

COUNCIL ACTION FORM

SUBJECT: TEMPORARY RELOCATION OF VENDORS DURING WELCH AVENUE CONSTRUCTION PROJECT

BACKGROUND:

Construction on the Campustown Public Improvements project has begun. Through this project, utilities under the 100 block of Welch Avenue will be reconstructed, and the streetscape surface will be significantly modified.

Two food vending operations have Vending Licenses to regularly operate in the area that will be reconstructed. They are Smiles & Gyros and Cheese Steak Factory. The Vending Code provides that a vendor may be required to accommodate construction in the right-of-way, and a license may be suspended or revoked because of construction in the right-of-way.

City staff has discussed the construction project with the two vendors. Both expressed a desire to be able to continue operating in an alternative location for the duration of the construction, as an alternative to ceasing operations during the project.

The administrative rules for vending require that vendors seeking a new location to operate must obtain a letter of support from the adjacent property owner before City approval can be granted. In practice, there are very few locations in the Campustown area that are suitable for vending where the adjacent property owner is also willing to allow the vendor to operate. Although the City Council may make exceptions to these administrative rules to assign a temporary location for a vendor, City staff believes it would violate the spirit of this regulation to do so without obtaining the consent of the adjacent property owner.

As an alternative, City staff has inquired whether the vendors would both be willing to operate in Chamberlain Lot Y (at the intersection of Welch Avenue and Chamberlain Street), during the project. Both expressed an interest in being located in the lot. City staff conferred with Campustown Action Association, and CAA has expressed support for this option. **Since the vendors would be operating in a City parking lot rather than on right-of-way with an adjacent property owner, there would be no property owner approvals necessary to allow the relocation.**

Relocating the vending operations to this lot will take three metered parking spaces. These parking spaces will be made available for metered public parking during normal metered hours, but will be signed for the exclusive use of the two vending operations

after 6:00 p.m. Thursday through Saturday. **Therefore, there will be no lost revenue to the Parking Fund during this temporary relocation.**

If the temporary relocation is approved, City staff will monitor the suitability of this location for the vending operations and will bring any required modifications to this plan to the City Council. Once construction is complete, the vendors will return to their regularly assigned locations. No new Vending License fee would be required of the vendors for this temporary site.

Due to the current public health emergency, Vending Licenses have been temporarily suspended. If the City Council approves a relocation of these vendors on Welch Avenue, the temporary relocation would be effective once the suspension of all vending operations has concluded.

ALTERNATIVES:

1. Authorize Smiles & Gyros and the Cheese Steak Factory to temporarily to operate out of three parking spaces designated by City staff in Chamberlain Lot Y after 6:00 p.m. from Thursday through Saturday for the duration of the Campustown Improvements Project.
2. Not allow the two vendors to relocate to another location and temporarily suspend their Vending Licenses for the duration of the Campustown Improvements Project.
3. Direct staff to explore alternative strategies to accommodate these vendors during the Campustown Improvements Project.

CITY MANAGER'S RECOMMENDED ACTION:

The Campustown Improvements Project is a critical utilities and streetscape modification. The construction will require two vendor operations to either cease or relocate for the duration of the project. In lieu of suspending vending for the entirety of the project, it is possible to relocate these vendors to a City parking lot without losing any parking revenue.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as described above.