

ITEM	8
MANAGER'S REPORT NO.	62
COUNCIL MEETING	94/11/07

TO: CITY MANAGER 1994 NOVEMBER 02

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: MOBILE RETAIL AND FOOD CARTS
PROPOSED ZONING BYLAW TEXT AMENDMENT

PURPOSE: To propose a text amendment to the Zoning Bylaw to provide for increased opportunities for mobile retail and food carts on certain properties in Burnaby.

RECOMMENDATION:

1. THAT the City Solicitor be requested to prepare the necessary amending bylaw to provide for increased opportunities for mobile retail carts in Burnaby.

REPORT

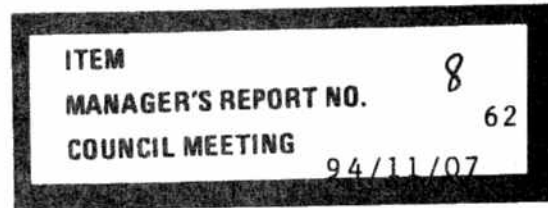
1.0 BACKGROUND INFORMATION:

- 1.1 On 1992 November 23 Council received a report regarding two proposed minor text amendments to the Burnaby Zoning Bylaw. One involved providing opportunities for mobile retail carts on sites zoned CD Comprehensive Development District (based on C3 District guidelines). Council gave Final Adoption to the Zoning Bylaw amendment on 1993 March 08.

Currently, mobile retail carts including food carts, are permitted in the C3 General Commercial District, but only in developed, pedestrian-oriented open spaces subject to the provisions of the CD Comprehensive Development District provided that no cart exceeds a ground coverage of 2 m² (21.5 sq.ft.) and no more than four carts are allocated to one open space area. As mobile carts are permitted only on CD Comprehensive Development District zoned sites, CD amendment rezonings are required to permit mobile retail carts.

2.0 GENERAL DISCUSSION:

- 2.1 Since the text amendment was given Final Adoption in March 1993, only one application has been received to permit mobile retail carts. Rezoning Reference #36/93 was given Final Adoption by Council in November 1993 to



permit mobile retail carts in the public open spaces at both the north and south ends of the Eaton Centre site.

Since the text amendment was given Final Adoption, Planning and the Licence Office have continued to receive a significant number of enquiries regarding establishing outdoor retail carts on private property. The above text amendment did not, however, satisfy the needs of many potential vendors. The current opportunities are considered by potential vendors to be too limited and not focussed on the types of locations which they consider most attractive. Potential vendors have particularly expressed an interest in locating outdoor mobile carts on sites that have retail building supply establishments, garden shops and other retail stores. Potential applicants also expressed difficulty with the approval process, which requires a Comprehensive Development amendment rezoning. In view of the time required for this process, it was often considered too demanding for vendors who wished to establish a temporary, seasonal use.

- 2.2 Within the above context, and in response to a specific request to expand the opportunities for mobile carts, staff have re-examined this matter. Planning staff wrote to a number of other urban municipalities, including some in the western United States to learn about their regulations, processes and experiences with outdoor mobile carts. The questions posed dealt with both mobile carts on private properties and on public rights-of-way (street vendors). Of the ten municipalities from which responses were received, most permitted outdoor mobile carts on private or public land with about half permitting them in both situations. In general, the opportunities to establish outdoor mobile carts in Burnaby are far more limited than in the municipalities surveyed. The range of zoning districts in which the carts are permitted, as well as other regulations, varied greatly, but with the opportunities generally being quite broad. The other jurisdictions reported some complaints regarding cart locations and business competition, however, they were generally well received once a procedure was established.

Of particular relevance was the information received from four other large municipalities in Greater Vancouver. Coquitlam does not permit outdoor carts anywhere, but is also studying the concept and considering changing their regulations. Vancouver does not permit carts on private sites, but does permit them on the public right-of-way through a lottery system for designated spots. Surrey permits the carts on private property in a variety of zoning districts, but does not permit mobile carts on street rights-of-way, while Richmond permits

141 mobile retail carts on both private and public property in a broad manner.

ITEM	8
MANAGER'S REPORT NO.	62
COUNCIL MEETING	94/11/07

- 2.3 The survey served to confirm that the provision of mobile food and retail carts is a well-established business practice in many urban areas across North America. It is generally held that mobile retail carts can make a positive contribution to the activity and vitality of an urban centre. While the establishment of a reasonable number of small mobile food and retail outlets may be a positive addition to the outdoor experience of people living in, working in and visiting Burnaby, the provision of such carts should be properly controlled to ensure that they do not create nuisances for surrounding land uses and to limit the impact on the quality visual image of Burnaby.
- 2.4 In light of the strong demand for more opportunities for outdoor mobile retail carts, the fact that most municipalities surveyed accommodated more opportunities for retail carts and that staff feel it is possible to control the negative aspects of this use through the appropriate approval processes, Planning, Licensing and Engineering staff reviewed the matter further toward determining under what circumstances additional mobile carts could be approved and through what process.

The first aspect involved examining the pros and cons of permitting additional mobile carts on private properties versus the street right-of-way. The comparison showed a strong preference for permitting more mobile retail carts on private properties. The points which favoured their location on private properties included:

- a) There is a much stronger private interest in locating outdoor mobile carts on private properties, such as ones occupied by retail building supply establishments, large grocery stores and other retail stores, than on the street right-of-way.
- b) Locating carts on private properties should preclude negative effects on retailers of the same product on the same site, if the property owner controls the mix of commercial uses on their own property, as compared to similar retailers being located on the street right-of-way abutting the private property.
- c) The regulation and administration of mobile retail carts on street rights-of-way would be much more difficult and cumbersome for the City and potential vendors. The necessary process would require the pre-approval of the specific location, including input from Licensing, Engineering and Planning, a lottery or some other system to fairly determine the right to use the designated location and addressing

ITEM	8
MANAGER'S REPORT NO.	62
COUNCIL MEETING	94/11/07

concerns about City liability, none of which would be required for private sites.

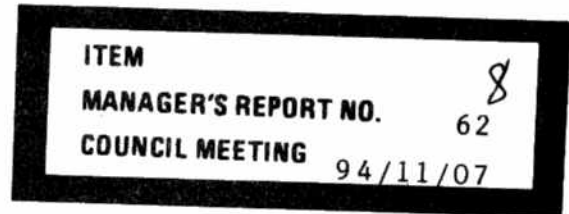
- d) Mobile carts are more likely to cause pedestrian obstruction and vehicular traffic regulation problems (i.e. illegal parking) on the street rights-of-way.

- 2.5 If more opportunities for mobile retail carts on private properties were to be provided, issues regarding the land use relationships, nuisances, aesthetics, and pedestrian traffic flow could be addressed through zoning and the appropriate approval process.

Mobile retail carts are essentially a commercial retail use and should therefore relate to existing principal retail uses. Mobile retail carts are usually, and should be limited to, an accessory use. Mobile retail carts as a principal use on an undeveloped site would not be a supportable form of commercial land use. Requiring mobile retail carts to be accessory to existing retail uses will reduce the likelihood of land use conflicts or nuisance and would be supportive of the planned commercial structure. Mobile carts are most appropriately located in areas of high pedestrian flow and in conjunction with destination retail businesses. It is recommended that mobile retail carts be considered permitted uses if they are accessory to an established retail use in the C2 Community Commercial District, C3 General Commercial District, C4 Service Commercial District, C8 Hastings Village core and non-core Commercial Districts and the M1 Manufacturing District.

This would permit mobile retail carts in all the zoning districts which already permit significant retail commercial uses and include some variety of retail uses, with the exception of the C1 Neighbourhood Commercial District, which is intended to serve people residing in the immediately adjacent area and is relatively narrow in its orientation. Therefore, in consideration of the greater commercial pedestrian volumes required than may be available in the C1 District and the need to maintain a compatible relationship with nearby residents, it is not recommended that outdoor mobile carts be permitted in the C1 District.

The C6 Gasoline Service Station District, M4 Special Industrial District and M5 Light Industrial Districts permit a very narrow scope of retail uses and are not encouraged to be broadened in commercial orientation by permitting outdoor mobile carts. The C6 District is especially considered problematic for mobile carts due to potential vehicular/pedestrian conflicts on gasoline service




station sites and the non-commercial orientation of many areas surrounding gasoline service stations.

- 2.6 In order to minimize the aesthetic impact of mobile carts and to maintain the mobile, non-permanent, unobtrusive nature of the carts, the maximum ground coverage of 2 m² (21.5 sq.ft.) should be retained in the Bylaw, but the maximum number of carts should not exceed three per property. A cart must still be able to be moved by one person to be considered mobile.
- 2.7 Applications for mobile retail carts would be handled through the Preliminary Plan Approval (PPA) process. As part of the process, staff will assess each application to ensure that the cart(s) are located in such a manner as to avoid interference with pedestrian flow or creating a hazard, as well as ensuring that they are not located within a required parking area, required landscaping or other prohibited locations. Seating would not be permitted integral to a mobile cart, but any existing adjacent public seating areas may be used. Each application for a mobile food or retail cart would be circulated to the pertinent Departments through the PPA process, and any pertinent requirements would be adhered to prior to issuance of the PPA.

3.0 CONCLUSION:

- 3.1 In light of the demand for mobile retail carts on private properties, the opportunities provided for mobile carts in other municipalities and the potential for providing a positive addition to the outdoor experience of living and working in Burnaby, it is recommended that the Zoning Bylaw be amended to permit mobile retail carts as accessory to principal retail uses in the C2, C3, C4, C8 and M1 zoning districts.


D.G. Stenson, Director
Planning and Building

BW:yg

cc: City Solicitor
Chief License Inspector

