

Public Comment -- 12/13/2023 PC Mtg., Item No. 7B

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To:cdd <cdd@fortbragg.com>

Planning Commission,

I think the ordinance should be updated to correct some ambiguities and apparent internal inconsistency. Specifically, it is unclear whether or not MVU permits even apply to mobile vending on private property rather than in the public right-of-way. In Applicability, Part B. of Section 10.20.150, it explicitly states that the permits are required for mobile vending "on any portion of any street or sidewalk within the City" which indicates that no permit is required for mobile vending on private property. That is also consistent with past interpretations and practices in a way that is not reflected in the staff memo (e.g., they state that private property locations are not recommended at this time without saying why but we have generally just allowed that in the past, through, for example, the hospital allowing and even hosting MVU in their parking lot for their staff and sometimes the community at large). However, the code later talks about "Additional Standards for Mobile Vending on Private Property" in Part L.

Technically, the issue of operating standards and permitting are distinct but it seems odd to not require a review and permitting for mobile vending on private rather than public property but then try to impose requirements on that mobile vending? How is that enforced? Subpart 2 of Part L. states "Tables, benches, trash cans, canopies and other site furniture shall be reviewed for setback conformance and design compatibility as part of the Mobile Vending Permit process" but there is no permit review process if a permit is not required. The code should be revised to require permits for mobile vending on private property or Subpart 2 or Part L. should be revised to just require setback and design conformity so that it could be dealt with through potential code enforcement rather than the non-applicable permit review process.

I also recommend getting rid of the prohibition against mobile vending within 200 feet of a special event subject to a LTP (found in Part I. Subpart 1.c.) because many of the special events occur downtown and that is where the MVUs are generally located. Is it fair to prohibit an ongoing MVU business from operating just because VFB is hosting a special event in the CBD? I don't think so. Plus, we have had several events where it was beneficial to have the food trucks technically outside the event itself and thus not covered by the CDP but still effectively as an amenity for the event attendees.

Finally, this isn't about this proposal per se other than an example of an issue but the agenda materials do not appear to comply with ADA and CA legal requirements because all materials need to be text searchable and readable by screen reader software and the agenda attachments were generated as PDFs without OCR. Part of the agenda packet has OCR but other portions do not.

Regards,

--Jacob