



Committee of the Whole Report

For the Meeting of March 14th, 2019

To: Committee of the Whole
From: Chris Coates, City Clerk
Subject: Mobile Bicycle Vending Pilot Review

Date: March 7th, 2019

RECOMMENDATION

That Council direct staff to

1. Bring forward an amendment bylaw containing provisions for a mobile bicycle vending program.

EXECUTIVE SUMMARY

The mobile bicycle vending pilot began in 2017 as a part of a general street vending review. The broader street vending review was cancelled because the Council did not carry over this project in the Strategic Plan. The second mobile bicycle vending pilot continued until the end of 2018 with Council direction for staff to report in the first quarter of 2019.

Council approved a mobile bicycle vending pilot for 2017 and renewed the pilot for 2018 due to low uptake in the first year. This pilot allowed vendors to sell food, non-alcoholic beverages, and flowers on some City property once solicited by a customer. The City issued 9 bicycle vendor licenses during the pilot (4 licenses in 2017 and 5 licenses in 2018).

Staff received feedback from 2 vendors and 6 prospective vendors between December 2018 and January 2019, as well as feedback from prospective vendors during the first pilot in 2017. All responses support for the City continue this program. Some feedback suggested reviewing rules about where and for how long a vendor can be stationary, how a vendor may attract customers, what items could be sold, and whether to limit the number of licenses per business. Vancouver Island Health Authority recommended only allowing vendors to sell food and beverages that are pre-packaged and/or require limited food preparation, limiting the size of vendor operations, and restricting vendors from selling indoors.

Following the two seasons of the pilot on City streets, and in view of the seemingly minimal impact on neighbouring business, it is recommended to adopt a revised and permanent mobile bicycle vending program. The proposed revisions would allow vendors to be stationary, to solicit customers, to affix a small sign to their vending units, and to sell some food, non-alcoholic beverages, and local artisan crafts. Licences would be available for \$100.

PURPOSE

The purpose of this report is to provide an update about the mobile bicycle vending pilot and to recommend establishing a mobile bicycle vending program on public property.

BACKGROUND

Previous Council Direction

Following a Council member motion to develop a mobile bicycle vending program in October 2016, Council directed staff to report back with implications related to a mobile bicycle vending pilot. Council approved a staff recommendation in December 2016 to conduct a comprehensive street vending review, including consideration for other vendors such as food trucks, street entertainers, and storefront retail displays. Council approved a mobile bicycle vending pilot to start in summer 2017. In March 2018, Council renewed the pilot until December 31, 2018 with minor bylaw revisions. Council directed staff to report in the first quarter of 2019 with recommendations. Reports are attached Appendix A and B.

Pilot Uptake

9 vendors obtained a license during the pilot. The initial pilot was finalized in June 2017 which many vendors considered to be too late to set up a business and obtain a business license during the peak season. 4 vendors obtained a business license. Then, when the pilot was extended in March 2018 in advance of the peak season, 5 vendors obtained a business license. However, 5 prospective vendors considered the preliminary financial and time commitment too significant to participate in a pilot without certainty about future program opportunities.

Licensing Rules

The licensing rules were set up similar to the mobile food truck and cart vending licensing rules at special events and on private property. With one exception, these licensing rules have not changed. The Victoria Fire Department now inspects operations of any vendors using propane instead of the British Columbia Safety Authority.

Operating Rules

Under the *Street Vendors Bylaw*, a “mobile bicycle vendor” means a person who sells goods from a human-powered or electric motor-assisted bicycle or tricycle. Operating rules are contained within the *Street Vendors Bylaw*, the *Streets and Traffic Bylaw*, and the *Parks Regulation Bylaw*. The amendment bylaw is attached as Appendix C. Below is a summary of the current operating rules:

Bicycle Street Vendor Operating Rules	
<i>General</i>	Adhere to rules governing bicycles
<i>Permitted Locations</i>	Private property (with property owner permission and zoning in place) City streets and parks, except: <ul style="list-style-type: none">• Sidewalks• Multi-use pathways• Beacon Hill Park
<i>Proximity To Schools And Businesses</i>	Must remain 30 metres away from public and private schools Must remain 100 metres of restaurants, events, or concessions that sell a similar food product
<i>Stopping And Standing</i>	May stop adjacent to a portion of the curb painted yellow for 60 minutes Stop only if hailed by a customer
<i>Hours Of Operation</i>	Operate between 7 a.m. and 10 p.m.
<i>Permitted Items for Sale</i>	Flowers, food, and non-alcoholic beverages, (e.g. ice cream and popsicles, juice, tea, coffee, baked goods, pre-assembled foods, etc.)

Noise	May install a bell, ring bell for intervals of 20 seconds or fewer only, between 9 a.m. and 9 p.m.
Bicycle Condition	Maintain bicycle and clean and in good repair
Decal	Display vending decal on each licensed bicycle
Litter And Waste Control	Provide integrated waste receptacle, and recycling and compost must be separate

Feedback from Vendors and Prospective Vendors

Staff received feedback from 2 vendors and 6 prospective vendors between December 2018 and January 2019. Vendor and prospective vendor feedback is attached in Appendix D. All would like to see a permanent bicycle street vending program and have indicated that they would obtain a business license for summer 2019.

Some vendors commented about the pilot's strengths, such as an opportunity to start a new business, and low barrier entry into the market.

A few vendors suggested revisions, which include:

- Do not require customer to solicit vendor in order to stop
- Allow vendor to affix small sign to bicycle
- Allow sale of handcrafted items
- Restrict number of licenses per business
- Establish vendor storage warehouse
- Allow sale on Capital Regional District, Inner Causeway, and Ogden Point properties

Feedback from Vancouver Island Health Authority (VIHA)

VIHA is responsible for approving bicycle street vending operations to ensure that they satisfy food safety requirements.

VIHA staff suggested revisions, which include:

- Only allowing vendors to sell food and beverages that are pre-packaged and/or require limited preparation (to ensure food safety)
- Limit the size of mobile bicycle vending units, including storage and restrict setting up tables and chairs (to reduce instances of changing menus, which require new VIHA approval)
- Only allow bicycle street vendors to operate outside.

ISSUES AND ANALYSIS

The identified areas for improvement and issues are analyzed in the following section. Some revisions are suggested to create a more viable mobile bicycle vending model.

Location and Duration

A mobile bicycle vendor has few locations to stop. Vendors are allowed to sell adjacent to a portion of the curb painted yellow. Due to rules governing bicycles and mobile bicycle vendors, a vendor is prohibited from selling on roads, sidewalks, multi-use trails, and in Beacon Hill Park. Additionally vendors must also remain at a distance from schools and restaurants, events, and concessions with similar products. Given the limited spaces that a vendor can stop, it is therefore recommended to allow vendors to be stationary rather than first be solicited by a customer, which would allow the vendor to stop in safe and convenient locations to sell items and attract new customers. The vendor would move after 60 minutes to another location.

It is also recommended to allow vendors to sell products within City of Victoria parks, with the exception of Beacon Hill Park. Under the *Parks Regulation Bylaw*, a “park” includes a public park, playground, square, green, footpath, beach, road in park, and other public place that is not a street and includes Bastion Square and Centennial Square. This pilot would align with strategic actions identified in the 2017 Parks and Open Spaces Master Plan:

- 1.1.5 Identify opportunities to incorporate more support amenities such as washrooms, drinking fountains, lighting and food services at select parks.
- 3.1.4 Enable animation of Victoria’s parks and open spaces by developing a permitting process for temporary arts and culture installations and activities.

Permitted Products for Sale

Vendors are currently permitted to sell flowers, food, and non-alcoholic beverages. Due to VIHA food safety requirements, vendors are typically limited to selling food and beverages that are pre-packaged and/or do not require significant preparation. Due to operational limitations, bike vendors are not able to meet VIHA food safety requirements for more elaborate food and beverage preparation within a self-contained bicycle vending unit.

There is an opportunity to allow artisans to sell their merchandise. An artisan could mean a painter, photographer, silversmith, weaver, jeweller, candle maker, leather worker, or another artisan who resides in the Province and manufactures their own products or vends handmade products made within the Province (definition from Halifax artisan stand licence).

All previously licensed vendors sold food and non-alcoholic beverages; none sold flowers.

Size Limitations

Currently there are no size restrictions for bicycle vending units. VIHA proposed a size limit to prevent mobile bicycle vendors from having large vending operations that facilitate complex food preparation. Size limits would establish the dimensions of a bicycle and attached vending cart, that the vending unit be self-contained, and that a vendor may not set up table and chairs.

Signs

Currently a vendor must integrate any advertising into the bicycle. It is suggested to allow bicycles to affix a sign to their bicycle or cart to advertise their own business.

Restrict Number of Licenses for Each Business

Currently there are no restrictions on the number of licenses that a mobile bicycle vendor may purchase. A limit on the number of licenses could provide vendors with an equal chance to succeed with their sales by preventing a monopoly. Council may choose to limit the number of licences to one or not place any limits on licenses.

Financial and human resource implications

Uptake was low during the pilot and is not expected to significantly increase. There would be no significant impact on business license administration, and any additional costs would be covered by business licensing costs. Business licenses are proposed to be set at \$100.

OPTIONS AND IMPACTS

Option 1 – Permit Mobile Bicycle Vending With Proposed Revisions (*Recommended*)

Option 2 – Restrict Mobile Bicycle Vending

Option 3 – Undertake a Third Pilot with Proposed Revisions

Impacts on Strategic Plan

Option creates prosperity by promoting economic development.

Impacts to Financial Plan

Option is expected to be revenue neutral.

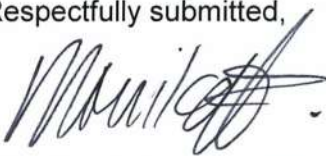
Accessibility Impact Statement

No impact on accessibility.

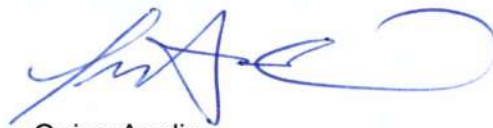
CONCLUSION

A mobile bicycle vending program would support new economic opportunities, and animate City streets, parks, and open spaces. A successful pilot and revisions based on feedback would likely lead to greater uptake of mobile bicycle vending licences. This program would build on the success of the 2016-2018 pilot.

Respectfully submitted,



Monika Fedyczkowska
Legislative and Policy Analyst



Quinn Anglin
Business Ambassador



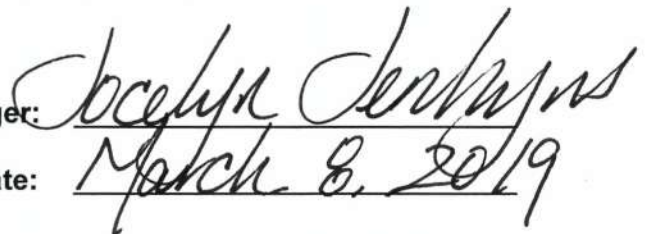
Chris Coates
City Clerk



Susanne Thompson
Deputy City Manager

Report accepted and recommended by the City Manager:

Date:


March 8, 2019

Attachments

Appendix A – June 12, 2017 report

Appendix B – March 22, 2018 report

Appendix C – Mobile Bicycle Vending Miscellaneous Amendments Bylaw No. 17-073

Appendix D – Vendors Feedback