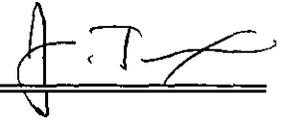


**REVISED**

OAKLAND CITY COUNCIL **ORIGINAL**

ORDINANCE No. 12314 C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_



**ORDINANCE AMENDING THE OAKLAND PLANNING CODE TO REVISE THE DEFINITION OF FAST FOOD RESTAURANT COMMERCIAL ACTIVITY IN THOSE AREAS SUBJECT TO A VEHICULAR FOOD VENDING PILOT PROGRAM ORDINANCE TO SPECIFICALLY EXCLUDE VEHICULAR FOOD VENDING AND REFERENCE THE DEFINITION IN THE MUNICIPAL CODE.**

**WHEREAS**, on 2-6-2001, the Oakland City Council adopted an ordinance to establish an eighteen-month Vehicular Food Vending Pilot Program to be generally located within the manufacturing and commercial comdors on Fruitvale Avenue and High Street between I-880 to the west and Foothill Boulevard to the east, and San Leandro Boulevard, International Boulevard, and Foothill Boulevard between 19<sup>th</sup> Avenue to the north and 98<sup>th</sup> Avenue to the south; and,

**WHEREAS**, the Vehicular Food Vending Pilot Program Ordinance is codified in the Municipal Code, Chapter 8.09, Vehicular Food Vending; and

**WHEREAS**, the Municipal Code, Chapter 8.09, Vehicular Food Vending, includes a definition of and regulations for vehicular food vending that apply to a specific geographic area, as described above and within the Municipal Code; and

**WHEREAS**, vehicular food vending is currently considered a Fast Food Restaurant Commercial Activity in the ~~Oakland~~ Planning Code, and is subject to applicable regulations; and

**WHEREAS**, the regulations for vehicular food vending contained in the Planning Code conflict with the regulations contained in the Municipal Code; and

**WHEREAS**, *the* City Council seeks implementation and enforcement of the Vehicular Food Vending Pilot Program regulations; and

**WHEREAS**, the requirements of the California Environmental Quality Act (CEQA) of 1970 are satisfied, and according to Section 15332, in-fill development projects such as vehicular food units are categorically exempt, therefore the proposed Vehicular Food Vending Pilot Program is exempt from the provisions of the California Quality Act; and,

**WHEREAS**, the City Council finds and determines that the public safety, health, convenience, comfort, property, and general welfare will be furthered by the proposed Pilot Vehicular Food Vending Program; now therefore,

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

Section 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a **part** of this Ordinance.

Section 2. Section 17.10.290 of *the* Oakland Municipal Code is amended to read as follows:

17.10.290 Fast Food Restaurant Commercial Activities.

Fast Food Restaurant Commercial Activities include the retail sale of ready-to-eat prepared foods and beverages, for on- or off-premises consumption, whenever *the* foods and beverages are available upon a short waiting time and are primarily served in or on disposable wrappers, containers, or plates. Fast Food Restaurants may also exhibit other design and operating characteristics, including: (A) a limited menu; (B) food is typically ordered and served at a service counter; (C) food is paid for prior *to consumption*; (D) *the* facility in which the activity/use is occurring provides a take-out counter space and space for customer queuing. They also include certain activities accessory to the above, as specified in Section 17.10.040.

**In those areas of the City of Oakland subject to a Vehicular Food Vending Pilot Program Ordinance, "vehicular food vending" is not considered a "Fast Food Restaurant Commercial Activity" and is defined as follows:**

**"Vehicle food vending" is the sale of ready-to-consume prepared foods from trucks. The use involves locating mobile catering trucks on private property on a semi-permanent basis during hours of operation. Vehicular food vending generally has the following characteristics:**

- **Food is ordered and served from a take-out counter that is integral to the catering truck;**
- **Food is paid for prior to consumption;**
- **Catering trucks from which the food is sold have a for customer queuing; and**
- **Foods and beverages are served in**

**Within those areas of Oakland subject to the Vehicular Food Vending Pilot Program Ordinance, and during such time that the pilot program is in effect, vehicular food vending is regulated by Chapter 8.09 of the Municipal Code. (Prior planning code § 2362)**

**Section 3.** This Ordinance shall be effective immediately upon its adoption by this City Council.

**Section 4.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance and the application shall not be affected thereby.

Introduced - 1/23/01  
IN COUNCIL, OAKLAND, CALIFORNIA, FEB - 6, 2001

**PASSED BY THE FOLLOWING VOTE:**

AYES- BRUNNER, CHANG, ~~MAY~~, NADEL, REID, SPEES, WAN, AND  
PRESIDENT DE LA FUENTE - 7

NOES- None  
ABSENT- None  
ABSTENTION- None

ATTEST:   
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

**Bold-faced redlined text** indicates revisions to the existing language