis (Martinson 2013).

Duration

The length of time food trucks are permitted to stay in one place varies widely by commu-

Goods Available for Sale

Some communities, like College Station, Texas, are very specific that the goods sold from mobile vending to be food related (§4-20). This is often borne of a desire to start with mobile vending on a limited basis to gauge its impact. As mobile food trucks become more prevalent, surely people will explore the ideas of starting other types of businesses in this format. Communities may wish to consider the questions raised earlier about location and assess whether or not it makes sense to allow other goods in addition to food to be sold in designated areas. For example, Ferndale, Michigan, allows a variety of wares to be sold by a mobile

vendor, including apparel, jewelry, household goods, and furnishings (§§7-73–82). That might be just the place for book publisher Penguin Group (USA) to take its recently introduced first mobile bookstore, which aims to make books accessible where big box retailers aren't located (Edsall 2013).

Number of Units in One Location

Some communities that are getting on board with mobile food vending have started allowing them to congregate for certain events and activities. For example, Royal Oak, Michigan, started a food truck “rally” at their indoor farmers market during colder months. It is a good way to utilize the facility as well as provide entertaining food options for city residents. It has now become a great family event every month year-round, with musical entertainment, bouncy houses, and face painting. The city limits the rally to no more than 10 different trucks with a variety of cuisine for the whole family.

units to function on private property as a single business. To address potential negative impacts, each mobile food court must have its own on-site manager, who is responsible for the maintenance of the area (§5.406).

Trash

The type of standards for trash removal and upkeep will vary depending on the location and duration of the vending. Most communities require waste receptacles for every mobile food vending unit and some further require waste to be removed from a site daily. Keep in mind that where communities allow seating along with the mobile food unit, people will generate more trash on-site than in situations where there is no seating provided and people take their food (and trash) to go.

Hours of Operation

Some communities limit hours of operation to around lunchtime (e.g., 10:30 a.m. until 3:30

trucks on private property, communities typically require the vendor to ensure that there is sufficient parking available for its use and any other uses on the site, including the space taken up by the unit itself. Some cities allow public parking areas to be utilized for food trucks, and may even allow metered parking spaces to be used provided the related meter fees are paid. For example, Minneapolis allows a mobile vendor to park at no more than two metered spaces, as long as they are not short-term spaces and are not located within 100 feet of an existing restaurant or sidewalk cafe—unless the restaurant owner gives consent (§188.485.c.7).

Licenses and Permits

Most communities require permits or licenses regardless of whether the trucks operate on public or private property. It is also common for the community to reference compliance with other codes, particularly state or local health codes. These other codes can impact how trucks operate. For example, California's

Health and Safety Code requires trucks to have hand-washing stations if food is prepared in the truck, but does not require them on trucks selling only prepackaged foods like frozen desserts (§114311).

Some communities cap the number of licenses available for food trucks to limit their impact, but many others do not. Grand Rapids

requires a temporary use permit, subject to planning commission approval, and gives standards for consideration (§5.9.32.K.18), including an assessment asking “[w]ill the proposed stand, trailer, wagon or vehicle contribute to the general aesthetic of the business district and include high quality materials and finishes?”

Site Amenities

Some communities specify that no tables or chairs are permitted, or if they are, then sanitary facilities are also required. There may be flexibility in the permitted arrangements for such facilities (for example, having permission to use such facilities within a reasonable distance of the mobile unit). Frisco, Texas, prohibits connections to po-



Site amenities like tables and chairs are often easier to accommodate on private property than in a public right-of-way.

According to Market Master Shelly Mazur, “It’s nice to be able to offer a family-friendly event in a climate-controlled building with renovated bathrooms and seating.”

On the other hand, in its 2010 ordinance, the city of Zillah, Washington, banned mobile food vending altogether, declaring it a “nuisance,” and finding that “when mobile vendors congregate in the same area, the heightened intensity of use negatively impacts the surrounding area, particularly by increased trash” (§8.32). Fort Worth tackled this issue head-on, defining a group of food trucks as a “mobile food court” when two or more mobile vending units congregate. They allow these

p.m.), and others allow sales from early in the morning to late in the evening (e.g., 7 a.m. until 10 p.m.). Some communities place no time limits on these operations in the zoning regulations. Again, consider where these units will be permitted and the potential conflicts with adjacent uses.

Parking and Circulation

Given the mobility of these vendors, they by necessity are typically located in parking areas. Whether in public spaces or a private parking lot, it is important to ensure sufficient parking for existing uses to prevent an undue burden on bricks-and-mortar establishments. For food

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table water, requiring mobile food vendors to store their water in an internal tank. The city also requires vendors to be located within 50 feet of an entrance of a primary building, and drive-through service is expressly prohibited (§3.02.01.A(20)). King County, Washington, requires that all mobile food vending in the county be located within 200 feet of a usable restroom (§5.34).

Signage

Some communities use their existing sign regulations, but others tailor standards for mobile units. In Michigan, both Grand Blanc Township (§7.4.9.F) and Kalamazoo (§§25-63–68) allow one sign on the mobile vending unit itself, but do not allow any other signage. This is fairly common. In many cases, the truck itself essentially functions as one big sign with colorful graphics. Additionally, many mobile food vendors now use social media to get out the word regarding the time and place they will set up shop, potentially reducing the need for additional signage beyond that on the unit itself.

Lighting

Lighting is not as commonly addressed as other issues, especially if a mobile food vending unit is located in an existing developed area, but it is likely presumed that other applicable lighting requirements appropriate to the location are to be followed. Consider adjacent uses and the impact of light trespass and glare. For example, Grand Blanc Township requires mobile food vending units to be lit with available site lighting. No additional exterior lighting is allowed unless permitted by the zoning board of appeals upon finding that proposed exterior lighting mounted to the mobile vending unit will not spill over on to adjacent residential uses as measured at the property line (§7.4.9.F.10).

TESTING, FOLLOW-UP, AND ENFORCEMENT

One of the nice things about mobile food vending is that it is really easy for a community to put a toe in the water and test the impact of regulations on mobile food vendors, other community businesses, and the public, and to adjust the regulations

as appropriate. The Metropolitan Government of Nashville-Davidson County, Tennessee, initiated a test phase beginning April 2012 that will provide evaluative data for a successful mobile food vendor program. The program will initially be operated under a temporary permit issued by the Metro Public Works Permit Office for two specified zones, the downtown core and outside of it. Oakland, California, has a pilot program for "Food Vending Group Sites," defined as "the stationary operation of three (3) or more 'mobile food vendors' clustered together on a single private property site, public property site, or within a specific section of public right-of-way" (§5.51).

Before embarking on extensive zoning rewrites, review the suggested considerations with the community to anticipate and plan for appropriate ways to incorporate this use in a reasonable way. Mobile food vending is on the rise all over the country, from urban sites to the suburbs. When regulated appropriately, mobile food vending can bring real benefits to a community, including jobs, new businesses, fresh food, and vitality.

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ZONING PRACTICE
AMERICAN PLANNING ASSOCIATION

205 N. Michigan Ave.
Suite 1200
Chicago, IL 60601-5927

1030 15th Street, NW
Suite 750 West
Washington, DC 20005-1503



HOW DOES YOUR COMMUNITY REGULATE FOOD TRUCKS AND OTHER MOBILE VENDORS?

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