

Chapter 10, Article 1, Section 10-2700, General Regulations

NEW Section 10-1.2735 (m), Food Vendor Permit.

- (1) Permit Required.
 - a. No vending of food or food products shall be permitted unless a food vendor's permit has first been obtained.
 - b. A separate food vendor's permit shall be obtained for each approved location.

- (2) Permitted Locations. Food Vendors may be located in all Industrial sub-districts subject to the permit requirements and standards set forth below. Permits for vendors in commercially zoned districts, who are operating at the date of adoption of this regulation, may be renewed pursuant to the provisions of this section. Otherwise, food vendors are not permitted.

- (3) Definitions. This section shall apply to any mobile unit (as defined below) designed or used for the vending of food or food products from a fixed or stationary location. This Section shall not apply to Catering Truck operations or similar uses as defined in subsection (b) of this section.
 - a. Approved Location - A site approved by the Planning Director from which a vendor operating from a mobile unit may sell his or her products.
 - b. Mobile Unit - Any trailer, cart, wagon, conveyance or structure not permanently fixed to a permanent foundation and which may be moved under its own power, pushed or pulled by hand, towed by a motor vehicle or carried upon or in a motor vehicle or trailer.
 - c. Vending - The business of selling or causing to be sold for cash or consideration of any of the following items: food or food products whether hot, cold, freshly prepared, or packaged, such as hot dogs, sandwiches, and burritos, to be consumed for a meal or snack. This definition includes an offer for sale. All items sold shall be capable of being consumed on site without preparation or cooking other than done by the vendor.
 - d. Vending Equipment - Tools, umbrellas, and chair for vendor only. No accessory equipment for dining at the site is permitted. Food or food products, etc., related to vending and approved by the Planning Director.
 - e. Vendor - A person who is in the business of vending or his or her employee(s).

- (4) Application.
 - a. An application for food vendor's permit to vend food products shall be submitted to the Planning Director on a form provided for such purpose, accompanied by payment of the fee set by Resolution of the City Council.
 - b. The application shall include the signature of the owner of the property upon which the applicant proposes to locate his or her mobile unit indicating the property owner's permission to use the site for the purpose set forth in the application.
 - c. In addition to the completed application, the following information shall be submitted on a form acceptable to the Planning Director:
 - i. Proposed location of a mobile unit plotted on a map drawn to a scale of \pm one-inch equals 20 feet or larger, which indicates the distance to adjacent landscaping, parking stalls, buildings driveways, signs, fences, utility poles, transformers, hydrants, etc., located within 50 feet of the location of the proposed mobile unit.
 - ii. Plans for provisions to collect and store litter and dispose of it.
 - iii. Scaled drawing or manufacturers information indicating the size of the mobile unit and vending equipment the applicant proposes to use. ~~(See paragraph (i) for scale.)~~

- iv. Location where vendor intends to park personal motor vehicle, location of customer parking spaces, and location where vendor intends to store overnight mobile unit.
 - v. Description of the nature of the business and the goods to be sold.
 - vi. Any other information deemed necessary by the Planning Director to adequately review the application, for example, photograph or rendering of mobile unit.
- (5) Standards. All applications for food vendor's permit shall comply with the following standards:
- ~~a. Only one mobile unit shall be located at each approved location.~~
 - ~~b. A food vendor's permit shall only be issued for sites that are located in Industrially zoned districts. Permits for vendors in commercially zoned districts, who are operating at the date of adoption of this regulation, may be renewed pursuant to the provisions of this section.~~
 - e.a. Approved locations for food vending shall not be located within 300 yards of any school, nor within 300 yards from another mobile unit located on the same public or private street or driveway.
 - ~~d.b.~~ A mobile unit shall not exceed the following dimensions: Six feet high, 6 feet wide, 8 feet long (ventilating duct may be 10 feet high). In addition, the Planning Director at his/her discretion may approve use of a separate detached umbrella and a (3 ft. x 3 ft. x 3 ft.) table or box and a chair for vendor's use only which do not create a safety hazard or are not aesthetically detrimental or incompatible with surrounding uses.
 - e.c. All mobile units shall be set back from the public street right-of-way or a private street or driveway. A food vendor shall not locate a mobile unit or vending equipment or merchandise offered for sale in such way as to block or impede or any way hamper pedestrian or vehicular movement or to cause a hazard to any pedestrian or vehicle.
 - f.d. Mobile units and vending equipment shall be self-supporting and shall not be attached temporarily or permanently to trees, hydrants, utility poles or transformers, or other vertical structures or benches.
 - g.e. All mobile units with ventilating equipment shall be located 10 feet away from all buildings unless otherwise approved by the Planning Director.
 - h.f. A food vendor shall not sell any food or food products between the hours of 7:00 p.m. and 7:00 a.m. if the approved location is zoned for commercial purposes unless otherwise authorized by the Planning Director.
 - i.g. No food vendor shall use, play or employ any sound, outcry, amplifier, loudspeaker, radio or any other instrument or device for the production of sound where said sound exceeds the background noise levels for adjacent uses.
 - j.h. A food vendor shall not store overnight any vending equipment or food products other than in a commissary approved by the Alameda County Department of Environmental Health Services.
 - k.i. A food vendor shall not display any signs or similar devices unless approved by the Planning Director. Signs painted on a mobile unit shall be approved by the Planning Director, and any other sign or device(s), for example, flag, pennant, balloon, may be approved at the discretion of the Planning Director if he/she finds that such sign or device does not create a safety hazard or is not aesthetically detrimental or incompatible with surrounding uses.
 - l.j. Any exterior lighting shall be approved by the Planning Director and shall not create a safety hazard and shall be shielded or deflected away from adjacent properties.
 - m.k. A food vendor shall maintain his or her approved location in a clean and hazard-free condition. The vendor shall provide at least one 30-gallon garbage container with a swing top nearby the mobile unit for public use and shall pick up all litter generated from his or her operation within a radius of 100 feet of the approved location. A vendor shall empty the

garbage container(s) daily, or more often if necessary; disposal of garbage or trash into public trash containers is prohibited.

~~n.l.~~ The food vendor at all times shall be in compliance with all regulations of the Health Officer of Alameda County regarding operation of this use and all other applicable rules and regulations.

~~e.m.~~ Location of a mobile unit and vending equipment shall not reduce the number of parking spaces below which are required for the permitted primary or conditional use.

(6) Permit Issuance.

- a. A food vendor's permit shall be issued if the applicant satisfies the above standards and the Planning Director finds, ~~based upon the written responses to Community Planning and Economic Development referrals that are made by the Chief of Police, Health Officer of Alameda County, Public Works Director, the Finance Director, or their designees,~~ that said application complies with all pertinent regulations administered by these officials.
- b. A food vendor's permit is not transferable and shall be valid for one year from the date of issuance. The Planning Director shall renew said permit for additional periods of one year upon payment of 50 percent of the fee for a new permit if the Planning Director determines that the applicant is then in compliance with all conditions of his or her permit. Applications for renewal must be submitted 30 days prior to expiration of the current permit to qualify for renewal under the provisions of this Section.

(7) Permit Revocation.

- a. A food vendor's permit shall be subject to revocation if the conditions of the permit or the regulations set forth or incorporated herein are violated.
- b. Before taking any action to revoke a permit, the Planning Director shall give notice to the permittee in writing of the proposed revocation, the reasons therefor, and the time and place the permittee will be given an opportunity to show cause to the Planning Director why the permit should not be revoked. The written notice may be served personally upon the permittee or mailed to the permittee at the address shown on the application at least 10 days prior to the date of the hearing. Upon conclusion of the hearing, the Planning Director may revoke the permit upon finding non-compliance with the conditions of the permit or the regulations herein.
- c. The Planning Director's decision revoking a permit may be appealed in writing to the Planning Commission stating the reasons why the Planning Director's decision was incorrect. The Planning Commission shall schedule a hearing within 30 days of said appeal, and its decision shall be final. Said appeals shall be filed in the Planning Division.