



AGENCY: City Council
MEETING DATE: August 24, 2015
DEPARTMENT: CDD
PRESENTED BY: Marie Jones

AGENDA ITEM SUMMARY

TITLE:

RECEIVE REPORT AND CONSIDER INTRODUCTION, BY TITLE ONLY, AND WAIVE FURTHER READING OF ORDINANCE 920-2015 REPLACING SECTION 10.22.150 (PARKING OF PEDDLERS VEHICLES-PERMIT-REQUIRED) AND SECTION 10.22.155 (PARKING OF PEDDLERS VEHICLES-PERMIT-LIABILITY INSURANCE REQUIREMENTS) OF CHAPTER 10.20 (STOPPING, STANDING AND PARKING) OF THE FORT BRAGG MUNICIPAL CODE

ISSUE:

Mobile vending in Fort Bragg is currently regulated by Fort Bragg Municipal Code, Chapter 10.20, sections 10.20.150 and 10.20.155. The current regulations are very difficult for businesses to comply with and may de facto prohibit mobile vendors by making operating a food truck financially infeasible.

The potential revamping of the City's mobile vending regulations was brought forward to the Community Development Committee on three occasions (January 27, April 28, and May 26, 2015) and to the Planning Commission (July 8, 2015) for recommendations to City Council. On July 13, 2015, the City Council discussed this item and provided direction to staff, as noted below. An ordinance is brought forward for introduction, based upon that direction.

RECOMMENDED ACTION:

Introduce, by title only, and waive further reading of Ordinance 920-2015 replacing Section 10.22.150 (Parking of Peddlers Vehicles-Permit-Required) and Section 10.22.155 (Parking of Peddlers Vehicles-Permit-Liability Insurance Requirements) of Chapter 10.20 (Stopping, Standing and Parking) of the Fort Bragg Municipal Code.

ALTERNATIVE ACTION(S):

1. Do not introduce ordinance and provide direction to staff regarding further revisions to the ordinance.

ANALYSIS:

Figure 1 summarizes the direction provided by the City Council regarding modifications to the City's mobile vending regulations.

Figure 1: City Council Mobile Vending Direction

Regulatory Topic	City Council Direction
Type of Products.	Limit vendors to food and flowers.
Zoning Districts.	Allow mobile vending in the CO, CBD, CG and CH zoning districts. Allow by invitation only in public facilities (school) districts. Allow in parks as part of organized special events with a Limited Term Permit.
Zoning Regulations.	All vendors on private property would be required to meet setback and parking requirements. Limit on-truck signage to 25 SF. Prohibit

	off-truck/cart signage such as A-frame signs.
Vending Zone.	Designate a vending zone on the 400 block of N. Franklin Street that allocates three public parking spaces to be reserved for mobile vending with established operating hours and days. Vending zones cannot be established at the Coastal Trail or at Pomo Bluffs Park as the parks have restrictive covenants limiting uses to passive recreation and open space.
Mobile vending near schools.	Prohibit mobile vending in residential areas, unless part of an organized event with school permission or one that requires a Limited Term Permit.
Mobile vending near events and farmers market.	Do not allow vending within 200 feet of any event requiring a Limited Term Permit, unless it is part of that event.
Cart regulations and mobile vending on City sidewalks and trails.	Vending from carts should be allowed on sidewalks that can accommodate them. Vending will not be allowed on the Coastal Trail, as it is not compliant with the restrictive covenants imposed by the Coastal Conservancy grant.
Permit transferability and expiration.	Permit term of 2 to 3 years, with transferability of the business.
Time Constraints.	Ten hour maximum vending time in one location. Prohibit food truck vending between 11:00 pm and 6:00 am. Require mobile vending to obey parking time limits on City streets.
Non-Compete Requirements.	Do not require consent from adjacent property owners.
Seating and site furniture.	Picnic tables and benches should be permitted only on private property, not in the public right of way. Require trash, recycle and compostable containers for all Mobile Vending Units.
One-time Permit Costs. (To be established in City Fee Schedule, and updated annually)	Business License: \$75 Encroachment Permit: \$175 Vending Permit: \$300 Total: \$550
Mobile Vending Permit Fee & Requirements	An annual Vending Permit Fee of \$500/year to fund review of mobile vending locations to ensure that they don't violate the Code.
Number of Mobile Vending Permits	Limit of 6 permits (3 carts and 3 vehicles) at any given time within City Limits. Limit to be established by Council resolution.
Regulation of formula business food trucks	Identify a mechanism to regulate the establishment of formula retail (i.e., fast food franchise) food trucks.

Additionally, mobile vending operations would have to comply with all State and County public health and safety regulations, which include:

- Food Safety, Handling, and Sanitation – Vendors will need to comply with the Mendocino County Environmental Health requirements for Mobile Food Facilities which are taken directly from the California Retail Food Code.
- Commissary/Commercial Kitchen – Vendors must use a commissary or commercial kitchen where vendors can dispose of waste, clean vehicles and equipment, and ensure food safety. There are a number of commercial kitchens in town that could serve this need.

- Consistent with Environmental Health requirements, vending units must be located within 200 feet of a toilet and handwashing facility (public or private with permission) for vending employees.
- Vending must be limited to the sidewalk side of vehicle, per the Vehicle Code.

Staff has prepared a draft ordinance (Attachment 1) that addresses these issues and incorporates the direction provided by City Council.

However, there are legal limitations that would limit the City's ability to prohibit formula food trucks. The City would need to be consistent in its regulation of formula food trucks and other formula businesses. Currently, the City addresses franchise businesses only through the General Plan as follows:

Policy LU-4.1 Formula Businesses and Big Box Retail: Regulate the establishment of formula businesses and big box retail to ensure that their location, scale, and appearance do not detract from the economic vitality of established commercial businesses and are consistent with the small town, rural character of Fort Bragg.

This policy can be applied to Mobile Vending Units (MVU) and the ordinance has been revised to regulate formula food trucks with the same language as this policy. If the Council would like to prohibit formula food trucks, it would need to prohibit other formula businesses in the same zoning districts. The City of San Francisco has been successful with this approach.

CONSISTENCY:

The City's Economic Development Strategy recommends a review of City regulations in order to encourage job creation and business development. The proposed changes have been introduced and considered as part of the implementation of the Economic Development Strategy. The revised regulations would be incorporated into the Fort Bragg Municipal Code.

IMPLEMENTATION/TIMEFRAMES:

The ordinance adoption process requires a first and second reading at subsequent City Council meetings. The ordinance will go into effect 30 days after the second reading and adoption. The anticipated timeframe for completion of this process is the middle of October.

ATTACHMENTS:

1. Draft Mobile Vending Ordinance (Municipal Code, Chapter 10.20.150 & 10.20.155)

NOTIFICATION:

1. Mobile vending email notification subscriber list

City Clerk's Office Use Only

Agency Action ☐ Approved ☐ Denied ☐ Approved as Amended

Resolution No.: _____ Ordinance No.: _____

Moved by: _____ Seconded by: _____

Vote: _____

☐ Deferred/Continued to meeting of: _____

☐ Referred to: _____

