



CITY OF FORT BRAGG

416 N. FRANKLIN, FORT BRAGG, CA 95437
PHONE 707/961-2823 FAX 707/961-2802

COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: May 26, 2015
TO: Community Development Committee
FROM: Sean O'Rourke, Associate Planner
AGENDA ITEM TITLE: **Receive Report and Provide Direction to Staff Regarding Mobile Vending**

Note: Mobile vending has been discussed at the January 27 and April 28, 2015 CDC meetings. This staff report has incorporated comments from those meetings. The incorporated comments are noted in *italics*.

ISSUE:

Mobile vending is currently regulated by the City's Municipal Code, Chapter 10.20.150 & 10.20.155 – Peddler's Permit (see attached). The current regulations are very difficult for businesses to comply with and may de facto prohibit mobile vendors. Over the past eight years, roughly three to four entrepreneurs a year have approached the City to obtain a peddler's permit, but none have actually obtained a permit because of the difficulty of complying with some components of the regulations (as described below). Additionally, the regulations are outdated as they do not address or regulate today's modern mobile vending vehicles. As mobile vending, specifically food trucks, continues to grow in popularity, the City Council could consider modifying the peddler's permit regulations to more effectively manage mobile vending.

SUMMARY:

The following summarizes and provides an overview of some of the issues City Council could consider when regulating mobile vending. Staff is seeking direction from the Community Development Committee as to whether there is a need to modify the existing regulations and, if so, what level and type of regulations to include to potentially bring forward to City Council for further discussion and direction.

Mobile vending units can be mobile (move from location to location) or stationary (park in an area zoned for use); vary in length up to 26 feet long; and sell a variety of items (food, beverages, flowers, merchandise, etc.). *At both the January 27th and April 28th CDC meetings, the committee discussed limiting mobile vending to food and flowers only.*

Time constraints can vary in regulations:

- 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, vending, 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 meeting, the CDC discussed limiting mobile vending to 5 hours, however, public comment from the April 28th meeting suggested a 10 hour vending time to allow for both lunch and dinner.*

Some regulations include proximity requirements, e.g minimum distances between the vending unit and existing restaurants/other vending units. This type of constraint might be considered to establish distances from brick and mortar restaurants that pay rent and mobile units that could set up in front of 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.
- *There is concern that mobile vending will compete with local restaurants, and the CDC suggested obtaining written permission from restaurants within 200 feet of mobile vending locations.*

Ordinance options for zoning use designations for mobile vending, include:

- Mobile vending in the public right-of-way (ROW) could be restricted to zoning districts where restaurants, cafés, or coffee shops are permitted which includes both the coastal and inland zoning districts of the CO, CBD, CG, and CH and with a Use Permit in the CN district. A Use Permit is required in the RL, RM, RH, and RVH zoning districts. Restaurants, cafés, or coffee shops are not permitted in the IL, IH, OS, PR, and PF zoning districts.
- Consider special regulations for vending with hand/push carts in City Parks (Bainbridge, Guest House, Coastal Trail) and on City sidewalks. *There is concern about mobile vending on the coastal trail and the potential for litter. It was suggested that a central location be identified with designated seating and trash receptacles to limit litter. A potential location may be the Mill Site runway.*
- The City could consider designating 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 might include:

- In 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. This location would meet the 200 foot environmental health bathroom requirement, if the Fire Department allowed public use of Fire Station restrooms. Would require leasing spaces from G-P.
- In City ROW adjacent to Bainbridge Park. This location would meet the 200 foot environmental health bathroom requirement, but might not serve visitors due to distance from the Central Business District. However, today's technology including social networking sites allows vendors to stay in close communication with customers.
- In City ROW near City Hall. This location would meet the 200 foot environmental health bathroom requirement and be adjacent to downtown, which might better serve visitors.
- *CDC suggested designated area for mobile vending to provide trash control. Public comment noted that "clustering" vendors draws in more customers.*
- Mobile vending near schools is allowed by some codes. Some options to consider include:
 - Prohibit operation within residential districts and/or adjacent to schools.
 - Maintain minimum distance from schools (Sonoma County – 500 ft; Los Angeles – 1,000 ft; San Francisco – 1,500 ft).
 - Restrict operating hours near schools (e.g. allow only at lunch and/or after school).
 - Require a special vending permit for school vending in conjunction with the school district.
 - *CDC noted that mobile vending is a good idea for the schools and special events.*
- Vending on Private Property. Consider allowing vending units in zoning districts that permit restaurants or are allowed with a Use Permit. All vendors would be required to meet setback, parking, landscaping, signage, and other zoning requirements.

Public Health and Safety

- Food Safety, Handling, and Sanitation – Vendors 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 – Consider requiring the use of a commissary or commercial kitchen where units 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 an approved and readily available toilet and handwashing facility to ensure that restroom facilities are available to vending employees.
- Limit vending to sidewalk side of vehicle.

Permitting Process and Fees

- The current process requires a written permit from City Council, a business license, and encroachment permit which can be onerous.
- Planning Process Options
 - Design review or use permit process through the Planning Commission or City Council or;
 - Over the counter/administrative approval through the Community Development Department or Public Works (i.e., Street Use Vending Permit with established design guidelines).
 - Currently require a Limited Term Permit for vending associated with events.
 - *CDC suggested that an administrative permit over the counter process for mobile vending in commercial zones with a Use Permt required for selling food in a residential zone.*
 - *CDC suggested limiting the total number of permits to six for the first year and re-evaluating after that.*
 - *All mobile vendors will require an annual business license and pay retail taxes.*
 - *CDC suggested that design guidelines need to be developed and limit signage to 10 square feet.*
- Current Fees for a Peddler Permit = Total of \$1,663, which includes:
 - Business license = \$75
 - Encroachment Permit = \$175 (requires general liability and insurance up to \$2,000,000)
 - County Environmental Health Permit = \$413
 - City Council meeting = \$1,000
- Potential Fees
 - Business license = \$75
 - Encroachment Permit if in ROW = \$175 *All mobile vending in the street ROW will need to have an encroachment permit.*
 - County Environmental Health Permit = \$413
 - Cost for Design Review (\$300), Use Permit (\$700) and Planning Commission Hearing (\$1,100) = \$1,400 to \$2,000.
 - Consider charging annual “mobile vending fee” for all vendors or only for vendors operating in the public ROW.

Next Steps

- Receive input from Community Development Committee and the public.
- Based on that input, CDC may direct staff to bring the matter forward to the City Council for consideration.

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*

ONLINE LINKS:

<http://www.biteclubbeats.com/food-fight-are-food-trucks-facing-a-fight-in-santa-rosa/>

http://ci.santa-rosa.ca.us/doclib/Documents/Vendor_info.pdf

<http://www.pressdemocrat.com/news/2290275-181/santa-rosa-restaurateurs-decry-mobile>