



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of July 19, 2008**

DATE: July 15, 2008

- SUBJECT:** A. A Zoning Ordinance to amend, reenact and recodify Sections 1., 3., 18A., 19., 22., and 31. to define the term kiosk as a one-story, 150 square foot structure, and allow for the operation of such kiosks within public and private plaza areas greater than 5,000 square feet, with a special exception use permit, in certain commercial zoning districts and the “S-3A” Special District within Arlington.
- B. An Ordinance to amend, reenact and recodify Chapter 30. Peddlers, Vendors and Canvassers to define the term kiosk and allow for the operation of such kiosks in certain commercial zoning districts and the “S-3A” Special District within Arlington; to extend the permitted time for on-street vending from five (5) minutes to sixty (60) minutes; to limit vending operations, unless specifically from a kiosk, within 200 feet from a metro station entrance which has an average weekday ridership greater than 24,000; and to allow the County Manager greater flexibility in establishing on-street vending zones.

C.M. RECOMMENDATIONS:

- A. Adopt the attached ordinance to amend, reenact, and recodify the provisions in Sections 1., 3, 18A., 19., 22., and 31. of the Arlington County Zoning Ordinance to define the term kiosk as a one-story, 150 square foot structure, and allow for the operation of such kiosks within public and private plaza areas greater than 5,000 square feet, with a special exception use permit, in certain commercial zoning districts and the “S-3A” Special District within Arlington.
- B. Adopt the attached ordinance to amend, reenact, and recodify the provisions in Chapter 30. Peddlers, Vendors and Canvassers of the Arlington County Code to define the term kiosk and allow for the operation of such kiosks in certain commercial zoning districts and the “S-3A” Special District within Arlington; to extend the permitted time for on-street vending from five (5) minutes to sixty (60) minutes; to limit vending operations, unless specifically from a kiosk located within 200 feet from a metro station entrance which has an average weekday ridership greater than 24,000; and to allow the County Manager greater flexibility in establishing on-street vending zones.

County Manager: _____

County Attorney: _____

Staff: Jill Griffin, Real Estate Development Group, AED

ISSUES: Some concerns have been raised about the proposed ordinance amendments, including: 1) Is the proposed increase, of on-street vending time from five (5) to 60 minutes, too much of an increase? 2) Does limiting vending, except from kiosks, at certain metro stations run counter to creating a lively, pedestrian friendly environment?

SUMMARY: In order to encourage and enliven street activity through an eclectic collection of small business owners who provide a variety of vending opportunities (i.e. food, crafts, goods) in a safe, healthy and manageable system, staff proposes amendments to the Zoning Ordinance and the Vending Ordinance. Currently, neither ordinance permits small, freestanding, permanent kiosks for vending opportunities. This proposal would define and permit the construction and operation of kiosks in certain zoning districts. Further, the amendments would clarify current practices in the Vending Ordinance; increase the possible number of locations where on-street vending zones could be created; limit vending operations, unless specifically from a kiosk, in certain locales; and extend the time for on-street vending from five (5) to sixty (60) minutes. These amendments would enhance the street activity; provide additional choices in foods, crafts and goods to the public; present additional opportunities for small business owners and entrepreneurs and encourage the operations of these uses within Arlington’s urban villages.

BACKGROUND: In reviewing additional ways to activate the streetscape, permanent vending kiosks, as seen in numerous cities throughout the country and the world, can be a useful element in placemaking. However, staff recognized that neither the Zoning Ordinance nor the Vending Ordinance address the placement or operations of such kiosks. Therefore, amendments to these ordinances would be required to facilitate the realization of kiosks in our urban villages and, where appropriate, in parks. Additionally, staff determined that a few minor amendments, in addition to amendments to permit kiosk vending, would enhance, clarify and provide flexibility to the existing Vending Ordinance.

DISCUSSION: Arlington has been investigating ways to make its public spaces great public spaces. The Project for Public Spaces (PPS) is considered one of the preeminent nonprofit organizations dedicated to creating and sustaining public places that build communities. Recently, Arlington had the opportunity to work with PPS in the design of the George Mason University (Phase II) public plaza; kiosks and outdoor vending were an element within the plaza.

PPS was founded in 1975 in an effort to build upon William H. Whyte's pioneering studies of how people use public spaces. In his book, The Social Life of Small Urban Spaces, Whyte noted that “vendors are the caterers of a city's outdoor life.” PPS expanded on this quote and suggests that:

“...vending can add vitality to streets, provide an additional source of revenue, and contribute to an area's security. Furthermore, vending can serve as an amenity for residents, pedestrians, and visitors; increase contact with the community and among people of different backgrounds, social classes, and values; and foster partnerships among local businesses, public and private-sector property owners, and civic groups.”

Such activity is what Arlington seeks to add to the public spaces in its urban villages. As such, amendments to both the Zoning and Vending ordinances are required.

Zoning Ordinance Amendments: Staff recommends that the Zoning Ordinance be amended to permit kiosks, via a use permit, which would provide for flexible, site-specific, opportunities to encourage and enliven pedestrian activity within the streetscape and provide for an eclectic mix of small businesses and community information in certain commercial zoning districts. The placement of kiosks would promote public use and enjoyment of the open area and would complement desirable uses in the surrounding area.

The proposed amendment would define a kiosk as: (a) a one-story, free-standing, structure which does not exceed 150 square feet in area; (b) constructed predominantly of materials such as glass, wood, plastic, metal or fabric; and (c) occupied by uses such as news or magazine stands, takeout food stands, candy stands, flower stands, information booths, ticket sales or other similar uses as determined by the Zoning Administrator. The proposed definition is in keeping with best practices found throughout the country and which would accommodate the numerous kiosk styles and models that staff reviewed in its research. Additionally, staff has worked with the Inspection Services Division to ensure that the definition would not run counter to adopted building codes and regulations. To encourage the placement of kiosks, and because the size of the structure is limited to 150 square feet, staff further recommends that the area of the kiosk be excluded from the definition of floor area ratio.

Staff recommends that the provision to permit placement of a kiosk, via a use permit, be added to the commercial districts in the Zoning Ordinance which include: “C-1-R” Restricted Local Commercial Districts, “C-1” Local Commercial Districts, and “C-1-O” Limited Commercial Professional Office Building Districts, and by reference, all other commercial and industrial districts. Staff recognized that, in the future, there may be a desire to permit kiosks within county-owned parks and open space and therefore, have proposed that the “S-3A” Special Districts section be amended as well. Additionally, the current proposal would limit kiosk placement to those locations, within the proper zoning districts, that have a publicly accessible open space or plaza area greater than 5,000 square feet which is contiguous to a public sidewalk.

In order to fulfill the goal of promoting public use and enlivening the pedestrian realm, the proposed amendment establishes standards for kiosks. These standards include, but are not limited to: operations – the number of hours per day (8 hours) and days per year (275 days) that the kiosk shall be open; maintenance of the kiosk and its surrounds; signs and transparency; and placement – within setback requirements but maintaining adequate clear sidewalk widths and located on private property. However, staff recognizes that flexibility in regards to operations or placement is necessary and therefore the proposal would permit modification of these standards through the use permit process.

All applicants interested in constructing and operating a kiosk would be required to submit detailed plans, proof of available employee restroom facilities (if not within the kiosk), and documentation and review of the kiosk by the Department of Human Services – Environmental Health Bureau if the operator is vending food items. The Zoning Administrator would also make

available the application to the affected civic associations, the County's public-private partnerships and/or business improvement districts (BIDs) to provide an opportunity for these entities to comment on the application prior to the public hearing of the use permit.

Vending Ordinance Amendments: To facilitate the placement and operations of kiosks, staff also recommends amendments to the Vending Ordinance to include references to the term kiosk as well as setting forth the appropriate guidelines for the operation of the kiosks. Additionally, staff recognized that such amendments provided an opportunity to clarify the Vending Ordinance and provide additional flexibility to the ordinance. These amendments would exempt persons participating in an open-air market (as defined in the Zoning Ordinance) from obtaining vending permits; expand the time for vending from a vehicle from five (5) minutes to 60 minutes and allow such vending where no person has requested the vendor to stop; restrict vending operations, unless specifically from a kiosk, in certain locales; and provide for additional locations for street vending zones to be created by the County Manager.

Open-air markets, with the exclusion of farmer's markets, are permitted in certain zoning districts with a use permit. The conditions of the use permit dictate the hours of operation, the boundaries of the market, vehicular and pedestrian passage, and so forth. It was the intent that vendors at these markets would operate similarly to those vendors at farmer's markets. However, in the adoption of the Zoning Ordinance amendments to permit the open-air markets, the Vending Ordinance was not amended concurrently. This proposed amendment would address this omission.

Currently, vendors are permitted to vend from their vehicles for a period not to exceed five (5) minutes. Staff has recognized that many vendors now offer prepared, rather than pre-packaged, food items from their vehicles. A stop limited to five (5) minutes often does not provide ample time to prepare and make the transaction for the several people that may queue at the vehicle to purchase the food items. Extending this period to 60 minutes would provide vendors and customers with ample time to make the transactions in a safe and orderly manner while having minimal impact to the surrounding area. With the time extended to 60 minutes, vendors will not be required to move their vehicles as much thus reducing emissions. Additionally, deleting the requirement of a vendor stopping only when requested will allow vendors to adopt a schedule which would limit the vendor's need for driving throughout Arlington and would provide patrons with a known location to purchase alternative foods and goods.

Recognizing that there are concerns of crowding, aesthetics and safety with extensive vending at certain areas that have higher concentrations of pedestrian traffic, staff recommends limiting vending opportunities at metro stations which have daily ridership levels greater than 24,000 people. Currently, those stations include: Ballston, Crystal City, Pentagon, Pentagon City and Rosslyn. Specifically, the draft transit modal element of the Master Transportation Plan suggests that, "ridership at several local stations, namely Rosslyn, Pentagon City, Ballston and the Pentagon are reaching levels at which peak-hour demands are approaching the facility capacities." Staff has also received concerns from nearby property owners and businesses located near these metro stations about trash and some trampling of landscaping due to the vending and placement of the vending operations.

Currently, Section 30-8. (b) of the Vending Ordinance states that vendors are required to be “ten (10) feet from any crosswalk, intersection, entrance to a building, Metro entrance, bus stop, taxi stand, or other vendor's stationary location.” However, at metro stations with high ridership and pedestrian volume, additional clearance is needed to facilitate pedestrian travel, reduce congestion and pedestrian conflicts, and limit destruction of landscaping. Therefore, staff recommends that vending be allowed only from properly sited kiosks within 200 feet from these metro station entrances.

Finally, staff recommends that the County Manager have additional flexibility in creating on-street vending zones. The Vending Ordinance limits the location of such vending zones to metro station areas which have at least two million square feet of office space (Rosslyn, Courthouse, Ballston and Crystal City). Staff recommends that the definition be expanded to include Clarendon, Virginia Square and Pentagon City – which would require the amount of office space to be reduced to one million square feet. Additionally, staff recommends that the County Manager have the authority to create street vending zones in other areas of the county which are commercial or industrial. The creation of any street vending zone would require review of the land use activity, the parking resources of the area and a traffic engineering study.

Public Process: The proposed Zoning Ordinance Amendment was reviewed by the Zoning Committee of the Planning Commission (ZOCO) at meetings on April 23 and May 21, 2008. Discussion at ZOCO generated many suggestions that have been incorporated into the language of the ordinance including, but not limited to, appropriate clear widths to remain around the kiosks, maintenance of both the kiosk and the surrounds, signs, and clustering of kiosks. There were concerns raised by members of ZOCO as to the implementation of the kiosks and the feasibility of the program in general.

Staff has presented the proposed amendments to several partnerships and Business Improvement Districts (BIDs) as well as the Arlington Chamber of Commerce. The presentations resulted in many questions and general interest but concern about the final implementation of kiosks by property owners due to costs and process. There was mixed opinion about limiting vending at certain metro station areas to kiosks.

Staff held a meeting with vendors on July 1, 2008; approximately 20 vendors participated. Prior to the meeting, concerns were raised about limiting the vending at the metro station areas. These concerns were expressed more vocally at the meeting. Several vendors stated that they sell impulse items and moving them from the majority of the potential customers at the metro stations would significantly decrease sales. This particular proposal, to these vendors, would be an economic hardship. Further, several vendors expressed concern that “sanitizing” the area would decrease services –goods, food, directions – to our citizens, employees and visitors. And that this “sanitizing” would result in a less lively place, as the vendors help to activate the area.

Staff explained the reasoning for the proposal was to deal with concerns that have been raised about the congestion, the clutter and the litter due to vending operations. Recognizing and sympathizing with the vendors about their potential hardship, staff solicited the vendors to offer other suggestions to address these concerns. The vendors responded with reasonable suggestions

such as ensuring ample space between each other and key entrances and exits; “policing” their collective areas for trash; and working together as part of the broader vending community. However, many of these suggestions are actually current requirements of the Vending Ordinance. Those present recognized that it only takes one vendor with poor habits to reflect poorly on the entire vending community which is why staff has concerns that continued patterns of the congestion, clutter and litter will continue to exist even with the best intentions.

In all, the vendors were pleased that the time was increasing from five (5) to 60 minutes for on-street vending but extremely concerned about limiting vending, as currently practiced, from certain metro station areas. It was a good dialogue among the vendors and between the vendors and staff.

The Planning Commission heard Subject A., the amendments to the Zoning Ordinance to permit kiosks, at its July 7, 2008 meeting; Subject B., amendments to Chapter 30. Peddlers, Vendors and Canvassers, was not required to be heard by the Planning Commission. After some discussion, the Planning Commission recommended unanimously to adopt the proposed Zoning Ordinance amendments with minor edits to the text – all which have been incorporated by staff.

Additionally, members of the Planning Commission opined on the proposed amendments to Chapter 30. Peddlers, Vendors and Canvassers – specifically the increased time for on-street vending from five (5) minutes to 60 minutes. As there is no limitation as to where the vending may occur, several commissioners were concerned about the increased time in the residential areas of Arlington.

CONCLUSION: In order to encourage and enliven street activity through an eclectic collection of small business owners who provide a variety of vending opportunities (i.e. food, crafts, goods) in a safe, healthy and manageable system, staff has proposed amendments to the Zoning Ordinance and the Vending Ordinance (Chapter 30.).

Staff recognizes that there are, and will, most likely continue to be, competing interests between property owners, standard retailers and vendors. However, staff posits that the amendments provide a fair solution while meeting the goal of enlivening the street activity. Therefore, staff recommends that the County Board adopt the attached ordinance to amend, reenact, and recodify the Zoning Ordinance provisions in Sections 1., 3, 18A., 19., 22., and 31. of the Arlington County Zoning Ordinance to define the term kiosk and allow for the operation of such kiosks in certain commercial zoning districts and the “S-3A” district within Arlington.

Additionally, staff recommends that the County Board adopt the attached ordinance to amend, reenact, and recodify Chapter 30 to define the term kiosk and allow for the operation of such kiosks in certain zoning districts within Arlington; to extend the permitted time for on-street vending; restrict vending operations, unless specifically from a kiosk, in certain locales; and to allow the County Manager greater flexibility in establishing on-street vending zones. These amendments would enliven the pedestrian streetscape; encourage the growth of small businesses; facilitate the creation of a convenient, attractive and harmonious community; and for other

reasons required by the public necessity, would promote convenience and general welfare and good zoning practice.

However, staff recognizes that the County Board may wish to reduce the proposed 200 foot setback area from those metro stations which have average weekday ridership of greater than 24,000 people. The recommended 200 feet was the maximum setback as advertised and the County Board has the ability to adopt a reduced setback between the currently required 10 feet up to the advertised 200 feet. If the County Board decides upon a reduced setback, Section 30-8 (m) of Chapter 30 (Vending Ordinance) will require modification prior to the adoption of the attached ordinance.

30-8. (m) Conduct any business on any public street or sidewalk within 200 feet of any entrance to a metro station at which average weekday ridership exceeds 24,000 people, unless operating from an established kiosk.

AN ORDINANCE TO AMEND, REENACT AND RECODIFY SECTIONS 1., 3., 18A., 19., 22., AND 31. OF THE ARLINGTON COUNTY ZONING ORDINANCE TO DEFINE THE TERM KIOSK AND ALLOW FOR THE OPERATION OF SUCH KIOSKS IN CERTAIN COMMERCIAL ZONING DISTRICTS AND THE “S-3A” ZONING DISTRICT WITHIN ARLINGTON.

Be it ordained that Sections 1., 3., 18A., 19., 22., and 31. of the Arlington County Zoning Ordinance are hereby amended, reenacted and recodified as follows in order to enliven the pedestrian streetscape; to encourage the growth of small businesses; to facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, convenience and general welfare and good zoning practice:

* * *

SECTION 1. DEFINITIONS

A. [Terms defined.]

* * *

Kiosk: A free-standing structure which is: one-story (no more than ten (10) feet to the eaves); no greater than 150 square feet in area; and constructed predominantly of materials such as glass, wood, plastic, metal or fabric. Any area occupied by a kiosk shall not be used in the calculation of floor area ratio.

* * *

SECTION 3. "S-3A" SPECIAL DISTRICTS

A. Uses Permitted.

* * *

10. Conditional uses: The following uses may also be permitted subject to securing a use permit as provided in Section 36.G., “Use Permits”:

* * *

k. Uses permitted and conducted in kiosks in accordance with the requirements of Section 31.A.18

* * *

SECTION 18A. “C-1-R” RESTRICTED LOCAL COMMERCIAL DISTRICTS

A. Uses Permitted.

* * *

17. Conditional uses: The following uses may also be permitted subject to securing a use permit as provided in Section 36.G., “Use Permits”:

a. Uses permitted and conducted in kiosks in accordance with the requirements of Section 31.A.18

* * *

B. Use Limitations.

* * *

- 2. All business shall be conducted wholly within an enclosed building, except as follows:
 - a. Uses permitted and conducted in kiosks in accordance with the requirements of Section 31.A.18, may have outdoor displays of merchandise that extend no more than two (2) feet from the exterior wall of the kiosk and cover no more than twenty (20) square feet.

* * *

SECTION 19. “C-1” LOCAL COMMERCIAL DISTRICTS

* * *

B. Special Exceptions.

* * *

- 10. Uses permitted and conducted in kiosks in accordance with the requirements of Section 31.A.18

* * *

C. Use Limitations.

* * *

- 2. All business shall be conducted wholly within an enclosed building, except as provided in the following:
 - i. Uses permitted and conducted in kiosks in accordance with the requirements of Section 31.A.18, may have outdoor displays of merchandise that extend no more than two (2) feet from the exterior wall of the kiosk and cover no more than twenty (20) square feet.

* * *

SECTION 22. “C-1-O” LIMITED COMMERCIAL PROFESSIONAL OFFICE BUILDING DISTRICTS

A. Uses Permitted.

* * *

- 4. Conditional uses: The following uses may also be permitted subject to securing a use permit as provided in Section 36.G., “Use Permits”:
 - a. Uses permitted and conducted in kiosks in accordance with the requirements of Section 31.A.18

* * *

SECTION 31. SPECIAL PROVISIONS

A. Use.

* * *

4. Merchandise in Setbacks: No merchandise shall be displayed nor business conducted between the back of curb street line and the building setback line unless directly associated with kiosk operations and located within the kiosk or within two (2) feet from the exterior wall of the kiosk.

* * *

18. Kiosks: The purpose of this subsection is to provide for flexible, site-specific, opportunities to encourage and enliven pedestrian activity within the streetscape and provide for an eclectic mix of small businesses and community information in certain commercial zoning districts. The placement of kiosks should promote public use and enjoyment of the open area and should complement permitted uses in the surrounding area.

- (a) Kiosk Use: Kiosks may be occupied by uses such as news or magazine stands, takeout food stands, candy stands, flower stands, information booths, ticket sales or other similar uses as determined by the Zoning Administrator.
- (b) Kiosk Placement:
- (1) Kiosks, as defined in Section 1, and any directly associated merchandise on display within the kiosk or within two (2) feet from said kiosk, may be permitted, on privately owned property, within the required setback or within parks, public rights-of-way or easements for public use subject to regulations set forth herein and upon approval of a use permit as provided for in Section 36.G. Use Permits.
 - (2) One kiosk shall be permitted for every 5,000 square feet of publicly accessible, contiguous open area adjacent to a sidewalk or street right-of-way (e.g. plaza); however, this shall not preclude the clustering of two (2) or more kiosks within a larger open area.
 - (3) Kiosk placement shall not impede or be located within any pedestrian circulation path. Kiosks, and any directly associated merchandise, must allow at least ten (10) feet of the sidewalk (public rights-of-way or easements) to remain clear for pedestrian traffic.
 - (4) No kiosk or any directly associated merchandise may be placed within ten (10) feet from any crosswalk, intersection, entrance to a building, Metro entrance, bus stop, or a taxi stand.
 - (5) No kiosk may be placed within the vision clearance area as defined in Section 32.D.4.

- (c) Kiosk Operation:
- (1) Kiosks must be in operation and provide service a minimum of 275 days per year and a minimum of eight (8) hours on each day between the hours 6:30 a.m. and 10:00 p.m.
 - (2) Kiosks shall be exempt from any parking requirement.
 - (3) Kiosks shall be operated by a licensed vendor under the provisions of Chapter 30. Peddlers, Vendors and Canvassers of the Arlington County Code.
- (d) Procedures for Approval of a Kiosk:
- (1) Kiosks that comply with the provisions of this Section and are allowed in the applicable zoning district may be permitted upon determination by the County Board, that:
 - (i) a party has been identified who is responsible for maintenance and upkeep of the kiosk;
 - (ii) as located, the kiosk will not obstruct visual or physical access to and throughout the streetscape and will not create a distraction or other danger to vehicular traffic; and
 - (iii) the kiosk is in accordance with the requirements set forth in Section 31.A.18.a., b., c.(i) and c.(ii).
 - (2) All applications for the placement of kiosks shall include a detailed plan(s) showing location and design of the kiosk indicating compliance with the provisions of this Section. The plan(s), at a scale of 1 inch = 25 feet, shall include, at a minimum, the following:
 - (i) vicinity map with major streets labeled;
 - (ii) verification, by means of survey, that there are no conflicts between the proposed kiosk, street trees and utilities;
 - (iii) location and dimensions between the proposed kiosk and any traffic signal poles and control cabinets, utility meters, fire hydrants, standpipes, utility lines and any and all easements;
 - (iv) topography at two (2) foot intervals, and the finished first floor elevation of the kiosk;
 - (v) details of proposed furnishings for the plaza areas, including but not limited to dimensions, size, style(s), materials(s), finish(s) and manufacturer(s) of the kiosk, seating, trash receptacles, and any other landscape elements or structures;
 - (vi) proposed sign elements and the transparency of the structure;
 - (vii) if no restroom facility for employee use is provided within the kiosk, proof of available restroom facilities for employee use, within 500 feet of the kiosk structure, during kiosk business hours; and
 - (viii) if food items are to be served from the kiosk, documentation of review and approval by the Arlington County Department of Human Services – Environmental Health Bureau.

- (3) The Zoning Administrator/County Manager shall provide notice of the application(s) to the affected civic association, County public-private partnership and/or business improvement district (BID). The County Board may approve the placement of a kiosk for a period of ten years unless earlier revoked as provided below, and upon application, the use permit may be renewed by the County Board. However, in the event the use is abandoned or discontinued for a period of two (2) years, the structure shall be removed.

- (4) Failure to comply with the provisions of this Section 31.A.18 will result in revocation of the kiosk use. Termination of the kiosk use shall be effective after:
 - (i) A finding by the Zoning Administrator of violation;
 - (ii) Notice with thirty (30) day opportunity to correct the violation; and
 - (iii) A finding by the Zoning Administrator after thirty (30) days that evidence has not been provided that the violation has been corrected.

- (5) The County Board may, in accordance with Section 36.G. "Use Permits," modify the placement and/or the hours of operation of the kiosk which do not meet the regulations as set forth in Section 31.A.18.a. and b.. The County Board, in any such approval, shall find that, after the proposed modification(s), the subject kiosk will still accomplish the purposes and intent of the Zoning Ordinance for kiosks.

* * *

SECTION 32. BULK, COVERAGE AND PLACEMENT REQUIREMENTS

* * *

D. Placement.

The following regulations shall govern the placement on a lot of any building or structure, or addition thereto, hereafter erected, except as may be allowed by site plan approval:

* * *

3. *Projections Allowed into Yards and Courts:*

* * *

- i. The setback and yard requirements of this ordinance shall not be deemed to prohibit any otherwise lawful kiosk meeting the requirements of Section 31.A.18.; provided, however, that a kiosk shall not be placed within the vision clearance area as defined in Section 32.D.4.

* * *

AN ORDINANCE TO AMEND, REENACT AND RECODIFY CHAPTER 30. PEDDLERS, VENDORS AND CANVASSERS OF THE ARLINGTON COUNTY CODE TO DEFINE THE TERM KIOSK AND ALLOW FOR THE OPERATION OF SUCH KIOSKS IN CERTAIN COMMERCIAL ZONING DISTRICTS WITHIN ARLINGTON; TO EXTEND THE PERMITTED TIME FOR ON-STREET VENDING; TO LIMIT VENDING, UNLESS FROM KIOSKS, IN CERTAIN LOCALES; AND TO ALLOW THE COUNTY MANAGER GREATER FLEXIBILITY IN ESTABLISHING ON-STREET VENDING ZONES.

Be it ordained that Chapter 30. Peddlers, Vendors and Canvassers of the Arlington County Code is hereby amended, reenacted and recodified as follows to enliven the pedestrian streetscape; to encourage the growth of small businesses; to facilitate the creation of a convenient, attractive and harmonious community; and for other reasons required by the public necessity, convenience and general welfare:

* * *

§ 30-2. Definitions.

* * *

(b) *Vendor* is one who offers merchandise, goods, food or services for sale or barter from a stationary but temporary site or from a kiosk within the county. "Vending" is the act of offering merchandise, goods, food or services for sale or barter from a stationary but temporary site or from a kiosk within the county.

* * *

(h) Kiosk is as defined and regulated by the Arlington County Zoning Ordinance. (7-15-61; 10-9-61; 5-28-78; 6-27-78; 9-29-79; Ord. No. 85-39, 11-16-85)

* * *

§ 30-2.1. Exemption from permit requirements.

(a) The following shall be exempt from the permit requirements of this chapter:

* * *

(3) Persons selling for wholesale concerns who only solicit orders from or sell to retail dealers in Arlington County for resale or other commercial purposes or to manufacturers for manufacturing or other commercial purposes; ~~and~~

(4) Peddlers or vendors of religious, political or written materials; ~~and~~

(5) Persons participating in an open-air market as defined and permitted in the Arlington County Zoning Ordinance.

* * *

§ 30-8. Use of the streets and other public places--Vending or canvassing from a stationary location.

No peddler, vendor, or canvasser shall have any exclusive right to any location on public property, unless operating from an established kiosk; nor shall he or she:

- (a) Be permitted a stationary location on any sidewalk unless at least ten (10) feet of the sidewalk remains clear for pedestrian traffic;
- (b) Be permitted a stationary location closer than ten (10) feet from any crosswalk, intersection, entrance to a building, Metro entrance, bus stop, taxi stand, or other vendor's stationary location;
- (c) Be permitted to occupy a space greater than eight (8) feet long, five (5) feet wide, and seven (7) feet six (6) inches high on a sidewalk, excluding umbrellas, unless operating from an established kiosk;
- (d) Display any sign visible to vehicular traffic if operating from a stationary location on a street, sidewalk, or other public place, except for signs that are actually imprinted on the exterior body of a licensed motor vehicle;
- (e) Make any sale or delivery to any person while such person is standing in the roadway;
- (f) Make any sale, offer or delivery to any driver or passenger in a motor vehicle while the motor vehicle is stopped at a red light or while in a moving traffic lane;
- (g) Conduct business from any highway service road or center median strip of any boulevarded street;
- (h) Restrict access to any legally parked vehicle;
- (i) Operate in any other way that would restrict the flow of pedestrian or vehicular traffic;
- (j) Conduct any business on any public street or sidewalk between the hours of 8:00 p.m. and ~~6:30~~ ~~7:00~~ a.m.; however, a vendor operating from an established kiosk may conduct business until 10:00 p.m.; or
- (k) Leave any cart or table unattended on any public street or sidewalk between the hours of 8:00 p.m. and ~~6:30~~ ~~7:00~~ a.m.; or
- (l) Display any kiosk items for sale or have any display racks (or similar items) more than two (2) feet from the kiosk between the hours of 10:00 p.m. and 6:30 a.m. or

during any non-business hours; or

- (m) Conduct any business on any public street or sidewalk within 200 feet of any entrance to a metro station at which average weekday ridership exceeds 24,000 people, unless operating from an established kiosk.

Each peddler, vendor, or canvasser shall provide receptacles for the disposal of waste materials or other litter created in the immediate area of any stationary location from which sales, offers of sales or deliveries are taking place, and they shall request customers to place all waste and litter in the receptacles and they shall remove and dispose of the waste materials and litter.

(9-29-79; Ord. No. 85-1, 1-5-85; Ord. No. 85-39, 11-16-85; Ord. No. 87-14, 5-16-87; Ord. No. 90-1, 1-16-90; Ord. No. 9925, 12-15-99)

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§ 30-9. Same--Vending from vehicles.

* * *

- (b) The vehicle is stopped to make sales to persons ~~who direct the vendor to stop~~, in which case the vehicle must remain stopped for no longer than sixty (60) five (5) minutes and must stop only in a space where motor vehicle parking is permitted pursuant to Chapter 14 of this Code; or

* * *

§ 30-10. Same--Designation of street vending zones.

(a) Whenever it appears, after a survey of land use activity, parking resources and a traffic engineering study, that there is a need to do so, the county manager may designate street vending zones within the county for use by peddlers and vendors in compliance with the following criteria:

- (1) A zone or zones may be created in any area of the county that lies within twelve hundred (1,200) feet of a Metro station and contains at least one two-million (1,000,000) (2,000,000) square feet of office space or in any commercial or industrial area of the county, as defined by the Arlington County General Land Use Plan;
 - (2) The total area designated as street vending zones or zone in each area may not exceed one hundred thirty-five (135) feet in length and eight (8) feet in width; and
 - (3) A zone shall only be located adjacent to sidewalks at least ten (10) feet in width.
- (b) The hours of operation within each street vending zone shall be set by the county

manager so as not to interfere with pedestrian and vehicle traffic, but in no case shall vending in street vending zones be permitted between 7:30 a.m. and 9:00 a.m. on weekday mornings nor between 4:00 p.m. and 6:00 p.m. on weekday afternoons.

(c) Street vending zones designated by the county manager shall be subject to review and renewal at least every two (2) years after each designation and the county manager may renew, remove or alter the site or size of zones after such review unless removal or alteration is required sooner by a change in conditions in the area where the zone is designated.

* * *

Chapter 30

PEDDLERS, VENDORS AND CANVASSERS*

 * **Cross References:** Food and food handling code, Ch. 9.2; licenses generally, Ch. 11; noise control, Ch. 15; pawnbrokers and dealers in secondhand articles, Ch. 62.

- § 30-1. Permit required.
- § 30-2. Definitions.
 - § 30-2.1. Exemption from permit requirements.
- § 30-3. Application for permit or exemption.
- § 30-4. Investigation and issuance.
- § 30-5. Transfer.
- § 30-6. Renewal.
- § 30-7. Reserved.
- § 30-8. Use of the streets and other public places--Vending or canvassing from a stationary location.
- § 30-9. Same--Vending from vehicles.
- § 30-10. Same--Designation of street vending zones.
- § 30-11. Door-to-door sales hours.
- § 30-12. Exhibition of permit or exemption letter.
- § 30-13. Records.
- § 30-14. Revocation of permit.
- § 30-15. Appeal.
- § 30-16. Penalty for violation of chapter.
- § 30-17. Severance clause.

§ 30-1. Permit required.

It shall be unlawful for any person to engage in the business of peddler, vendor or canvasser as defined in this chapter, within the limits of Arlington County, Virginia, without first obtaining a permit as provided herein. (7-15-61; Ord. No. 85-39, 11-16-85)

§ 30-2. Definitions.

(a) *Peddler* is one who moves from place to place within the county and offers merchandise, goods, food or services for sale or barter.

(b) *Vendor* is one who offers merchandise, goods, food or services for sale or barter from a stationary but temporary site within the county. "Vending" is the act of offering merchandise, goods, food or services for sale or barter from a stationary but temporary site within the county.

(c) *Canvasser* is one who travels from place to place seeking orders for merchandise, goods, food or services with or without samples by traveling from place to place within the county.

(d) *County* shall mean Arlington County, Virginia.

(e) *County manager* shall mean the county manager of Arlington County, Virginia or a duly authorized agent of the county manager.

(f) *Vehicle* shall mean every device in, upon or by which any person or property is or may be transported or drawn including any wheeled conveyance.

(g) *Service road (frontage road)* is a roadway contiguous to and generally paralleling a street or highway designed to collect and distribute traffic desiring to cross, enter, or leave such street or highway, and to furnish access to property which would otherwise be isolated due to the controlled access design of the street or highway.

(7-15-61; 10-9-61; 5-28-78; 6-27-78; 9-29-79; Ord. No. 85-39, 11-16-85)

§ 30-2.1. Exemption from permit requirements.

(a) The following shall be exempt from the permit requirements of this chapter:

- (1) Persons selling fresh farm products;
- (2) Persons selling newspapers;
- (3) Persons selling for wholesale concerns who only solicit orders from or sell to retail dealers in Arlington County for resale or other commercial purposes or to manufacturers for manufacturing or other commercial purposes; and
- (4) Peddlers or vendors of religious, political or written materials.

(b) All persons qualifying for exemptions from this section must present proof of such qualification and be granted exemption from the permit requirements of this chapter as provided in section 30-3(b). Such persons shall not be exempt from the provisions of sections 30-7 through 30-11 of this chapter.

(Ord. No. 85-39, 11-16-85; Ord. No. 91-35, 9-28-91)

§ 30-3. Application for permit or exemption.

(a) Applicants for permits under this chapter must file with the county manager a sworn application in writing (in duplicate) on a form to be furnished by the county, which shall give the following information:

- (1) Name, social security number (optional), and description of the applicant.
- (2) Address.
- (3) Name and address of Virginia registered agent, if there is a registered agent for the business.
- (4) A brief description of the nature of the business and the goods to be sold.
- (5) If employed, the name and address of the employer, federal employment identification number (optional), together with a written employment contract or other written document from the employer establishing the exact relationship.
- (6) The length of time during the current year when the peddling, vending, or canvassing will take place in the county.
- (7) If a vehicle is to be used, a description of the same, together with the license number or other means of identification.
- (8) Proof of Virginia retail sales tax registration and the retail sales tax number issued, if applicable.
- (9) The finger and thumb prints of the applicant shall be taken at the time of application.
- (10) The names of at least two (2) persons who will certify as to the applicant's good character and business responsibility, or in lieu of the names of references, any other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to promptly evaluate such character and business responsibility.

- (11) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation, the nature of the offense and the penalty affixed therefor.
- (12) The application shall provide two (2) recent front facing passport size photographs which accurately depict the applicant's appearance at the time of application.
- (13) All permits issued after March 1, 2002, shall expire on February 28th of the following year.

(b) At the time of filing of the application, a fee of twenty dollars (\$20.00) shall be paid to the county manager, to cover the cost of investigation and processing of the application.
(7-15-61; Ord. No. 82-32, 8-7-82; Ord. No. 85-39, 11-16-85; Ord. No. 99-25, 12-15-99; Ord. No. 02-13, 5-18-02)

§ 30-4. Investigation and issuance.

Upon receipt of such application, the original shall be referred to the county manager, who shall make an investigation of the applicant's business responsibility and character.

- (a) Unless the county manager determines otherwise after his investigation, he shall, within forty-five (45) days following the date of the filing of the application, issue the applicant a license.
- (b) After investigation and finding that the health, safety, and welfare of the public so demands, the county manager may refuse to issue a license to an applicant for reasons including, but not limited to, the following:
 - (1) Conviction of any felony or crime of moral turpitude (including, by way of illustration and not limitation, crimes of sexual misconduct and distribution of controlled substances or paraphernalia) within the five (5) years immediately preceding the date of filing of the application.
 - (2) Fraud, misrepresentation or intentional false statement of material or relevant facts contained in the application.
 - (3) Lack of necessary permits or licenses to conduct the business proposed to be conducted.
- (c) The county manager shall endorse on the application his approval, execute a permit addressed to the applicant for the carrying on of the business applied for and deliver to the applicant his permit. Such permit shall contain the signature of the issuing officer and shall show the name, address and photograph of said applicant, the kind of goods to be sold thereunder, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such peddling, vending or canvassing. The county manager shall keep a permanent record of all permits issued.
- (d) In determining whether the applicant's character and business responsibility is satisfactory, the county manager, or his authorized agent, shall consider evidence revealed by the investigation which shows honesty, reliability, and knowledge of the business to be engaged in. A license shall be denied or revoked if the applicant is shown to be dishonest, immoral or substantially lacking in business reliability and responsibility. In the event the results of the initial investigation are unclear as to the nature of the applicant's character and business responsibility, an additional investigation of the applicant shall be made.

(7-15-61; Ord. No. 82-32, 8-7-82; Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90)

§ 30-5. Transfer.

No permit or exemption letter issued under the provisions of this chapter shall be used by any person other

than the one to whom it was issued.

(7-15-61; Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90)

§ 30-6. Renewal.

Permits issued under the provisions of this chapter shall be valid for the period requested, which shall in no event exceed one (1) year. All permits renewed after March 1, 2002, shall expire on February 28th of the following year, unless sooner revoked or suspended as provided. The holder of any permit may seek renewal thereof upon the filing of a written renewal application. The renewal application shall reflect any information changed from the previous year's application and it shall be approved upon verification by the county manager that the applicant for renewal has complied with the laws of Arlington and the commonwealth.

(7-15-61; Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90; Ord. No. 99-25, 12-15-99; Ord. No. 02-13, 5-18-02)

§ 30-7. Reserved.

Editors Note: Ord. No. 00-32, adopted Dec. 10, 2000, repealed § 30-7, which pertained to loud noises and speaking devices. See the Code Comparative Table.

§ 30-8. Use of the streets and other public places--Vending or canvassing from a stationary location.

No peddler, vendor, or canvasser shall have any exclusive right to any location on public property; nor shall he or she:

- (a) Be permitted a stationary location on any sidewalk unless at least ten (10) feet of the sidewalk remains clear for pedestrian traffic;
- (b) Be permitted a stationary location closer than ten (10) feet from any crosswalk, intersection, entrance to a building, Metro entrance, bus stop, taxi stand, or other vendor's stationary location;
- (c) Be permitted to occupy a space greater than eight (8) feet long, five (5) feet wide, and seven (7) feet six (6) inches high on a sidewalk, excluding umbrellas;
- (d) Display any sign visible to vehicular traffic if operating from a stationary location on a street, sidewalk, or other public place, except for signs that are actually imprinted on the exterior body of a licensed motor vehicle;
- (e) Make any sale or delivery to any person while such person is standing in the roadway;
- (f) Make any sale, offer or delivery to any driver or passenger in a motor vehicle while the motor vehicle is stopped at a red light or while in a moving traffic lane;
- (g) Conduct business from any highway service road or center median strip of any boulevarded street;
- (h) Restrict access to any legally parked vehicle;
- (i) Operate in any other way that would restrict the flow of pedestrian or vehicular traffic;
- (j) Conduct any business on any public street or sidewalk between the hours of 8:00 p.m. and 7:00 a.m.; or
- (k) Leave any cart or table unattended on any public street or sidewalk between the hours of 8:00 p.m. and 7:00 a.m.

Each peddler, vendor, or canvasser shall provide receptacles for the disposal of waste materials or other litter created in the immediate area of any stationary location from which sales, offers of sales or deliveries are taking place, and they shall request customers to place all waste and litter in the receptacles and they shall remove and dispose of the waste materials and litter.

(9-29-79; Ord. No. 85-1, 1-5-85; Ord. No. 85-39, 11-16-85; Ord. No. 87-14, 5-16-87; Ord. No. 90-1, 1-16-90; Ord. No. 9925, 12-15-99)

§ 30-9. Same--Vending from vehicles.

It shall be unlawful for peddlers, vendors, or canvassers or any other person to park or stop a vehicle on or alongside the roads, highways and streets of Arlington County for the purpose of selling, soliciting the sale of, displaying or offering for sale any goods, wares or other merchandise in or from the vehicles except under the following conditions:

- (a) The vehicle is parked or stopped only for the purpose of making house-to-house sales; or
- (b) The vehicle is stopped to make sales to persons who direct the vendor to stop, in which case the vehicle must remain stopped for no longer than five (5) minutes and must stop only in a space where motor vehicle parking is permitted pursuant to Chapter 14 of this Code; or
- (c) The vehicle is stopped in an area that the county manager has designated as temporary parking areas for the Arlington County farmer's market adjacent to land zoned so as to permit a farmer's market, provided that no parking spaces may be designated for this purpose for more than twenty (20) hours in any week;
- (d) The vehicle is stopped in an area designated by the county manager as a street vending zone pursuant to section 30-7.5 herein. No vehicle parked in a street vending zone may exceed eighteen (18) feet in length, seven (7) feet in width and ten (10) feet in height, excluding umbrellas; or
- (e) Sales are made between the hours of 7:00 a.m. and 8:00 p.m.

(Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90; Ord. No. 99-25, 12-15-99)

§ 30-10. Same--Designation of street vending zones.

(a) Whenever it appears, after a survey of land use activity and a traffic engineering study, that there is a need to do so, the county manager may designate street vending zones within the county for use by peddlers and vendors in compliance with the following criteria:

- (1) A zone or zones may be created in any area of the county that lies within twelve hundred (1,200) feet of a Metro station and contains at least two million (2,000,000) square feet of office space;
- (2) The total area designated as street vending zones or zone in each area may not exceed one hundred thirty-five (135) feet in length and eight (8) feet in width; and
- (3) A zone shall only be located adjacent to sidewalks at least ten (10) feet in width.

(b) The hours of operation within each street vending zone shall be set by the county manager so as not to interfere with pedestrian and vehicle traffic, but in no case shall vending in street vending zones be permitted between 7:30 a.m. and 9:00 a.m. on weekday mornings nor between 4:00 p.m. and 6:00 p.m. on weekday afternoons.

(c) Street vending zones designated by the county manager shall be subject to review and renewal at least every two (2) years after each designation and the county manager may renew, remove or alter the site or size of zones after such review unless removal or alteration is required sooner by a change in conditions in the area where the zone is designated.

(Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90)

§ 30-11. Door-to-door sales hours.

Door-to-door sales or canvassing shall only take place between the hours of 9:00 a.m. and 8:00 p.m.
(Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90)

§ 30-12. Exhibition of permit or exemption letter.

Peddlers, vendors, or canvassers are required to conspicuously display their permits at their vehicles or temporary stands or if they have none, to exhibit their permits or exemption letter upon request. (7-15-61; Ord. No. 85-1, 1-5-85; Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90)

§ 30-13. Records.

The county manager shall maintain a record for each permit issued, and record the reports of violation thereon. (7-15-61; Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90)

§ 30-14. Revocation of permit.

(a) Permits issued under the provision of this chapter may be revoked by the county manager after notice and hearing for any of the following causes:

- (1) Fraud, misrepresentation or intentional false statement contained in the application for permit.
- (2) Conviction of any felony or crime of moral turpitude (including, by way of illustration and not limitation, crimes of sexual misconduct and distribution of controlled substances or paraphernalia).
- (3) Conviction of any crime involving fraud in the conduct of his or her business.
- (4) Any violation of this chapter or of Chapter 11 of the Arlington County Code.

(b) Notice of the hearing for revocation of a permit shall be given in writing, setting forth specifically the grounds of the revocation and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permit holder at his last known address at least five (5) days prior to the date set for hearing. (7-15-61; Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90)

§ 30-15. Appeal.

(a) Any person aggrieved by the action of the county manager, or his authorized agent, in the denial of an application for a permit or in the decision with reference to the revocation of a permit shall have the right of appeal. Such appeal shall be taken by filing with the clerk of the county board within ten (10) days after the notice of action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds of appeal.

(b) The clerk of the county board shall notify the county manager of the filing of an appeal.

(c) Upon filing an appeal, the party aggrieved shall be entitled to a hearing by a hearing examiner who shall be a lawyer admitted to practice in the Commonwealth of Virginia employed for the purpose of conducting such hearings by the county board. The time and place of the hearing shall be scheduled by the hearing examiner at any time after the filing of an appeal upon notice by the hearing examiner mailed to the party to the action at the address required to be stated by the appellant at the time of the filing of the appeal. Such appeals may be continued by the hearing examiner from time to time and place to place at the time of any hearing by an order made sua sponte, on motion of the party to the action, or on motion of the county attorney.

(d) The party shall have the right to present his case in person or by counsel licensed to practice law in the State of Virginia.

(e) The hearing examiner shall consider the case record as well as statements offered by an interested party and shall determine whether the county manager abused his discretion under the rules and standards set forth

in this chapter. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence in civil actions. (7-15-61; Ord. No. 85-35, 8-17-85; Ord. No. 85-39, 11-16-85; Ord. No. 86-12, 5-17-86; Ord. No. 90-1, 1-16-90)

§ 30-16. Penalty for violation of chapter.

Any person violating any provision of this chapter shall be guilty of a Class 1 misdemeanor. (7-15-61; 9-29-79; Ord. No. 85-39, 11-16-85; Ord. No. 90-1, 1-16-90; Ord. No. 91-34, 9-18-91)

§ 30-17. Severance clause.

The provisions of this chapter are hereby declared to be severable, and if any section, sentence, clause or phrase of this chapter shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter shall stand, notwithstanding the invalidity of any part. (7-15-61; Ord. No. 90-1, 1-16-90)

Name: **John Andrews**

Submitter's E-Mail Address: ---

Subject: **WEBSITE COMMENT: Arlington to Consider Sidewalk Kiosks**

Comments: **I have major concerns about his plan. I had a hard time believing that the average Arlington resident wants kiosks lining their streets and sidewalks. How many people leave the comfort of their barely affordable condos and/or freestanding homes to go get a very unhealthy meal from the temporary or even permanent kiosk? I am sorry, but this is an effort to appease lower-income Arlingtonians and is simply adding to the existing problem Arlington has with mobile food vans, which typically stay in one location for very long periods of time in violation of the law. Now, you want to "expand the time for vending from a vehicle from five minutes to 60 minutes and allow such vending where no person has requested the vendor to stop?" Give me a break! Is the Board that out of touch with reality?**

Name: **John Dorsey**

Submitter's E-Mail Address: **JDthe3@AOL.com**

Subject: **WEBSITE COMMENT: Kiosks**

Comments: **Dear Ms. Griffin: In a word I am opposed to this plan to permit Kiosks on Arlington Sidewalks near Metro stations: 1. Business will be diverted from existing long standing businesses who have endured long slow change already and struggles to hang on during these last 25 years of rapid change, protracted construction and buildings idled for years waiting for the "good part" to get here. 2. The Metro Station entrances are congested already and making them more so will hinder the increasing ridership, and may impede rescue efforts in the event of a tunnel emergency. 3. Vendors will maintain permanent parking spots nearby - reducing existing access to parking spaces. 4. Vendors will impose the inconvenience of supply storage, truck storage and warehousing upon their neighbors - who will no doubt be located right here in Arlington. Arlington is already turning a blind eye to Dump Trucks parked in residential driveways (See 2700 Block of S. Uhle Street-22206) and these new local vendors will seek to impose upon their neighbors as well. 5. These structures will not be patrolled and inspected by Police and Police Dogs as the common areas of the Subway Stops, Escalators, and Grounds are now. I am terrified of the notion that a vendor with a harmful political agenda could use their Kiosk as a staging point for a bombing or gas attack. The more clutter you permit the greater the risk. Remember - trash containers are banned from Metro Property already to prevent concealment of arms or explosives, 6. The litter and bits of food sales detritus will only increase the prevalence of the huge rats now too common in the Subway Tunnels and in our streets - ALREADY. 7. Expect to hear a considerable uproar from the restaurant community in Clarendon - they have invested millions upon millions of dollars and now their patrons will have to look out the restaurant window only to see loiterers face first into a hot dog and a coke just feet away. Ambiance destroyed. The writer was trained in, and still studies, security concerns, methods of concealment, design and monitoring of public venues from the perspective of a counter intelligence operative, and has been a resident in**

Arlington since 1970 - and Northern VA for now 59 years. This long steady view permits continuity of observations and a vivid memory of some of the glaring mistakes we have made in the past. I might support something in the way of a watering hole at East Falls Church - but the concealment of weapons issue still plagues me. It is no longer a matter of if we will be attacked, but when it will happen again. Please recall the shootings at the entrance to CIA just a few years ago. A Subway gas attack in Arlington would damage the commuter psyche very badly. Such events in London have been borne stoically. The difference is the prior experience and cultural memory the citizenry of England has of even worse - during WWII, and at the hands of the Irish Republican Army since, and the wisdom passed to children and grandchildren as to how to bear these events and press on. Until 9/11 Americans had never been attacked on their own soil, by a foreign entity. Sincerely, John N. Dorsey III

For questions about this form, send an email to webmaster@arlingtonva.us

Name: **Mary Rousselot**

Submitter's E-Mail Address: **mcr615@gmail.com**

Subject: **WEBSITE COMMENT: vendors**

Comments: **Allowing kiosks and vendors sounds like a good idea in areas where sidewalks wouldn't be blocked, etc. Someone selling snacks and drinks, particularly water, at the Clarendon Metro stop would be welcomed. Thanks, M. Rousselot**

Name: **Barbara Nash**

Submitter's E-Mail Address: **hometown30@verizon.net**

Subject: **WEBSITE COMMENT: Kiosks at Metro stations**

Comments: **I would like to suggest that before kiosks are established at Metro Stations, that concreted/paved areas by the escalators and entrances be cleaned. And I mean cleaned--not just a surface sweep. It is disgusting just to walk--I don't even like to subject my shoes to the filth--to station escalators . I can't imagine wanting to take even a few minutes to peruse any kiosks set amidst the grime. (These same comments apply to the entrances to Ballston Common Mall from the parking garage which I use regularly. I sure hope the re-do on that garage will not be complete until those entrances from the parking levels are de-grimed.)**

Name: **Gary Eiserman**

Submitter's E-Mail Address: **geiserman1@verizon.net**

Subject: **WEBSITE COMMENT: Sidewalk kiosks**

Comments: I read that the county board is considering allowing permanent sidewalk kiosks and wanted to say that I hope that they will reconsider and not allow this. I have seen sidewalk vending in cities all over the world, and it is almost never a positive addition to a neighborhood. I live in the Ballston area, and the last thing that the stretch between the mall and the Metro needs is a line of seedy, permanent stalls hawking tee shirts, junk food, and cheesy souvenirs. I know that the initial intent is to limit kiosks around Ballston, but if they succeed elsewhere, the pressure to add them there will increase until the rules get changed. In fact, I can't think of any place in Arlington that would benefit from this, so I hope that the board will reconsider its support. Regards, Gary Eiserman

In reference to the Board review of sidewalk kiosks, I have read the news release and wish to comment on the issue.

The management company I work for represents the owner of 901 N. Stuart Street which sits directly on top of the Ballston Metro Orange Line. The Metro escalator entrance is just a few steps from our door. We have an onsite management office at the property, and since our arrival in December 2004 we have had issues with the street vendors who set up vending at the front and along the sides of the metro escalator. There have been several occasions where the vendors when asked to move off private property and stay within the boundary of public right of way, have been belligerent and noncompliant. To my knowledge the Hack Officer assigned by Arlington County Police is the only enforcer with any consistency or weight in the enforcement of these street vendors. Unfortunately, the Hack Officers have many other duties and, in the past, have not always been responsive. We feel fortunate in that the most recent Hack Officer, Detective Hennigh, has been most cooperative and is very responsive. The element that often hangs around our street vendors is not attractive and does not promote a feeling of goodwill or safety among pedestrians during daylight hours and is even worse at night since they tend to congregate in groups around certain vendors. Some of the booths are multi layered and closed in around the sides. It makes me wonder what activity is really going on when no one is looking. We have also had street vendors who accost our office tenants with political agenda material and even follow them to the next block. The hot dog guy at the corner of N. Stuart and Fairfax Drive has probably been in that same spot for 10 years. His cart is never clean and he sets up dirty coolers and piles of junk within a 5' radius of his cart. All of which is very unattractive. The corner of N. Stuart and Fairfax Drive has the potential to look like a junk flea market on any given day. It is unprofessional and is quite effective in blocking the sightline to our retail tenants, Ruby Tuesday and Tivolis, on that corner.

We would very much like for the Board to consider limiting vending to a permanent kiosk program. The Landlord would have control over the vendor as well as the structure. We would request County support in getting timely permits issued and a reasonable time line for leasing the kiosks. We realize this will be a project where we would certainly spend some time and expense in researching not only the design but also to make sure we can provide adequate utilities and services for these limited vendors. The alternative to the controlled vending has not proved beneficial to our area of Ballston in promoting a clean and safe environment. As a fairly newcomer to the area (and a resident of Fairfax County) there's too much that's positive about Arlington County and the Ballston area to let this type of eyesore continue as a blemish on the streetscape.

Karen

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