



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

**Draft Presented to Parks and Recreation Advisory Board
January 27, 2014**

**Update on Expansion of Locations and Hours for Licensed
Mobile Food Vehicles and Proposed Ordinance Change**

PRESENTER/S

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EXECUTIVE SUMMARY

The purpose of this council agenda item is to update City Council of results from the 2013 summer pilot program for Mobile Food Vehicles. In response to interest expressed by the City Council and licensed operators of Mobile Food Vehicles (MFV) in expanded citywide opportunities (including the downtown), staff developed a pilot program for implementation during the summer of 2013. The proposed pilot program did not include any changes to current regulations prohibiting Mobile Food Vehicles within the downtown core area.

The pilot program included:

- Mobile Food Vehicles adjacent to city parks.
- Mobile Food Vehicle Sunday afternoon gathering, or “podding,” in the Municipal Campus (west of Broadway, south of Canyon Blvd.) parking lot June 2-August 25, 2013, 11:00AM – 4:00 PM
- Mobile Food Vehicle late night “podding” in Park Central parking lot, northwest corner of Broadway and Arapahoe, June 1-September 30, 2013, Thursday through Saturday nights, 11:00 PM – 3:00 AM
- Administrative changes regarding permitting via the Tax and License Manager
- The MFV pilot programs were monitored for compliance and participation.

A staff recommendation following the pilot program is being made here for amendment to the city ordinance regarding the maximum number of MFV’s permitted on private property within the downtown core zones.

STAFF RECOMMENDATION

Staff requests DMC board consideration of this matter and support in the form of the following motion:

Motion to adopt Ordinance No. **9-6-5 Temporary Lodging, Dining, Entertainment, and Cultural Uses.**

...

(d) Mobile Food Vehicle Sales. The following criteria apply to any mobile food vehicle sales use:

(1) Standards: The city manager will permit mobile food vehicle sales on private property, public property, or in the public right of way if the use is permitted in the applicable zoning district and meets the following standards and conditions:

(A) The use shall be located at least:

(i) one hundred fifty feet from any residential zone districts, except as provided in subsection (d)(1)(C) below;

(ii) one hundred fifty feet from any existing restaurant; and

(iii) two hundred feet from any other mobile food vehicle with regard to public right of way sales, no more than four mobile food vehicles per private property in the MU-1, MU-2, MU-3, BT-1, BT-2, BMS, BC-1, BC-2, BCS, BR-1, BR-2, DT-1, DT-2, DT-3, DT-4, DT-5 zone districts, and no limitation on the number of mobile food vehicles per private property with owner’s permission in the Industrial zone districts.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic: Mobile Food Vehicles collect and remit required sales tax in accordance with the city's standard operating procedure.
- Environmental: Availability of food in city park locations would provide options that dissuade community members from driving out to purchase meal selections, then returning.
- Social: Mobile Food Vehicles providing goods and services at city owned facilities may lead to a greater sense of community, offering options for neighbors to gather inclusively and with fewer economic barriers to entry.

OTHER IMPACTS

Fiscal - Budgetary impacts to the city organization (include whether additional funding would be required in addition to current budget resources); P&R Department and Licensing Department spent monies on signage, web-based IT expense, and staff hours, none of which were reimbursed by the participating MFV vendors.

BOARD AND COMMISSION FEEDBACK

Downtown Management Commission; January 6, 2014
Parks and Recreation Advisory Board, January 27, 2014
Planning Board meeting, February, 2014

ANALYSIS

Throughout the eleven week pilot program, MFVs were able to park during daylight hours in the five most frequented city parks and in the Park Central parking lot on Thursday through Saturday late nights. Additionally, during the summer months, MFVs were invited to participate in various Parks and Recreation Department-sponsored events such as Flick and Float, the Concert in the Park series and at the Library Summer Festival.

One MFV regularly conducted business in city parks, while two others visited on two occasions during the eleven week pilot program. Participation in the parks-based MFV pilot program was free for licensed food trucks, and required only that vendors "check in" via email to indicate their arrival and departure times. Based on feedback from the MFV owners citing inadequate sales, the Sunday "podding" program in the Canyon Boulevard parking lot was discontinued after six weeks.

There was very limited participation in the late night pilot program, Starting with week three, no MFV's participated, citing that they did not feel safe due to poor lighting and

lack of passing or participating customers. Licensing staff did receive some comments about the late night location. Some vendors indicated a desire to have better lighting for safety (that was stated to occur in 2014 due to prior bond funding) and operators wished to have an earlier start time (which likely could occur, provided it does not begin prior to 10:15 PM).

At the conclusion of the pilot program, MFV's were surveyed to assess their opinions about future options for MFV's in Boulder. The survey had over an 80% response rate and yielded the following results:

- Over 90% of vendors indicated a desire to park adjacent to City of Boulder parks and 100% want to continue operating inside high profile parks.
- Over 45% of vendors would like to participate in another late night podding program in the Park Central parking lot or another high profile downtown location.
- 100% of vendors support increasing the mobile food truck limit currently allowed by code in private downtown lots (with owner's permission) from the current two, to four.

RECOMMENDATION

Based on the outcome of last summer's eleven week pilot program and feedback from MFV's, staff recommends making minor changes to the existing Mobile Food Truck Ordinance in the Boulder Revised Code. The proposed change to the Planning and Land Use code would allow four instead of two MFVs per private property under BRC 9-6-5(d)(1)(A)(iii) in the downtown area, as seen under Staff Recommendation. This meets with approval from currently licensed MFV's as a means to attract clients to a pod of vehicles offering a variety of products in one location. Staff also recommends that spaces in the city's high profile parks continue to be made available to licensed MFV's on a first come first served basis during designated times and that MFV's be allowed to park and conduct business on streets adjacent to city parks where public, on-street parking is available.