

making LITTLE plans:

a planning perspective on the food micro-business trend

Jessica Moths, University of Wisconsin-Madison
jmoths@wisc.edu

abstract

Urban micro-business, particularly for distributing food, has experienced a resurgence in popularity in the last several years. This trend can be associated with a variety of recent patterns, including the economic downturn (micro-business typically indicates lower overhead), urban resurgence (and concurrent place-identity efforts), and popularity of eating healthier and more locally. Micro-business models also often require a good deal of new policy or policy amendments in the areas of licensing, zoning, health and business codes. This can be a source of conflict, as businesses wish to take advantage of this opportunity at the same time that cities are looking to understand how to balance their policy for the best interests of their community. This poster explores case studies of various cities' processes for these alterations and their outcomes, in an effort to elucidate possible policy pathways for future locations looking to plan for food micro-business.

green carts, taco trucks, kitchen incubators?

For the purposes of this poster, a "food micro-business" is any mobile, or multi-/allocational food distribution operation that does not require the usual start-up overhead of a traditional restaurant or food processing facility due to its mobile nature or small size. Examples include food carts or trucks, produce carts ("Green Carts"), and contract kitchens or kitchen incubators.

outcomes

Localities looking to plan for food micro-business should:

- **Comprehensively update** administrative and zoning codes (ensure all involved jurisdictions regulate on a similar level)
- **Train** enforcement personnel on micro-business procedures or have separate personnel enforcing these sites
- **Recognize** the collaborative and community-oriented nature of these businesses; facilitate cooperation between neighborhoods, businesses, involved regulatory agencies, and other stakeholders
- **Use** these collaborations to mitigate potential economic/environmental repercussions
- **Realize** these efforts as investment in a supportive environment for micro-business, which in turn has been shown to encourage health, opportunity, and vitality in communities.

NYC: vending for health

New York City has licensed and managed street vendors continuously, street food being constantly associated with the United States' largest metropolis. Due to the limited number of licenses allowed by the city and the lucrative nature of NYC street sales, it can be difficult to become a legal vendor. In 2008, however, NYC added 1,000 licenses to its pool to simultaneously allow for more vendors and augment access to fresh produce in low-access regions of the city. These new vendors, known as "Green Carts", must sell only whole, unprocessed and uncut fruits and vegetables, as well as displaying a green branded umbrella.¹ In addition, licenses are only given for vendors who will sell in neighborhoods designated as having challenges to fresh food access.² Despite the city's health-based motive in introducing the Green Carts, there has been opposition from brick-and-mortar establishments trying to sell fresh foods in these areas, claiming that the mobility and low overhead costs for Green Carts creates an unfair pricing disparity.³



NYC Green Cart vendor displaying the green umbrellas required for that license type. (Source: Flickr user thoth1518)



Left: A "pod" of food carts in Austin, TX. (Source: Flickr user dfwcre8tive2009)

Right: A vendor grouping in Portland, OR. (Source: Flickr user thecourtyard)



Portland & Austin: cooperation, centralization

Both of these cities have thriving mobile food cultures that are well-publicized, thanks in part to cooperation between the city, local neighborhoods and businesses, and the vendors to fairly and efficiently regulate food trucks and to allow for group vending locations where customers know they can grab a bite to eat, interact with neighbors and visitors, and enjoy community amenities once they've finished eating. This approach helps to satisfy oft-noted complaints by brick-and-mortar businesses and community residents in locales with mobile food vending presence: environmental challenges from increased waste, and economic challenges from additional competition.⁴ Centralization and cooperation by all stakeholders helps to allow for efficient waste mitigation (all participating vendors contribute toward waste removal and have a sense of responsibility for their business space) and allows the community to view the mobile vendors as an asset rather than a liability thanks to positive neighborhood identity effects.⁵



Left, right: Logan Square Kitchen, a community kitchen/incubator facility in Chicago, provides up-to-code kitchen, sales, and restaurant space for food entrepreneurs. (Source: Christina Noel)



Below: "Luxe loncheras"—gourmet food trucks—at an office park in downtown LA. (Source: Flickr user savemejebus)



Chicago: speedbumps

Chicago's health code provides for mobile food sales only for prepackaged foods—at present, no food may be prepared on board a mobile vending unit. Some vendors, particularly predominantly-Hispanic taco and *elote* (corn on the cob) sellers, have flouted these rules for years because the city closed its ears to their culturally- and economically-motivated requests to operate with sanitary food preparation. Now, because of the resurgent interest in mobile food vending by many high-profile chefs, the entire vending community has been able to get the attention of the city council and draft an ordinance that would relax food preparation guidelines as long as proper sanitation is provided, although little new progress has been made since the draft in mid-2010.⁶ Chicago also has several kitchen 'incubators' providing code-appropriate space for small food businesses to prepare their wares in a communal setting. However, while both zoning and licensing exists for these facilities, they are often plagued by problems in communication to city enforcement officials on proper procedures. Case in point: the early 2010 case of the Chicago Kitchen, in which an overzealous health inspection left a kitchen participant with over \$6,000 worth of needlessly-destroyed local fruit even though the city had told her she had the proper license to prepare her food.⁷



Right: A mobile vendor on Chicago's far West Side sells some foods prepared on his cart, despite Chicago's health code technically prohibiting it. (Source: Flickr user reallyboring)

LA: "taco truck wars"

Tourists and locals alike flock to the "taco trucks" of LA for a quick lunch or authentic flavors. However, in 2008, the jurisdiction-spanning nature of the LA metro region led to a "taco truck war" over inconsistent regulations. When the municipality of East LA (a traditionally Hispanic neighborhood) enacted newly restrictive vending ordinances, vendors fought back, resulting in two court cases. The courts decided that East LA's ordinances, which severely limited stationary placement of a vehicle (like a taco truck) was inconsistent with LA County's vehicle code.⁸ This victory for the taco truck vendors can be attributed, at least in part, to the recent advance of what are known as "luxe loncheras," trucks operated by established gourmet chefs in the Los Angeles region, who were able to bring a high-profile nature and broad community interest to these cases. These events also highlight the need for collaboration in large metropolitan regions to ensure consistent regulation of mobile businesses which cross many jurisdictional boundaries in the course of a day.

^{1,2}http://www.nyc.gov/html/doh/html/cdp/cdp_pan_green_carts.shtml ³<http://online.wsj.com/article/SB10001424052748704425804576220692726202066.html> ^{4,5} Kapeli et. al. 2009. "Food Cartology: Rethinking Urban Spaces as People Places." *Urban Vitality Group*. ⁶ "Draft Ordinance on Mobile Food Units." Chicago City Council, July 27, 2010. ⁷<http://leisureblogs.chicagotribune.com/thestew/2010/02/health-department-destroys-thousands-of-dollars-of-local-fruit.html> ⁸Hernandez-Lopez, Ernesto. 2010. "LA's Taco Truck War: How Law Cooks Food Culture Contests." *Chapman University School of Law Legal Studies Research Paper Series 25(1)*: 1-25.