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2011 NOV 22 AM 10:06

6 VOTES REQUIRED FOR PASSAGE

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBERS JANE BRUNNER AND REBECCA KAPLAN

K. Jain

City Attorney

OAKLAND CITY COUNCIL
ORDINANCE NO. 13099 C.M.S.

AN ORDINANCE AMENDING THE MASTER FEE SCHEDULE (ORDINANCE NO. 13024 C.M.S. AS AMENDED) TO ESTABLISH AN INTERIM FOOD VENDING GROUP SITE APPLICATION FEE, NOTIFICATION FEE AND PERMIT FEE.

WHEREAS, when the City of Oakland's existing Vehicular Food Vending program was originally implemented in 2001, Oakland was a leader in recognizing this small business format, and creating a legal mechanism for their participation in the local economy; and

WHEREAS, in the past three years, with the changes in the economy and the growing food market, entrepreneurs have taken mobile food vending into a whole new direction; and

WHEREAS, there is greater general public acceptance and demand for mobile food vendors, and

WHEREAS, new concepts like the clustering of mobile food vendors into "Group Sites" or "Food Pods" on a single site are not covered by our existing mobile food legislation; and

WHEREAS, Planning Staff are currently working on developing the permitting and operating standards for a new citywide mobile food vending program; and

WHEREAS, there is a need for interim regulations during the period of development of a new citywide mobile food vending program to allow review of currently pending requests to establish mobile food vending "Group Sites" or "Food Pods"; and

WHEREAS, the interim regulations will apply to a limited area in the City of Oakland defined, in part, by Council Districts 1, 2, 3, and 4; and

WHEREAS, the interim regulations will remain in place and be effective only through January 1, 2013, or until the City Council adopts permanent mobile food vending regulations, whichever comes first; and

WHEREAS, the interim regulations limit the length and frequency of mobile food vending "Group Site" or "Food Pod" activities at a single site to no more than two (2) dates per week and

up to forty (40) dates in any one 12-month period; and

WHEREAS, implementation of the interim regulations would result in increased costs to the City for administration, enforcement and monitoring of the program, estimated at a cost of \$421.66 and \$200.00 per application for file processing and notification respectively; and

WHEREAS, for the reasons set forth above, the Council declares that this ordinance is necessary to establish interim regulations during the period of development of a new citywide mobile food vending program to allow review of currently pending requests to establish mobile food vending “Group Sites” or “Food Pods”, and the “Whereas” clauses above taken together constitute the City Council’s statement of the reasons constituting such necessity; now, therefore

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

Section 1. Section A. (City Administrator – Special Activities) of the Master Fee Schedule is hereby amended to add subsection A.25 Food Vending Group Site Permit which will read as follows:

A.25 Food Vending Group Site Permit

- | | |
|---------------------------|--|
| 1. Application/Processing | \$421.66/site (non-refundable application fee) |
| 2. Notification Fee | \$200.00 (to generate a list of property owners and businesses within 300 feet of proposed Group Site) |
| 3. Permit Fee | \$100/per Group Site operation date |

Section 2. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

Section 3. If any article, section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid, the offending portion shall be severed and shall not affect the validity of the remaining portions which shall remain in full force and effect.

Section 4. The controls imposed by this ordinance shall remain in place and be effective through January 1, 2013, or until the City Council adopts permanent mobile food vending regulations, whichever comes first.

Section 5. For the term of this ordinance, as set for the in Section 4 above, the provisions of this ordinance shall govern, and to the extent there is any conflict between the provisions of this ordinance and the provisions of any other City code, ordinance, resolution or policy, all such conflicting provisions shall be suspended.

Section 6. This ordinance shall be effective 30 days from the date of final passage by the City Council.

Section 7. This Ordinance is enacted pursuant to the City of Oakland's general police powers, Sections 106 of the Charter of the City of Oakland, and Article XI of the California Constitution.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 20 2011, 20

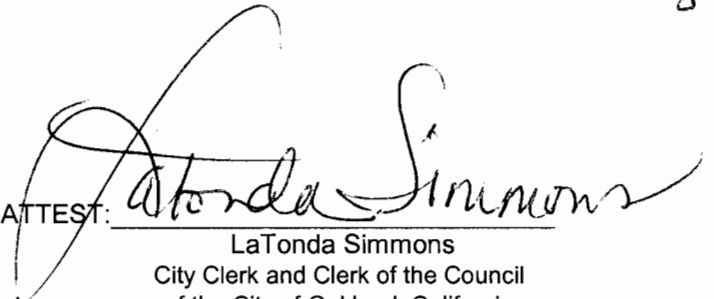
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF AND PRESIDENT REID. 8

NOES 0

ABSENT- 0

ABSTENTION- 0

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

Introduction Date **DEC 6 2011**

January 5, 2012

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NOTICE AND DIGEST

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AN ORDINANCE AMENDING THE MASTER FEE SCHEDULE (ORDINANCE NO. 13024 C.M.S. AS AMENDED) TO ESTABLISH AN INTERIM FOOD VENDING GROUP SITE PERMIT FEE.

This Ordinance proposes to amend the Master Fee Schedule to include fees for the administration and enforcement of the Interim Food Vending Group Site Pilot Program Ordinance. The following new fees would be established:

A non-refundable Application/Processing Fee	\$421.66/site
A non-refundable notification fee	\$200.00
A permit fee	\$100/per Group Site operation date

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NOTICE AND DIGEST

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AN ORDINANCE ESTABLISHING INTERIM REGULATIONS FOR THE REVIEW OF MOBILE FOOD VENDING GROUP SITES WITHIN THE LIMITED AREA OF THE CITY OF OAKLAND DEFINED, IN PART, BY COUNCIL DISTRICTS 1, 2, 3, AND 4. THE INTERIM REGULATIONS CONTAINED HEREIN SHALL REMAIN IN PLACE AND BE EFFECTIVE THROUGH JANUARY 1, 2013, OR UNTIL THE CITY COUNCIL ADOPTS NEW PERMANENT MOBILE FOOD VENDING REGULATIONS, WHICHEVER COMES FIRST.

This Ordinance proposes to establish an interim pilot permitting process creating a category under the City of Oakland's Municipal Code Chapter 5: "Business, Taxes, Permits and Regulations," for limited Mobile Food Vending "Group Site" events in specified zoning districts within Council Districts 1, 2, 3 and 4 that could be considered for adoption by the Council prior to comprehensive citywide draft regulations that Planning staff are currently in the process of developing. A "Food Vending Group Site" refers to the stationary operation of three (3) or more mobile food vendors clustered together on a single site. The proposed interim regulations are proposed to be effective through January 1, 2013 or until the City Council adopts new permanent mobile food vending regulations, whichever comes first. The proposed interim regulations would not supersede regulations pertaining to areas established by OMC Chapters 8.09 and 5.49.