



CITY OF KIRKLAND

Public Works Department

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MEMORANDUM

To: Kurt Triplett, City Manager

From: Kim Scrivner, Transportation Planner
Joel Pfundt, Transportation Manager
Julie Underwood, Director of Public Works

Date: January 7, 2019

Subject: AUTHORIZING LIMITED USE OF FOOD TRUCKS IN DOWNTOWN CITY LOTS

RECOMMENDATION:

Staff recommends that City Council authorize limited use of food trucks requested by existing brick-and-mortar businesses for special events in the City-owned downtown parking lots.

BACKGROUND DISCUSSION:

This proposal is part of the City's efforts to provide additional tools to support local businesses during the COVID-19 pandemic and beyond. City policy also supports the promotion of strategic development of off-street parking facilities.

Under certain circumstances, Public Works offers temporary parking permits that allow exemptions from time-restricted parking areas. Time restricted parking areas are mostly in the downtown business district for on-street parking stalls and in the City-owned parking lots. Examples of exemptions that have been granted for time restrictions are for small construction projects, moving vans or vehicles that need more than the posted time to do their work, and small special events that need to take only one or two parking stalls.

Currently, food trucks are allowed as part of City-sponsored or private permitted special events in parks or City-owned parking lots subject to permit approval through the City's special event program. They also are allowed in private parking lots without the need for City approval provided they have a City of Kirkland business license. Public Works also has food truck permitting responsibility along the Cross Kirkland Corridor if there were a circumstance when that was desirable. The Department of Parks and Community Services has the permitting responsibility for food trucks in City parks through a competitive process. Generally, Public Works does not approve food trucks for any time-restricted area downtown except for major permitted special events with large attendance (e.g., Independence Day) because of the competition they would pose to brick-and-mortar businesses downtown.

This staff report describes a proposed amendment to current policy, specifically the Public Works Pre-Approved Plans Policy R-35, "Guidelines for Temporary Non-Vehicle use of Parking Stalls." The amendment would allow food trucks to be permissible in the City-owned Lakeshore and the Lake and Central parking lots, provided that: 1) the request for a permit comes from an existing downtown brick-and-mortar business and 2) the request has a limited duration (one to three days in a 30-day period). This kind of use has been requested in the past by at least one downtown business that is not a restaurant and does not have a kitchen but wanted to offer food to its customers on special occasions or for promotional events. However, downtown businesses that do have kitchens also would be allowed the same accommodation.

RECOMMENDED CHANGES:

Kirkland Municipal Code chapter 12.45.160, "No parking for certain purposes," states that it is a civil infraction to park a vehicle upon any roadway, public right-of-way, publicly owned and operated parking facility, or other public property for the principal purpose of displaying or selling merchandise from a vehicle *without a city permit*. (Emphasis added) Consistent with that chapter, this proposed amendment to policy R-35 would allow Public Works to permit food trucks only in two, specific City-owned parking lots downtown based on the following:

- The request must come from an existing brick-and-mortar business within the Central Business District;
- The permitted use shall be allowed only in the Lakeshore Parking Lot and the Lake and Central Parking Lot, but not in public right-of-way;
- A permit may be granted to the same applicant or entity not more than once every 30 days;
- There shall be only one permitted use per parking lot at any given time;
- In the event more than one permit is submitted for the same time period, the first permissible entity submitting a complete application shall receive the permit;
- Only up to four stalls may be used at one time;
- The permitted use may not overlap any other permitted special event or the Wednesday Market days;
- The permit fee shall account for any lost parking fees (cost for all-day parking per stall per day) plus any additional administrative, or inspection staff time, but may be waived during the COVID-19 pandemic;
- Adequate space for pedestrian access and set up that does not block drive lanes, fire lanes, loading zones, or sidewalk access must be provided; and
- The hours of operation and the duration of the permit shall be established by the Department of Public Works, but in no case shall the permitted use be longer than three calendar days.

Because this relates to a Public Works policy change, the Director of Public Works may authorize any specific changes to the policy and fee structure amendments.

ADDITIONAL INFORMATION:

Transportation planning staff conducted community outreach about this proposed amendment:

- Spring of 2019: The initial request was made from an existing downtown business.
- Summer/Fall of 2019: Proposed program design was shared with the Parking Service Team (City staff), at a Kirkland Downtown Association (KDA) merchants meeting, and with the KDA board.

- *General consensus was in favor of this idea based on the proposed program design. A suggestion was made to begin with a pilot.*
- No further requests were received, and the project was stalled because of COVID-19.
- November 2020: The initial business requested an accommodation for a food truck. Based on the previous discussions and the desire to support existing businesses during COVID-19, a pilot was granted:
 - The pilot used three parking-stalls in the Lakeshore lot for three-days.
 - The food truck was on site and open for 4-5 hours each day, but parking was still restricted in those spaces for the full three-days.
 - The City received no complaints, and the pilot was a success for the business.
 - Pedestrian access and proximity to the business also was a success.

Further, this proposal is consistent with other existing policy:

- Public Works policy G-11, "Parking Guidelines for Downtown Kirkland," has guiding principles that are consistent with this proposal:
 - Guiding Principle #5: Promote strategic development of off-street facilities
 - Guiding Principle #9: The City should lead in the development of access options for customers and visitors (patrons) of the downtown and actively partner with the business community to incent additional access and growth

CONCLUSION AND NEXT STEPS:

If Council supports this proposal, then staff will amend Policy R-35 as indicated in legislative format in the attached document (see Attachment A, "Policy R-35 with Proposed Amendments") and establish reasonable permit fees as indicated above. In addition to amending the policy, staff will update relevant permit applications. The policy is administrative, and while staff does not need Council action on the amendment, staff is seeking the Council's concurrence that this is an appropriate change given the importance of downtown parking capacity to residents and businesses.

Attachment A: Policy R-35 with Proposed Amendments

DEPARTMENT OF PUBLIC WORKS
PRE-APPROVED PLANS POLICY

Policy R-35: Guidelines for Temporary Non-Vehicle use of Parking Stalls

PURPOSE:

The purpose of this policy is to clarify the restrictions and design standards for short-term non-vehicle / [non-parking only](#) use of regulated parking stalls in the City of Kirkland. In general, any parking stall occupant should be aware of the parking restrictions and these standards without them being designated or signed at any location. However, if a parking stall user is found in violation of these restrictions or standards, any future proposed uses may be denied, and they will be subject to any fine determined by the City.

In most situations, Public Works will approve all temporary non-vehicle uses in regulated parking stalls throughout the City. Public Works staff will work in conjunction with the Police Department and the Fire Department to evaluate for any safety risk posed to the public. A Site Plan is required for review of all Temporary Non-Vehicle uses proposed. The site Plan must identify the following items:

- Adjacent Land use (both side of the street)
- Sidewalk width
- Bike lane width
- Exact location and distance from nearest driveways, crosswalks, and intersections
- Nearest waste receptacles (depending on the proposed use, the applicant may be required to provide these as part of the permit)
- The profile of the proposed use and the impact on the surrounding area
- All utilities and other city assets (sewer drains, light posts, trees, etc.)
- [Pedestrian access/ egress plan](#)

A Temporary permit is required if the proposed use is expected to overlap with any travel lanes within the right-of-way (shoulders, sidewalks, crosswalks, parking and bicycle facilities), in accordance with Pre-Approved Plans Policy R-29.

GENERAL NOTES:

1. All proposed uses must be equally available for the public for use.
2. No more than two parking stalls may be occupied at one time unless approved by the Public Works Department.
3. No use shall last longer than 24-hours [unless approved by the Public Works Department.](#)
4. No devices/signs/equipment which redirect movement in the roadway travel lanes is not allowed without department approval.
5. Any use of heating equipment requires the approval from the fire department.
6. Artwork is allowed and encouraged; however, it cannot replicate any traffic control symbols.
7. Painting on the pavement surface is not allowed.

8. Play equipment is allowed, as long as the use does not overlap and impede movement in the travel lanes.
9. The Public Works Department reserves the right to deny any proposed use for any reason.
10. The Public Works Department issued parking permit must be on display at all times.
11. No Parking restriction signs must be in place no less than 24 hours prior to the proposed use date.
12. All adjacent land uses must be notified of the proposed use date and time at least two (2) business days prior to the prior to the proposed use date.

SPECIFIC ALLOWABLE USES AND RULES:

<p><u>Limited Use of Food Trucks in Downtown City-owned Parking Lots</u></p>	<ul style="list-style-type: none"> • <u>The request must come from an existing brick-and-mortar business within the Central Business District;</u> • <u>The permitted use shall be allowed only in the Lakeshore Parking Lot and the Lake and Central Parking Lot, but not in public right-of-way;</u> • <u>A permit may be granted to the same applicant or entity not more than once every 30 days;</u> • <u>There shall be only one permitted use per parking lot at any given time;</u> • <u>In the event more than one permit is submitted for the same time period, the first permittable entity submitting a complete application shall receive the permit;</u> • <u>Only up to four stalls may be used at one time;</u> • <u>The permitted use may not overlap any other permitted special event or the Wednesday Market days;</u> • <u>The permit fee shall account for any lost parking fees (cost for all-day parking per stall per day) plus any additional administrative, or inspection staff time, but may be waived during the COVID-19 pandemic;</u> • <u>Adequate space for pedestrian access and set up that does block drive lanes, fire lanes, loading zones, or sidewalk access must be provided; and</u> • <u>The hours of operation and the duration of the permit shall be established by the Department of Public Works, but in no case shall the permitted use be longer than three calendar days.</u>
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