

<b>TO:</b>	<b>CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE Special Meeting May 5, 2014</b>
<b>FROM:</b>	<b>G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>REQUESTED CHANGES TO FOOD TRUCK BY-LAW</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Development and Compliance Services and Chief Building Official, the attached proposed by-law to amend By-law L-6, Business Licensing By-law, to provide regulations for a new category, associated regulations and fee schedule for refreshment vehicles operating on City property and to provide updated General Provisions for business licensing administration and enforcement **BE INTRODUCED** at the Municipal Council meeting to be held on May 6, 2014; it being noted that the Community and Protective Services Committee held a public participation meeting related to this matter on April 28, 2014.

<b>PREVIOUS REPORTS</b>
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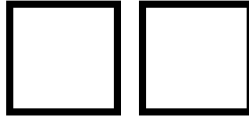
- February 25, 2013 – Food Truck Proposal Report – Community and Protective Services Committee (CPSC)
- May 27, 2013 – Food Truck Proposal – CPSC Report – Public Participation Meeting
- June 10, 2013 – Food Truck Proposal – CPSC Post Public Participation Report
- April 28, 2014 – Food Truck Proposal – CPSC Report – Public Participation Meeting

<b>BACKGROUND</b>
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On April 28, 2014, Community and Protective Services Committee reported:

That the proposed amendment to By-law L-6, to provide for a new category, associated regulations and fee schedule for proposed *Category 7 refreshment vehicles* and associated comments received at the public participation meeting, **BE REFERRED** to a special meeting of the Community and Protective Services Committee, to be held prior to the May 6th Council meeting, in order to consider a revised by-law to address the following:

- a) A limit on the number of total trucks for 2014 to a maximum of 12, to be determined by a 'lottery' similar to other licensing;
- b) Consideration of removing Richmond Street in its entirety and inclusion of areas outside of the downtown; and,
- c) An evaluation of the program in the late fall, for further refinements for a 2015 program and annual review - to include such additional considerations as menu selection, to encourage diversity in menu, to be completed by an advisory committee of volunteers with appropriate background and potential locations throughout City parks.



### **Restricting Number of Licenses Issued to Twelve in 2014**

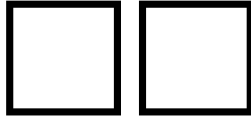
As per the Community and Protective Services Committee (CPSC) recommendation of April 28, 2014, the maximum number of new Category 7 licences to be issued in 2014 will be twelve (12). This is intended to limit the impact of the new Food Trucks on existing bricks-and-mortar restaurants and ensure a level of control over the number of trucks in the City of London. As of April 28, 2014 there were 27 licenced Category 5 Refreshment Vehicles operating in London. Several of the operators have contacted City staff about also applying for Category 7 licences. In addition, several inquiries were received from potential new applicants about Category 7 licences. Based on a review of municipal food truck programs (i.e. Ottawa, Vancouver), it is common to limit the number of new annual entries. Twelve food trucks is a reasonable number for the initial year of this new program.

### **Application Process**

- a) The application period will open at 8:30am, Thursday May 8<sup>th</sup> and close at 4:30pm Wednesday May 14<sup>th</sup>. This application period applies only to *Category 7 Refreshment Vehicles* and not to the other six (6) categories, whose application processes remain unchanged.
- b) All applicants/potential licensees will submit a complete application package, and submit said package in person to the Office of the Licence Manager. Application packages will be available as of the commencement of the application period. Failure to submit the required materials prior to the closing of the application period will result in a forfeited application. Licence fees will be collected after the lottery process (if one is required).
- c) All applicants shall submit proof that they have a vehicle that meets the requirements of the by-law and is registered in the applicant's name or the name of a company in which the applicant is the sole proprietor, a partner or principle in the corporation. Where a vehicle is leased, a lease agreement must be submitted clearly indicating the applicant as the lessee.
- d) All *Category 7 Refreshment Vehicles* which use propane or other hydrocarbon fired fuel cooking and/or heating equipment will be subject to certification in accordance with the guidelines of the Technical Standards and Safety Authority (TSSA). This is a standard requirement of all Refreshment Vehicles licenced in the City of London and all Mobile Food Service Equipment (MFSE) overseen by the TSSA.

### **Licensing Lottery**

- a) If more than twelve (12) applications which meet the minimum criteria are submitted by the May 14<sup>th</sup> 4:30pm deadline, the Licence Manager shall hold a lottery to determine the twelve (12) applicants permitted to pursue the application and inspection process involved in obtaining a Category 7 licence.
- b) The time and place of the lottery shall be determined by the Licence Manager and applicants shall be notified of this lottery by way of the contact details submitted with their application. It is the responsibility of the applicant to provide accurate contact information. An applicant may be present at the lottery.
- c) Lottery selections ranked thirteen (13) and beyond shall be recorded - in numerical order - on a priority list and given an opportunity to continue with the application and inspection process should a licence become available in 2014. Applications received after 4:30 p.m. on May 14, 2014 shall be added to the end of the priority list in the order they are received.
- d) If less than twelve (12) applications are submitted within the noted application period, no lottery will be held/required and all remaining licenses shall be allocated on a "first come, first served" basis as application submissions are received.



- e) A person may submit only one application for a Category 7 Refreshment Vehicle Licence. This is intended to ensure fairness in competition and to maintain the desired diversity of vehicles and operators.
  
- f) It should be noted that the licences are non-transferrable and remain the property of the City of London. Failure to adhere to this or any other section of the by-law may result in the revocation of the license at the discretion of the City of London Licence Manager.

### **Consideration of Restricting Vehicles on Richmond Street**

As per the April 28, 2014 report of the CPSC, staff were asked to consider restricting the operation of *Category 7 Refreshment Vehicles* on Richmond Street.

Based on the fair and balanced application of the location criteria outlined in the by-law, and the self-limiting nature of Richmond Street itself (based on the density of overlapping residential and restaurant buffers and limited amount of on-street parking) it is the opinion of staff that the five (5) identified parking spaces on the east side of Richmond, south of Dufferin Avenue and north of Queens Avenue remain as permitted spaces for the operation of *Category 7 Refreshment Vehicles* and that other areas of Richmond Street itself not be restricted when new operating locations are proposed to the Licence Manager.

### **Areas Outside of the Downtown**

Areas outside the downtown are permitted so long as they meet the criteria outlined in the by-law. The map and permitted parking descriptions have been compiled by staff in order to provide an easy reference for Category 7 Refreshment Vehicle operators where the buffers can be complex. It is intended that areas outside the map will be utilized by the operators as they see fit, based on the criteria in the by-law which includes;

- a) Arterial, Primary and Secondary Collector Roads as identified on Schedule 'C' – Transportation Corridors – in the City of London Official Plan;
- b) A 25m buffer from residences and restaurants;
- c) A 100m buffer from schools between 7am and 5pm, and;
- d) Locations where on-street parking is permitted.

### **Program Evaluation in Late Fall**

In order to ensure that the desired municipal goal(s) of the program are achieved, staff will review the program and by-law in the fall of 2014. This evaluation will include but not be limited to examination of the various elements of the program and by-law functions, the regulations, locations described in the operators log books, complaints made throughout the evaluation period months and enforcement activity.

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<b>CONCLUSION</b>
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Staff respectfully submit this report and by-law amendment in response to the April 28, 2014 report the Community and Protective Services Committee.

<b>PREPARED BY:</b>	<b>RECOMMENDED BY:</b>
<b>ETHAN LING</b> DEVELOPMENT POLICY COORDINATOR BUSINESS LIAISON	<b>G. KOTSIFAS, P. ENG.</b> MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
<b>REVIEWED &amp; CONCURRED BY:</b>	<b>REVIEWED AND CONCURRED BY:</b>
<b>MARK HENDERSON</b> DIRECTOR OF BUSINESS LIAISON	<b>OREST KATOLYK</b> CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER