

Memorandum



CITY OF DALLAS

DATE May 11, 2012

TO Honorable Members of the Quality of Life & Government Services Committee:
Sandy Greyson (Chair), Mónica R. Alonzo, Dwaine Caraway, Carolyn R. Davis

SUBJECT Proposed Amendments to the Downtown Street Vending Ordinance

On Monday, May 14, 2012 the committee will be briefed on proposed amendments to the downtown street vending ordinance. Briefing materials are attached for your review.

If you have any questions, or require additional information, please do not hesitate to contact me.

A handwritten signature in blue ink, appearing to read 'Joey Zapata'.

Joey Zapata
Assistant City Manager

cc: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Thomas P. Perkins, Jr., City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
C. Victor Lander, Administrative Judge

A.C. Gonzalez, First Assistant City Manager
Ryan S. Evans, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Forest E. Turner, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Stephanie Cooper, Assistant to the City Manager



Dallas Code Compliance, what it all means
COMMUNITY



Proposed Amendments to the Downtown Street Vending Ordinance

Quality of Life &
Government Services Committee

May 14, 2012

Purpose

- ▶ Review proposed amendments to street vending regulations designed to foster vibrant streets and public spaces

Background

- ▶ Street vendors are regulated in Chapter 50, Article XII of the Dallas City Code
 - Provisions concerning street vendors have not undergone extensive revisions in 20 years
- ▶ Downtown stakeholders offered a series of recommendations to expand street vending to create more vibrant streets and public spaces in the Central Business District (CBD)
- ▶ Staff has proposed initial changes designed to:
 - Streamline permitting for vending in the CBD
 - Enhance the quality of vendors

Background

- ▶ Briefed Quality of Life Committee in October 2011 on proposed changes to Chapter 50
- ▶ Other recent code changes affecting vending that are not in Chapter 50:
 - PD/Zoning changes in April 2011 to allow Hot Trucks in the Arts District
 - AT&T Performing Arts Center use agreement allows Center to permit vending on grounds surrounding Winspear Opera House, Wily Theatre, Annette Strauss Artist Square, Sammons Park, and Jack Evans Road
 - Updates to food safety regulations for hot truck operations in Chapter 17 (Food Establishments) in June 2011
 - Additional updates to food safety ordinances in Chapter 17 in December 2011 that allow retrofitted hot trucks and allow preparation of raw meats

Background

- ▶ The City currently has 12 vendors operating with 18 location permits in the CBD
 - Warehouse (West End) District – 4 Location Permits
 - Flowers and Handcrafted Goods
 - CBD Core area – 5 Location Permits
 - Hot dogs, flowers, newspapers and oil fragrances
 - Arts District – 9 Location Permits
 - Corn/Nachos and Water



Fostering More Vending in CBD

- ▶ Currently street vendors in any area of the CBD are required to:
 - Have a **CBD Concession License** if vending on private or public property (**City Code Section 50-157**)
 - Have a **CBD Location Permit** if vending on public property (**City Code Section 50-159.1**)
- ▶ To streamline the vendor permitting process, proposed amendments to Chapter 50 would require only a CBD Concession License that will also permit the use of public property if requested
 - Vending on the street is not allowed

Fostering More Vending in CBD

- ▶ Currently, vendors selling on public property are charged a \$150 concession license and an annual \$1,200 location permit
- ▶ Proposed fees
 - Fee of \$150 for a concession license per location without the use of public property
 - Vending on Private Property
 - Fee of \$1,200 for a concession license per location with the use of public property
 - Vending on Public Property
 - Additional cost for sites exceeding 40 square feet
 - \$25 for each square foot over 40 square feet

Fostering More Vending in CBD

- ▶ In addition to consolidating the CBD Concession License and Location Permits, the following changes have been proposed to further encourage active vending in the CBD:
 - Establishing deadlines for application renewals and updates
 - Clarifying code to prohibit sale, sublease or assignment to others
 - Require minimum hours of operation:
 - May 1 through September 1 – 15 hours over the span of at least 4 days per week and one weekend per month
 - Use a lottery system when multiple vendors apply for the same location
 - Remove restriction on the number of years a vendor can operate at a specific site

Fostering More Vending in CBD



- ▶ Expand hours for vending
 - 6 a.m. to 8 p.m. Mon.– Thu.
 - 8 a.m. to Midnight Fri. – Sat.
 - 10 a.m. to 10 p.m. Sunday
 - Existing code allows vending from 6 a.m. to 8 p.m. daily
- ▶ Remove restrictions on vending near schools in CBD
 - Limited number of schools in the CBD that will not be adversely affected by vendors
- ▶ Allow selling limited quantities of potted plants, vegetables or fruits in the CBD outside of Farmers Market
 - Requires amendment to Chapter 29 of the City Code

Licensing in the Public ROW

- ▶ Vending from public streets is not permitted in Dallas
 - Poses public safety/traffic issues
 - Impacts competition with businesses in adjacent structures
 - Reduces on-site parking for customers/residents
- ▶ City Code Chapter 43 regulates the use of the public right-of-way
 - For Valet Parking within the CBD, the City charges annually for the use of the of the ROW, \$250 each for the first 6 spaces and \$1,000 each for any additional spaces
 - Affected businesses within 50 feet may offer their approval or disapproval

Enhancing Vendor Quality

- ▶ In addition to fostering more vending in the CBD, the following efforts will be made to enhance vendor quality
 - Strengthen regulations against aggressive selling by requiring sale of goods within five feet of the permit location
 - Establish fees and requirements for issuing photo identification badges for all concession licensees and their workers
 - Require that cost of merchandise for sale be legibly marked and visible to customers

Enhancing Vendor Quality

- ▶ Additional measures will be taken to ensure vendor quality
 - Require that the city telephone number for complaints against vendors be legibly marked on carts
 - Establish a minimum dress code for vendors
 - Prohibit smoking by vendor while operating at the vending location
 - Prohibit use of public trash receptacles by vendors
 - Increase minimum fines to \$100 for the first offense and \$200 for an additional offense in a 12-month period

Next Steps

- ▶ Review and consult with stakeholders
- ▶ Draft ordinance for City Council Consideration