

CITY OF OAKLAND
AGENDA REPORT

2011 JUN -2 PM 1:35

TO: Office of the City Administrator
ATTN: P. Lamont Ewell, Interim City Administrator
FROM: Community and Economic Development Agency
DATE: June 14, 2011

RE: A Supplemental Report on Preliminary Proposals for Amending Oakland's
Mobile Food Vending Regulations

SUMMARY

On April 26, 2011, Planning staff presented a preliminary report to the CED Committee that discussed potential "Phase One" amendments to the existing regulations for Mobile Food Vending in Oakland Municipal Code (OMC) Chapter 8.09. Speakers at the meeting in support of mobile food vending generally discussed the benefits of revamping the city's existing codes, including the promotion of entrepreneurship; while those in opposition were concerned about such issues as the city's ability to enforce regulations, and the potential for competition with "brick and mortar" restaurants. After hearing public testimony, the CED Committee continued the item to its meeting of June 14, 2011, to allow for further discussion. This supplemental report is intended to discuss next steps and a revised timeline for the review of draft code amendments.

Following the CED Committee meeting, Planning staff met with members of the Oakland Restaurant Association (ORA) on April 28, 2011, to discuss their concerns regarding the current mobile food vending proposal. At the ORA meeting, a number of members discussed their concern that mobile food vendors would hurt their restaurant business. Staff responded that the intent of any change to the mobile food vending regulations would be to complement, rather than compete, with "brick and mortar" restaurants. Staff also assured the restaurant owners that the list of potential new vending areas included in the 4/26/11 CED report was intended for discussion purposes only. It was always the intent of staff to narrow the final list of potential new vending areas to those commercial districts where there is a broad range of community and business support for the proposal.

Staff has also recently met with representatives of the City's Business Improvement Districts to solicit their feedback on proposals to allow expanded mobile food vending businesses in the City. Staff is planning on meeting with existing vendors, commissary kitchens and operators/organizers of successful mobile food clusters to fine tune proposals and continue to gather input.

Staff recommends that this period of outreach continue through the summer as part of a more deliberative approach to amending the mobile food vending regulations. By this fall, staff will

Item: _____
CED Committee
June 14, 2011

more clearly be able to gauge the level of acceptance for increased food vending among various business and community interests in the community. In addition, to allow for a “proof of concept” period, staff is now proposing to re-focus the “Phase One” mobile food vending code amendments on: (i) addressing the existing mobile food vending pilot program’s enforcement and permitting problems (Vehicular Food Vending, OMC Chapter 8.09); and (ii) developing a process for the review of ‘Special Event’ mobile food vending (where duration and site management is clearly delineated, similar to the weekly “Off the Grid” events in San Francisco and elsewhere).

FISCAL IMPACT

There is no new fiscal impact as a result of this supplemental report.

REVISED PROJECT DESCRIPTION

Therefore, after consideration of all feedback to date, staff recommends that the “Phase One” mobile food vending code amendments focus on:

- (1) Addressing problems with the existing mobile food vending pilot program (Vehicular Food Vending, OMC Ch. 8.09), such as:
 - Improving the enforcement system;
 - Simplifying the permitting process; and
 - Clarifying the method for measuring the required buffering distances.
- (2) Creating a new “temporary activity permit”, in which applications for special event mobile food vending - similar to the weekly “Off the Grid” events in San Francisco and elsewhere - could be considered.

“Phase Two” changes could expand the scope of mobile food vending amendments and include:

- (1) Developing regulations for ongoing “Group Site” vending clusters, rather than just the temporary food vending events to be allowed as part of “Phase One”;
- (2) Consolidating permit issuance authority in one city department;
- (3) Creating a new Land Use Classification in the Planning Code for “Mobile Food Vending” separate from the definition of “Fast Food”;
- (4) Reviewing the current Pushcart regulations in OMC Chapter 5.49; and
- (5) Creating an ongoing program for vehicular food vending in designated public right-of-way locations.

REVISED PROJECT TIMELINE

Staff intends to return to the CED Committee in the fall of 2011 with more detailed proposals for amendments to the City’s existing mobile food vending regulations following meetings with

Item: _____
CED Committee
June 14, 2011

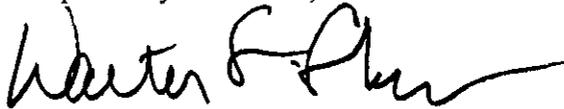
interested stakeholders during the intervening months. As mentioned earlier, Staff has preliminarily met with the Oakland Restaurant Association (ORA) and the City's Business Improvement Districts in April/May to solicit their feedback. Staff is also organizing meetings with existing vendors, commissary kitchens (such as La Placita in Oakland and La Cocina in San Francisco) and operators/organizers of successful mobile food clusters over the summer.

The additional potential for "Phase Two" code changes will require a more extensive public review process, and thus will need an additional 9-12 months to complete following Council adoption of the initial "Phase One" mobile food vending code amendments.

ACTION REQUESTED OF THE CITY COUNCIL

Staff intends to return to the CED Committee in the fall of 2011 with proposed draft text amendments to the City's mobile food regulations; the City Council may use today's discussions to provide feedback on the scope and preparation of those "Phase One" amendments. Council feedback and direction on the scope of any further changes could be considered as part of the second phase of updating the City's mobile food regulations.

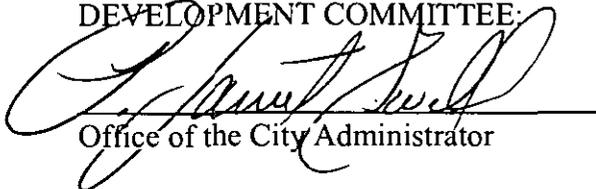
Respectfully submitted,



Walter S. Cohen, Director
Community and Economic Development Agency

Prepared by:
Edward Manasse, Planner V, Strategic Planning Division

**APPROVED AND FORWARDED TO THE
COMMUNITY AND ECONOMIC
DEVELOPMENT COMMITTEE:**



Office of the City Administrator

Item: _____
CED Committee
June 14, 2011