



AGENCY: City Council
MEETING DATE: 03-11-2019
DEPARTMENT: Community Dev.
PRESENTED BY: M Jones
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AGENDA ITEM SUMMARY

TITLE:

Receive Report and Community Development Committee Recommendations Regarding Proposed Changes to the Food Truck Ordinance and Consider Adopting a Resolution Establishing a Review Process and Findings for Approval of Proposed Food Truck Locations in the Central Business District

ISSUE:

Mobile vending in Fort Bragg is regulated by Fort Bragg Municipal Code Chapter 10.20, sections 10.20.150 and 10.20.155. In July through September of 2015 the City Council and Planning Commission held eight meetings where they discussed in detail and finally adopted an ordinance modifying the regulations for mobile vending units (MVU) in Fort Bragg. The Council decided to define new locations for MVU in the Central Business District through a resolution so that locations could be added or modified more easily. The 2015 resolution established two mobile vending locations in the Central Business District as follows:

Only two locations in the Central Business District meet the established criteria for a Mobile Vending vehicle (e.g. relatively visible; not likely to result in traffic visibility issues; not likely to result in removal of critical parking spaces; and likely to bring customers into downtown, rather than luring them away from downtown). The locations are the 200 block of East Alder Street adjacent to the Purity parking lot and the 400 block of North Franklin Street on the street frontage adjacent to the Fort building.

Since adoption of the Mobile Vending Ordinance and Resolution, only one food truck has opened in Fort Bragg, Tsunami Nacho, which operated at the Hospital parking lot and ceased operations in 2017.

City staff has been approached by two new food vendors who would like to operate food trucks in the Central Business District; one would like to operate in the privately owned parking lot behind the Company Store, and the other would like to operate on City Streets. The current ordinance and resolution would not allow these businesses to operate in these locations.

Additionally the State of California has recently passed SB-946 Sidewalk vendors, a new law that limits local regulatory control of sidewalk vending (see Attachment 3). Staff has included proposed changes to the ordinance that would bring the City's ordinance into compliance with state law.

ANALYSIS:

The Community Development Committee (CDC) considered the Food Truck ordinance in its entirety on February 26, 2019 and made the following recommendations:

1. Revise the 2015 resolution to allow mobile vending vehicles as follows and as illustrated in the Attachment 2 redline:
 - a. *Mobile Vending Units may be allowed within the Central Business District through Mobile Vending Unit approval, so long as the proposed location meets the following findings:*

- i. *The location(s) will not result in traffic visibility issues;*
 - ii. *The location(s) will not remove critical parking spaces;*
 - iii. *The location(s) will not interfere in the business operations of businesses located within 300 feet of the proposed location; and*
 - iv. *The location(s) will not interfere in the quiet enjoyment of residential units located within 300 feet of the proposed location(s).*
 - b. *All property owners and business owners within 300 feet of a proposed MVU location, shall be notified, in accordance with the City's Minor Use Permit process, of the application for a Mobile Vending Unit permit. These property and business owners can appeal the MVU permit to the Planning Commission for the Planning Commission's consideration if they object to the proposed location. Absent an appeal, the Community Development Director's review authority shall be final.*
2. The CDC recommends that the Mobile Vending Fee not be set by resolution, but rather that it be by Development Deposit Account (DDA) so that if an applicant wants to secure more than one location, multiple noticing can be completed for multiple locations. A DDA ensures that the applicant only pays for actual staff time processing the permit.
 3. Furthermore the CDC recommends that the maximum number of Mobile Vending Units be struck from the resolution as it seems unlikely that this will ever become an issue for the City.
 4. Finally, the CDC recommends that the Food Truck Ordinance be revised as follows (and as illustrated in the redline of Attachment 2):
 - a. Section 10.20.150(3) Number of Mobile Vending Units has been struck from the ordinance.
 - b. Section 10.20.150(5): the permit fee shall be paid through a DDA or through a fee set by the City Council through the fee ordinance.
 - c. Section 10.20.150(8Aa & 8Ba): establishes a process and findings to locate a food truck in any location in town, where it is permissible under Sections 9, 11 and 12.
 - d. Section 10.20.150(9ai), remove the designation of specific locations for food trucks in the CBD.
 - e. Section 10.20.150(9b): remove the time limitation of food truck operations or allow food trucks to operate until 2:00am on Thursday, Friday and Saturday nights.
 - f. Section 10.20.150(9c): allow generators and auxiliary equipment in the town vehicle for the food truck, so long as they don't inhibit quiet enjoyment of adjoining properties.
 5. State law necessitates the following additional changes to the ordinance with regard to Sidewalk Vending (see Attachment 3):
 - a. 20.02 Definitions Section. A definition of Sidewalk Vending was added and the definition of Mobile Vending Unit was revised to define only vehicles engaged in mobile vending. Further the generic Mobile Vending Operator has been added to refer to both types of vendors.
 - b. 10.20.150(2). Remove limitation on types of merchandise that may be sold from the sidewalk per new State Law.
 - c. 10.20.150(4). Add specific finding for Sidewalk Vending which are allowable under State Law.
 - d. 10.20.150(8Ab & 8Bb): Establishes a process and findings for sidewalk vending, where it is permissible under Sections 10, 11 and 12.

- e. 10.20.150(10): Establish new specific regulations for Sidewalk Vendors which complies with State Law. State law allows local agencies to regulate sidewalk vending only within parks, for events and in residential neighborhoods. Further State Law allows the City to review sidewalk vending with regard to ADA compatibility and general health and safety regulations.

RECOMMENDED ACTION:

1. Adopt the Resolution of the Fort Bragg City Council Establishing a Review Process and Findings for Approval of Proposed Food Truck Locations in the Central Business District; and
2. Provide direction to staff regarding the proposed changes to the Food Truck Ordinance.

ALTERNATIVE ACTION(S):

Provide further direction regarding the Food Truck Resolution.

FISCAL IMPACT:

With a DDA funded process, each applicant will pay for all City staff time associated with processing the Mobile Vending Permit. The business license would be paid directly to the Finance Department based on gross receipts.

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 June of 2019; the resolution will go into effect immediately and provide an avenue for the two operators who would like to secure permits to do so expeditiously.

ATTACHMENTS:

1. Resolution of the Fort Bragg City Council Establishing a Review Process and Findings for Approval for Proposed Mobile Vending Unit Locations In The Central Business District
2. Redline of Ordinance No. 920-2015
3. SB-946 Sidewalk vendors
4. Public Comment

NOTIFICATION:

1. Downtown Notify Me
2. Economic Development Notify Me