



AGENCY:	Planning Commission
MEETING DATE:	July 8, 2015
DEPARTMENT:	Community Dev.
PRESENTED BY:	M. Jones

AGENDA ITEM SUMMARY REPORT

TITLE:

RECEIVE REPORT AND MAKE A RECOMMENDATION TO CITY COUNCIL REGARDING MOBILE VENDING REGULATIONS

ISSUE:

Mobile vending is currently regulated by the City's Municipal Code, Chapter 10.20.150 & 10.20.155 – Peddler's Permit (see Attachment 1). The current regulations are very difficult for businesses to comply with and may de facto prohibit mobile vendors. Over the past years, numerous people have approached the City to obtain a peddler's permit, but no one has obtained a permit because some of the regulations make a viable business infeasible (as described below). Additionally, the regulations are outdated as they do not address today's modern mobile vending vehicles. As food trucks continue to grow in popularity, and as the City's Economic Development Strategy recommends a review of our regulations in order to encourage more job creation, the Planning Commission review of our current food truck regulations is timely, and City Council will benefit from a recommendation from the Planning Commission in their deliberations of changes to the mobile vending ordinance.

RECOMMENDED ACTION:

Provide a recommendation to the City Council regarding potential changes to the City's mobile vending regulations.

ALTERNATIVE ACTION(S):

Provide no recommendation to City Council.

ANALYSIS:

The Planning Commission could consider the following summary and overview of issues when developing a recommendation to City Council regulating mobile vending. The Community Development Committee's recommendations are in *italic text*.

Summary & Overview of Issues Regarding Mobile Vending

Type of Products. Mobile vending units can sell a variety of items (food, beverages, flowers, merchandise, etc.). *The CDC recommended limiting mobile vending to food and flowers.*

Time Constraints. Mobile vending units can be mobile (move from location to location) or stationary (park in an area zoned for use).

- The current Fort Bragg regulation is for 30 minutes only in one location, which is extremely restrictive. This single requirement dissuades most potential applicants from obtaining a peddler's permit as it does not allow enough time to set up, vend, and take down, and it is not practical for a town as small as Fort Bragg.
- Many communities allow for a more moderate time limit of four (4) to five (5) hours. Five hours is generally recommended as it allows time for set up, vending, and take down.

- More permissive regulations include no time limit, essentially allowing a vendor to set up shop in one location.
- Based on input from the January 27th CDC and the April 28th meeting *CDC recommended a 10 hour vending time to allow for both lunch and dinner.*

Non-Compete Requirements. Some regulations include minimum distances between the vending unit and existing restaurants/other vending units. This constraint would establish minimum distances between food vendors and brick and mortar restaurants.

- The current Fort Bragg regulation has no distance requirement.
- Permissive ordinances include a restriction of 50 feet from any existing restaurant. A moderate ordinance restricts vendors from setting up closer than 150 to 200 feet from an existing restaurant. No more than 200 feet is generally recommended. A restrictive ordinance would limit vendors to more than 500 to 600 feet from an existing restaurant.
- *CDC recommends that the ordinance require the vending owner to obtain written permission from restaurants within 200 feet of their mobile vending location.*

Vending Locations. Mobile vending could be permitted by allowing it in some zoning districts or in limited locations as follows:

- **Zoning District.** Mobile vending in the public right-of-way (ROW) or on private property might most rationally be restricted to one or more of the zoning districts where restaurants, cafés, or coffee shops are already permitted, including the CO, CBD, CG, and CH zoning districts. All vendors on private property would be required to meet setback, parking, landscaping, signage, and other zoning requirements. *The CDC generally agreed that these districts could be appropriate for Mobile Vending.*
- **Parks.** Vending with hand/push carts in City Parks (Bainbridge, Guest House, Coastal Trail) was a hotly discussed item at the CDC meetings, with many potential vendors very interested in locating their trucks/push carts near or on the Coastal Trail. Concerns were expressed about commercializing this public space and the potential for litter and food spills/stains on the trail/benches. *The CDC did not develop a recommendation regarding vending in parks.*
- **Vending Zone.** The City could designate a vending zone that allocates a certain number of public parking spaces (possibly 3 to 5 spaces) to be reserved for mobile vending with established operating hours and days. Potential vending zone locations in the public ROW include:
 - The parking stalls behind the Fire Department between Oak and Alder Streets. This area has relatively few restaurants, plenty of parking, and relatively minimum impacts to traffic, however it is not particularly visible from Highway 1 and so may not meet the visibility needs for a successful food truck business.
 - In City ROW near City Hall or Town Hall. These locations would be adjacent to downtown and offer excellent highway visibility, but could distract from the historic nature of the core downtown.
 - *CDC recommended designating an area for mobile vending to provide trash control and because “clustering” vendors draws in more customers, however they did not settle on a specific location.*
- **Mobile vending near schools.** *The CDC recommended that mobile vending be prohibited within residential districts and/or adjacent to schools when school is in session. The CDC also indicated that operating hours near schools should be only after school and in*

conjunction with a special vending permit for school vending in conjunction with the school district. FB school district officials expressed concern with mobile vending near schools during school hours as it could take money from the school lunch program.

Public Health and Safety Regulations

- Food Safety, Handling, and Sanitation – Vendors will need to comply with the Mendocino County Environmental Health requirements for Mobile Food Facilities (see attached) which are taken directly from the California Retail Food Code.
- Commissary/Commercial Kitchen – The City should require the use of a commissary or commercial kitchen where vendors can dispose of waste, clean vehicles, and ensure food safety.
- Require vendors to provide trash, compost, and recycling receptacles. Require vendors to pick-up and dispose of trash within 25 feet of vending unit at the end of the day.
- Consistent with Environmental Health require that vending unit operate within 200 feet of a toilet and handwashing facility (public or private with permission) for vending employees.
- Limit vending to the sidewalk side of vehicle.

Permitting Process and Fees

- The current process requires a written permit from City Council, a business license, and an encroachment permit.
- Planning Process Options
 - Design review or use permit process through the Planning Commission or;
 - Administrative approval (Minor Use Permit) through the Community Development Department and Public Works (i.e., Street Use Vending Permit with established design guidelines).
 - Currently require a Limited Term Permit for vending associated with events.

CDC recommended that the City: 1) issue a Minor Use Permit for mobile vending in commercial zones; 2) limit the total number of permits to six for the first year and then re-evaluate; 3) require an annual business license and payment of retail taxes; and 4) limit signage to 10 square feet.

Potential fees for approval include the following:

	Current Fees for a Peddler Permit	Potential Fees	CDC Recommendation
Business License	\$75	\$75	\$75
Encroachment Permit	\$175	\$175	\$175
Planning Permits	\$1,000 (City Council Hearing)	Design Review \$300 Use Permit \$700 PC Hearing \$1,100	Minor Use Permit \$575
Total	\$1,250	\$2,350	\$825

The City could also charge an annual “mobile vending fee” for all vendors.

IMPLEMENTATION/TIMEFRAMES:

The next steps include:

1. Developing a recommendation from the Planning Commission;
2. Bringing the item forward to the City Council for direction;
3. Development of the revised Ordinance; and
4. The Ordinance adoption process by the City Council.

The timeframe for completion of this process is three to six months depending on Council input and other workload at the department.

ATTACHMENTS:

1. City of Fort Bragg, Municipal Code, Chapter 10.20.150 & 10.20.155 Peddlers Permits
2. Mendocino County Environmental Health, Chapter 10 – Mobile Food Facilities
3. National League of Cities, *Food On Wheels: Mobile Vending Goes Mainstream* Publication
4. Seattle DOT Street and Vendor Permit Application
5. Seattle DOT Brochure, *Vending in Public Places*
6. CDC Minutes January 27, 2015
7. CDC Minutes April 28, 2015
8. CDC Minutes May 26, 2015
9. Table of Mobile Vending Considerations

ONLINE LINKS:

1. <http://www.biteclubbeats.com/food-fight-are-food-trucks-facing-a-fight-in-santa-rosa/>
2. http://ci.santa-rosa.ca.us/doclib/Documents/Vendor_info.pdf
3. <http://www.pressdemocrat.com/news/2290275-181/santa-rosa-restaurateurs-decry-mobile>

NOTIFICATION:

1. Mobile vending email notification subscriber list
2. Fort Bragg restaurant owners