

OAKLAND CITY COUNCIL

ORDINANCE No. 12581 C.M.S.

*Mark P. Wald*

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

**AN ORDINANCE AMENDING THE OAKLAND PLANNING CODE TO REFERENCE A PERMANENT VEHICULAR FOOD VENDING PROGRAM**

**WHEREAS**, on July 24, 1990, a special session of the City Council considered a proposal to permit vending on public property on (sidewalks) at approximately thirteen (13) locations throughout the City. The council accepted the report and instructed staff to expand the proposal to include guidelines for regulating vending activities citywide on private property, specifically in commercially zoned areas; and,

**WHEREAS**, on October 29, 1991, the City Council Public Safety Committee held a special meeting to review a report presented by the City Manager's Office that proposed an amendment to the City's Municipal Code Regulations to implement controls for street vending sales activities; and,

**WHEREAS**, the Anti-Grime Task Force seeks legalization of certain types of vending and improved enforcement actions against illegal vending; and,

**WHEREAS**, Ordinance No. 12311 C.M.S. established an eighteen-month pilot vehicular vending program (program) that permitted vehicular food vending in private property in designated areas in Oakland; and

**WHEREAS**, the vehicular food vendors provide a service to the Oakland community with convenient hours of operation; and,

**WHEREAS**, vehicular food vendors further provided commercial variety and encouraged additional pedestrian traffic; and,

**WHEREAS**, in some areas vehicular food vending provided additional visual interest to established commercial activities, thereby strengthening commercial districts and/or locations; and,

**WHEREAS**, vehicular food vending provides an opportunity for individuals to be self-employed and contribute to the community; and,

**WHEREAS**, the vehicular food vendors have been licensed and paid taxes to the City thereby expanding the City's tax base; and,

**WHEREAS**, the City of Oakland supports entrepreneurial development; 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 permanent Vehicular Food Vending Program is exempt from the provisions of the California Environmental Quality Act (CEQA); and,

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

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

The Oakland Planning Code Section 17.10.290 Fast Food Restaurant Commercial Activities is amended to read as follows (additions are indicated by underlining and deletions are indicated by ~~strike-out type~~):

**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 subject to the permanent vehicular food vending ~~pilot program~~ ordinance, "vehicular food vending" is not considered a "Fast-Food Restaurant Commercial Activity" and is defined as follows:

"Vehicular 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:

1. Food is ordered and served from a take-out counter that is integral to the catering truck;
2. Food is paid for prior to consumption;
3. Catering trucks from which the food is sold typically have a take-out counter and space for customer queuing; and
4. Foods and beverages are served in disposable wrappers, plates or containers.

Within those areas of Oakland subject to the permanent 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 this code. (Ord. 12314 § 2, 2001: prior planning code § 2362)

This ordinance shall be effective upon approval by the Council of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 17 2004

**PASSED BY THE FOLLOWING VOTE:**

AYES- BRUNNER, CHANG, ~~BRUNNER~~, NADEL, ~~REID~~, QUAN, WAN, AND  
PRESIDENT DE LA FUENTE -6

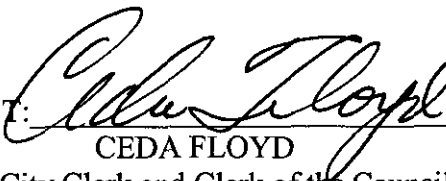
NOES- BROOKS, REID - 2

ABSENT- 0

ABSTENTION- 0

Introduction Date: FEB 3 2004

ATTEST:



CEDA FLOYD

City Clerk and Clerk of the Council  
Of the City of Oakland, California

MPW

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
2003 DEC 30 PM 2:37

**NOTICE AND DIGEST**

**AN ORDINANCE AMENDING THE OAKLAND PLANNING CODE  
TO REFERENCE A PERMANENT VEHICULAR FOOD VENDING  
PROGRAM**

This ordinance proposes to amend the Oakland Planning Code to change references to the pilot Vehicular Food Vending Program to a permanent Vehicular Food Vending program.