Mobile Food Vendor Ordinance
Prepared for the City of Clovis, CA
by
Thomas Kobayashi

Senior Project
City and Regional Planning Department
California Polytechnic State University
San Luis Obispo
2016
Approval Page

TITLE: Mobile Food Vendor Ordinance Prepared for the City of Clovis, CA

AUTHOR: Thomas Kobayashi

DATE SUBMITTED: June 6th, 2016

Chris Clark
Senior Project Advisor

Hemalata C. Dandekar
Department Head

Signature
Approval Page with Grade

TITLE: Mobile Food Vendor Ordinance Prepared for the City of Clovis, CA

AUTHOR: Thomas Kobayashi

DATE SUBMITTED: June 6th, 2016

Grade:______________

Chris Clark  
Senior Project Advisor  

________________________________________________________
Signature

Hemalata C. Dandekar  
Department Head  

________________________________________________________
Signature
Table of Contents

Chapter 1: Introduction
  1.1: State Standards
  1.2: City of Clovis

Chapter 2: Case Studies
  2.1: Comprehensive Ordinances and Plans
    2.1.1: City of Los Angeles
    2.1.2: City of San Francisco
  2.2: Ordinances and Plans close to Clovis
    2.2.1: City of Chico
    2.2.2: City of San Mateo
    2.2.3: City of Fresno

Chapter 3: Best Practices

Chapter 4: Correspondence with the City of Clovis

Chapter 5: Mobile Food Vendor Ordinance
  5.1: Mobile Food Vendor Ordinance prepared for the City Council of Clovis
  5.2: Mock Staff Report for Mobile Food Vendor Ordinance

Chapter 6: Conclusion
1. Introduction

Over the past few years a renaissance has occurred in the American food industry. This resurgence is the mobile food vendor or food truck industry. Due to its rapid growth throughout much of the country, governments are writing and implementing ordinances addressing mobile food vendors. This report will focus on analyzing different cities across California on their effectiveness at addressing food trucks while also creating a comprehensive ordinance for the City of Clovis.

Currently in the County of Fresno, there are two types classifications of food vehicles, a mobile food facility, and mobile food preparation unit (County of Fresno Health Department, 2016). The mobile food facility is more of a drawn cart where it serves already prepared food (hot dog carts, popcorn carts, etc). A mobile food preparation unit is the more commonly known food truck, where prepared food (sliced, diced, cut, etc.) is cooked and then sold to customers. Another term I would like to identify is the commissary. The commissary is an established commercial kitchen for mobile food facilities to prepare and store food. In California,
commissaries are necessary for the parking and cleaning of food trucks. Figure 1 and 2 give a picture representation of a mobile food facility and a mobile food preparation unit.

The food truck industry has grown and grown due to its relative cheapness to start up and its solid fan base. Major opponents of mobile food vendors in a city are brick and mortar restaurants. They see food trucks as being competition that is low risk, high reward and that it is not fair to them due to the high costs of operating a restaurant and their ability to be mobile. Another argument against food trucks is the cost of permits and operation of the trucks compared to the permits and taxes that a restaurant has to pay. I hope to address the arguments and solve them in the ordinance themselves so we can have a smooth cooperation between the two groups.

1.1 State Standards

In sector seven, chapter ten of the California Retail Food Code there are sets of standards that mobile food vendors must comply with to make sure the food they are serving is safe to the public. California has the strictest health standards on mobile food vendors to date. Some health codes pertain to the use of a commissary and the parking of the food trucks at commissaries when the trucks are not in use. Mobile food facilities will need to be maintained, cleaned, and have its food prepared daily. All these duties must be performed at the commissary or at an approved facility (California Department of Public Health, 2016). Also, due to these strict standards, many food vendors must make sure that their facility (food truck)
meets engineering standards because if those standards are not met, then the enforcing agency have the ability to deny the applicant the health permit needed to operate. Another constraint that comes from the state is the maximum distance a mobile food facility needs to be for restrooms (California Retail Food Code, 2016). Vending in California is significantly difficult due to these rules and standards that are in place.

1.2 The City of Clovis

The City of Clovis has a population of 102,189 as of 2014 (U.S. Census, 2015) and will continue to grow. Nestled right next to the city of Fresno; Clovis shows many promising signs of economic opportunity. Their downtown area, called Old Town Clovis, is a central part of the city with many big shopping areas pocketed around the area. Clovis prides itself on it educational system and its family-friendly community. Another attraction to Clovis is its citywide network of bike trails. Bordering Clovis to the west is the City of Fresno. If Clovis were to adopt the ordinance and allow mobile food vendors to operate within the city, then Clovis will have another source of revenue. Through the use of existing fees and applications, the city can cut down on start-up fees for the mobile food vendor ordinance. For example, if instead of creating a new application and fee for that application, the city can utilize the various use permits to allow food vendors within the city. An Administrative Use Permit (AUP) could be used to allow vendors to conduct business within the city, which can use its one time application fee to allow operation in the city indefinitely. Another type of permit that can be used is the
Temporary Use Permit (TUP), which allows the use of an area temporarily; this type of permit can be utilized for private events that want to invite groups of vendors to vend for their occasion. The AUP costs around $875 and the TUP costs $200 (City of Clovis 2015). Table 1 is a hypothetical table used to show the type of revenue that can be generated from mobile food vendors applying to operate within the city or at private events.

**TABLE 1: Permit costs and the number of Vendors/Events**

<table>
<thead>
<tr>
<th>Type of Permit</th>
<th>Price of Permit</th>
<th># of Food Trucks/Events</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>AUP</td>
<td>$875</td>
<td>5</td>
<td>$4,375</td>
</tr>
<tr>
<td>TUP</td>
<td>$200</td>
<td>10</td>
<td>$2,000</td>
</tr>
</tbody>
</table>

The table shows that Clovis is able to generate an extra $4,375 through the Administrative Use Permit process and the revenue can be used for improvements throughout the city. As for the Temporary Use Permits, if there are around ten events held annually, Clovis can see an extra $2,000 being generated. This table does not even take into account the business permits that applicants will need to apply for to conduct business within the city.

2. Case Studies

Mobile Food Vendors have become a popular food culture in urban areas, especially in California’s where those cities saw a huge influx of new food trucks popping up all over. Two major cities that were able to create a comprehensive ordinance for them were the city of Los Angeles and the city of San Francisco. These
two cities have introduced ordinances that integrated mobile food vendors into the city and appeased the stakeholders. Once Los Angeles and San Francisco have been fully analyzed, three smaller cities have been chosen that resemble the city of Clovis. Those cities are Chico, Berkeley and Fresno.

2.1.1 City of Los Angeles

Because the city of Los Angeles is so massive, much of its mobile food vendor information and application process is done through the County. The city of Los Angeles contains multiple regulations and proximity restrictions to coordinate the operation of food vendors in the city. Some regulations pertain to the use of trash receptacles and to collect trash generated from the operation after they are finished vending (LAMC, 2016). The city of Los Angeles has detailed proximity restrictions. For example, vendors are not allowed to operate within 100 ft. of an intersection (LAMC, 2016). Another proximity restriction is 200 ft. away from parks, certain named streets, and any roadways for on-ramps and off-ramps (LAMC, 2016). Los Angeles also has a school clearance, which has seen implementation nationwide. One of Los Angeles’ more stringent rulings are their time restrictions. It is said in the municipal code that if a vendor stopped to sell in a residential zoned area, they have a maximum time of 30 minutes in that spot. Once the allotted amount of time is up the vendor must move at least half a mile away from their current location. Commercial zoning has the same kind of restrictions, but vending in a commercial zone entitles the vendor to one hour of operating instead of the 30 minutes.
2.1.2 City of San Francisco

The City of San Francisco has entrusted most of the mobile food vendors permit process to their public works department. Their ordinance addressing the regulation of mobile food vendors was adopted on December 10, 2010 (San Francisco Department of Public Works, 2015). Figure 3 depicts the process of applying and registering a mobile food vendor for operation in the city.

![Diagram depicting the application process for a Mobile Food Facility to operate in the city (Source: San Francisco Department of Public Works)](image)

This process is for the city and still must go through the county or city health department so that all state and county health standards are met with the mobile food facility. The permit process for San Francisco is that the applicant applies for a location or multiple locations and then goes through a public notification process. If there are any objections from the public then it will go through a public hearing.
process. Once that is finished it will do to the director for approval or denial depending on the arguments present. The application then is completed and the permit is approved and the food truck is ready to go. San Francisco also has a mandated minimum distance away from certain things including a 75 ft. clearance from existing restaurant entrance, an eight ft. clearance from bus zones, and a seven ft. clearance from fire hydrants (San Francisco Public Works, 2015). Another interesting policy coming from San Francisco's ordinance is the “Good Neighbor Policies”. These policies are a sort of honor system implemented within the ordinance to make sure that the mobile food facility is held accountable to any nuisances that might arise from operations of a food truck. Things like trash, noise, and smell are to be contained within the vicinity of the facility to be respectful to the neighborhoods.

2.2 Demographically Similar Cities

For this section of the case, we will be taking a look at three cities, which implement unique strategies and plans allowing the operation of mobile food vendors. The three cities I chose were Chico, Berkeley and Fresno. Chico and Berkeley were chosen due to their population sizes being similar to Clovis, but each city has taken very different strategies to allow vendors to operate within their city. Fresno has been chosen due to its proximity to Clovis. Being that Fresno neighbors Clovis and both share borders, it would negatively impact the report if it were not analyzed.
2.2.1 City of Chico

The city of Chico is located north of Sacramento in Butte County. The population of Chico is 92,464 (City of Chico, 2016) and is a small city that prides itself on its historic and small town feel. One of the reasons why I chose this city was because of how similar it is in its small town feel, geographic area, and population size. The city of Chico, California, recently went through the process of adopting an ordinance to allow mobile food facilities to operate in their city. The city of Chico has taken a unique way of approaching time restrictions within city limits. There are two areas within Chico that have time restrictions. These two areas are the Central Business District (CBD) and outside of the Central Business District. If a vendor were to vend within the CBD then they are to follow two time restrictions. These time restrictions are if a vendor is selling within the CBD from sidewalks and city streets then the vendor has a 6AM to 2:30AM time restrictions. If vending in a public parking lot located in the CBD then a vendor has a time block of 10PM to 2:30AM (City of Chico, 2016). If operating outside of the CBD then a vendor is able to operate on sidewalks and city streets from 7AM to 9PM. Table 2 depicts the different timetables a vendor has while operating within the City of Chico.

Table 2: Timetable for areas in the City of Chico

<table>
<thead>
<tr>
<th>Type of Location</th>
<th>Central Business District</th>
<th>Outside Central Business District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidewalks and Streets</td>
<td>6AM to 2:30AM</td>
<td>7AM to 9PM</td>
</tr>
<tr>
<td>Public Parking Lots</td>
<td>10PM to 2:30AM</td>
<td>N/A</td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------</td>
<td>-----</td>
</tr>
</tbody>
</table>

Chico’s mobile food vendor ordinance also contains “good neighbor” policies. For example, they have requirements for the provision of trash receptacles and any waste generated from the operation (consumer or employee) must be collected and properly disposed of.

### 2.2.2 City of Berkeley

The city of Berkeley is an urban city with a population of 112,580. The reason why Berkeley was chosen as a case study was to take a look at a stricter side of mobile food facility programs. The city of Berkeley only allows food vending in commercial zones along three streets. Figure 4 shows the zoning map for Berkeley with the map being zoomed in on the three streets that vendors are able to operate on. The streets are Bancroft, College and Telegraph. For the application process, all applications are sent to the City Manager and all applications will be reviewed in September (City of Berkeley, 2016). Mobile food vendors during the application process are then assessed by the City Manager based on areas like merit, business plans, financial reports, and their menu. If the applicant is approved, their license is good for one year. Once the license expires, the applicant can apply for a renewal. The renewal lasts a year and applicants are only able to apply for renewals up to four years (City of Berkeley, 2016). Once a vendor finishes its fourth year of license renewal, the vendor must apply for a new mobile food vendor license with the city again. Another interesting section is the allocation of sites for vendors. At the sole
discretion of the City Manager, he/she is able to allocate sites for vendors in commercial zoned districts (City of Berkeley, 2016). This means that the City Manager is in control of all details regarding mobile food vendors. Once the licensed vendors have been approved by the City Manager, they are then assigned a site. The City of Berkeley also implements an overarching time period of vending. A food vendor is able to operate and sell between the hours of 7AM and 12AM (City of Berkeley, 2016). Berkeley also has “good neighbor” policies, which are regulations so as not to be a nuisance to the surrounding community.
2.2.3 City of Fresno

Since the city of Clovis is within the County of Fresno it would be wise to take into account some rules and regulations that Fresno (city and county) follow. With a population of 520,159 the City of Fresno has as interesting take on mobile food vendors. The county requires a mobile food vendor license along with health
department licensing (County of Fresno Health Department, 2016). Like other cities, the use of a commissary for parking and preparing food before they are cooked and sold is required in Fresno. For mobile food facilities to park and operate within the city of Fresno they must follow zoning laws that the city has in place. Fresno will not let mobile vendors stay in a location if they do not have customers. Some places that do not have zoning restrictions include community events and city parks, but for parks, you will need authorization from the governing body. The city of Fresno also has an interesting time restriction for food trucks. The ordinance states that a mobile food vendor may stop, stand, or park on a city street for the posted amount of time or for one hour; whichever is less (City of Fresno, 2016). In my opinion, the time restriction puts too much of a strain on mobile vendors and requires them to be on the move to often to grow their fan-base. Another restriction that Fresno has is their proximity restriction on schools. The ordinance states that no vendor is aloud within 1,000 ft. of a public or private school that educated students aged 18 years or younger between the hours of 7 AM and 7 PM when school is in session (City of Fresno, 2016). Although the 1,000 ft. restriction is too high in my opinion, having a restriction on schools ease the mind of parents and school faculty of having to worry about food trucks vending near a school and attracting unwanted attention.

3. Best Practices

In this chapter I would like to discuss best practices from the case studies and a report done by The National League of Cities (NLC) that showcase various
methods of food truck ordinances. The National League of Cities came out with a report called *Food on Wheels: Mobile Vending Goes Mainstream*, which investigated 13 cities and their mobile food vendor ordinances. The 13 cities investigated are all bigger than Clovis, but in analyzing best practices from other urban areas would benefit the effectiveness of the report and ordinance.

San Francisco has a comprehensive vendor application process, which would be suitable for Clovis to implement due to allowing the public a chance to voice their opinions, but still leave the application acceptance up to the governing body. The city of Clovis also strives to keep the public involved with the continuing development of the city, so keeping them in the loop as much as possible will be beneficial to create a successful ordinance. In my research, many cities have had problems in creating a system that appeases both sides. The NLC report stated that being transparent with stakeholders; both brick and mortar stores and mobile food vendors eased the transition of their respective programs. This also in hand created a more friendly and competitive environment for the community. With a comprehensive application process that allows time for the community to voice concerns and know about future plans of the ordinance will become the foundation for the acceptance of mobile food vendors in Clovis.

After looking at the different case studies and the recommendations from the NLC report, allowing vendors to operate at three to four hour blocks would be the best course of action. It will be up to the vendor to decide at what times and where they will be vending due to the application process, but having a three to four hour standard helps the city maintain some control on the matter. Because of the system
that is being recommended where during the application process the applicant will tell staff when and where they want to vend, having an overarching time-frame, for example 6AM to 9PM would be counter productive. The exception for an elongated time frame would be if there were a group of mobile food vendors vending in the same area. If that were the case, then allowing a simple time frame for the group would be easier for the vendors to follow compared to each individual vendor having to move after three or four hours of vending. The question then becomes, how do we know if there is a group of trucks willing to sell in the same area? To achieve that, they can amend their Mobile Vendor License application and their Administrative Use Permit and organize themselves so as to all be considered as an organized group.

One of the most hotly debated arguments from mobile food vendors is proximity and clearance issues. Proximity and clearance restrictions in this context mean that a vendor is restricted from being a certain distance away from a type of building, with the certain building usually being restaurants. Some cities have strict proximity restrictions, while some have none. San Francisco currently has a 75 ft. clearance from restaurants (City of San Francisco, 2015) while Los Angeles does not have any restrictions. New Orleans has a 600 ft. proximity restriction from restaurants while Durham has a 50 ft. restriction. The city of Chico has their ordinance in place where certain zones mean different times of operation, but there are no proximity restrictions. In New York City, the restrictions have gotten so confusing and jumbled that many food truck owners have left the business due to the city’s puzzling rules (Davidson, 2013). The types of restriction vary throughout
the United States. These types of restrictions are not universal and will only be solved with the cooperation of stakeholders which makes meeting with stakeholders and the public that much more important. The NLC report recommended 150 to 200 ft. of clearance to protect restaurants while also giving mobile food vendors a chance to vend near areas of traffic. To ease stakeholders into the transition, it is imperative that voices are heard and that everyone gets a fair chance to compete in the market.

Mobile food vendors in California must follow some of the strictest health standards in the country. Among those standards include the requirement of being within a maximum of 200 ft. from a restroom that has hot water and of the use of a commissary for any mobile food vendor wishing to operate. Applications from Fresno County and Butte County ask to know when you obtain and store potable water (if applicable) and then also ask where you dispose used water and trash accumulated from vending. Because of its central role in this business, commissaries are needed to allow the food truck industry to flourish within a city. At the commissary, a food truck is able to obtain and dispose its water supply, while also preparing the food needed to vend for the day. With the city of Fresno already having numerous commissaries and food trucks, it is important to encourage cooperation between the two cities. The city of Clovis needs to emphasize the importance of commissaries and the cleanliness of the vendors. That being said, having daily inspections of commissaries and mobile food vendors upkeeps the high health standards that California has put in place.
Another argument that arises from allowing food trucks to operate within a city is if it’s safe or dangerous for the public. As stated above, California has some of the strictest health standards for mobile vendors, but those health standards don’t account for the physical well being of citizens and the community. For a pedestrian, bicyclist, or driver, is it safe for them to be traveling near them? Is it dangerous for them to be vending near schools? Some of these arguments arise out of fear that the vendor will indirectly cause harm to them. For instance, will vending near a school increase the likelihood of traffic-related incidents, or will it increase the chance of bringing harm to the children? In the NLC report five of the thirteen cities have restrictions on vending near schools. Los Angeles for instance has a restriction on food trucks from operating within 500 ft. from any school. The city of Fresno also has a provision in their ordinance, which prohibits vendors from vending within 1,000 ft. of a school for ages eighteen and below while school is in session. Safety for the public in general is of upmost importance to the city. Many cities including Los Angeles, San Francisco, and Fresno all have provisions to address safety to pedestrians and motorists. Much of these provisions pertain to keeping sightlines clear for drivers and keeping pedestrians on the sidewalk while mobile food vendors are selling.

4. Correspondence with the City of Clovis

Before the draft ordinance was finalized for this report, I held a teleconference between the City of Clovis planning staff and myself. In this meeting, we discussed different points of interest with regards to the ordinance. A key take
away from our discussion was the application process. Instead of creating a whole new process that will require new fees and procedures, it would be easier to integrate the application process with current methods to ease the transition of the ordinance into city function. Staff suggested that using the Administrative Use Permit for individual food vendors and using a Temporary Use Permit for private events that want to utilize food trucks would provide a familiar application process for its citizens and ease the burden on city staff. The meeting also set out to address all the permits that the applicant will need to obtain before being allowed to operate within city limits. The main permits that will be needed to operate within Clovis will be: City of Clovis Business Permit, Administrative Use Permit (AUP) or Temporary Use Permit (TUP) depending on the situation, County of Fresno Health Permit and City of Clovis Mobile Food Vendor Permit. The AUP and Mobile Food Vendor Permit will be applied for simultaneously. All rules and regulations that food trucks will abide by will be spelled out in the ordinance itself. City staff also proposed that food truck violations would be handled through the code enforcement division and employ administrative citations as needed. The staff also expressed to me that they intend to start pilot programs for a city commissary and mobile food vendors.

5. Mobile Food Vendor Ordinance, City of Clovis

This chapter will state the ordinance and also have a mock staff report done to show what the ordinance will look like in a professional format. The City of Clovis Planning and Development staff was gracious enough to let me use their templates to have the opportunity to create the ordinance for a professional audience. The
ordinance will go on to state the rules, regulations and standards for the application and operation of food vendors within the city. The mock staff report is done to provide background information and analysis information and present all that to the governing body, in this case, it is the City Council.
5.1. Ordinance 16-__ for the City of Clovis

ORDINANCE 16-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS ALLOWING
THE OPERATION AND REGULATION OF MOBILE FOOD VENDORS WITHIN
THE CITY LIMITS

WHEREAS, The City of Clovis, 1033 Fifth Street, Clovis, CA, has applied for
approval of Ordinance 16-__; and

WHEREAS, this is a request to provide rules and regulations with regard to
the operation of mobile food vendors within city limits. Through the use of an
approved Administrative Use Permit for individual applicants and Temporary Use
Permits for private events that want to utilize food vendors and provide definitions
pertaining to Mobile Food Vendors; and

WHEREAS, the Planning Commission held a noticed Public Hearing on
(Insert Date), to consider this Ordinance, at which time interested persons were
given opportunity to comment on the Project; and

WHEREAS, the Planning Commission recommended that the Council
approve Ordinance 16-__; and
WHEREAS, the Planning Commission’s recommendations were forwarded to the City Council for consideration; and

WHEREAS, the City published Notice of a City Council Public Hearing for (Insert Date) to consider Ordinance 16-___. The notice was published in The Business Journal; and

WHEREAS, the City Council held a noticed public hearing on (Insert Date), to consider the approval of Ordinance 16-___; and

WHEREAS, on (Insert Date), the City Council considered testimony and information received at the public hearing and the oral and written reports from City staff, as well as other documents contained in the record of proceedings relating to Ordinance 16-___, which are maintained at the offices of the City of Clovis Planning and Development Services Department; and

WHEREAS, the City Council has evaluated and considered all comments, written and oral, received from persons who reviewed Ordinance 16-___, or otherwise commented on the Ordinance; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLOVIS DOES ORDAIN AS FOLLOWS:
SECTION 1: FINDINGS. The Council finds as follows:

1. That the recitals set forth herein are true and correct.

2. General Plan Consistency Finding. That the Ordinance Amendment is consistent with the General Plan of the City of Clovis.

3. Zoning Ordinance Consistency Finding. That the Ordinance Amendment is in keeping with the intent and purpose of the Zoning Ordinance and is compatible with surrounding properties.

SECTION 2: ORDINANCE.

DEFINITIONS:

Mobile Food Vendor: Any vehicle, wagon, or pushcart that is self-propelled or can be pushed/pulled and where food is displayed and/or prepared for the purpose of selling to a consumer.

Commissary: A facility that has been approved by the local health department to be able to safely prepare food, sanitize cooking equipment, and dispose of generated waste produced during operation. The Commissary is also mandated by the state to have mobile food vendors store their truck or cart at the commissary when not in use.

Rules and Regulations

A. All mobile food vendors shall comply with California state health standards including vehicle and sanitation standards.

B. The applicant must comply with Fresno County Mobile Food Vendor applications before applying for to operate in the City of Clovis.

C. The City of Clovis will require two permits to operate within city limits.
a. City of Clovis business permit

b. City of Clovis Mobile Food Vendor Permit

c. Administrative Use Permit

d. Temporary Use Permit for private events

D. The Mobile Food Vendor must display Fresno County Health Department permits and City of Clovis permits.

E. The use of an approved Commissary is necessary and information on applicants use will be provided in the City of Clovis Mobile Food Vendor Permit.

F. The Mobile Food Vendor will also provide hours and locations of vending to the city for approval.

G. If the Mobile Food Vendor would like to operate on private property, they must show proof of permission from the property owner.

Operation Rules and Regulations

A. Mobile Food Vendors may conduct business only in approved areas

B. If at one location for more than one hour, the Mobile Food Vendor must show proof of use of a restroom within a maximum of 200 ft., if from a business, then proof of permission is needed.

C. Trash containers will be supplied by the Mobile Food Vendors to accommodate trash generated from vendor and customers. The trash generated from the operation will be collected and deposited off-site.

D. Mobile Food Vendors shall not provide or allow seating/dining areas, including, but not limited to tables, booths, or benches unless a proposal
for such seating arrangements are submitted and approved through the application process.

E. Mobile Food Vendors shall not impede access to the entrance or driveway of a building.

F. Mobile Food Vendors shall not obstruct the sight of drivers so as to create dangerous situations.

G. Mobile Food Vendors are prohibited from the use of PA systems, bells, or music.

H. Vendors are prohibited from the use of any type of temporary signage to advertise their business at either their location of operation or out in the city.

I. Mobile Food Vendors operating on private property or at organized events must have proof of permission from property owner or organizer.

Administration

A. The Planning department will be in charge of processing applications and plan checks.

B. City of Clovis Business Permits will be dealt with through City of Clovis Finance Department.

C. Any complaints or enforcement issues will be dealt with through the City of Clovis Code Enforcement Division and Clovis Police.

Enforcement
A. If Mobile Food Vendor fails to obtain or display any licensure or permits needed to operate within city limits, the vendor can be asked to cease and desist until all missing licenses/permits are obtained.

B. If the Mobile Food Vendor does any actions that are expressly prohibited in this ordinance, can provide the basis of revocation of permits and licensures.

C. Any issues or public concerns regarding Mobile Food Vendors can be discussed and answered by planning staff and/or code enforcement staff.

SECTION 3  This Ordinance shall go into effect and be in full force from and after thirty (30) days after its final passage and adoption.
5.2. Mock Staff Report for the City of Clovis

- CITY OF CLOVIS -
REPORT TO THE CITY COUNCIL

TO: Mayor and City Council
FROM: Planning and Development Services
DATE: (Insert Date)
SUBJECT: Consider Introduction Ord. 16-___, A request to provide rules and regulations with regard to the operation of mobile food vendors within city limits. Through the use of an approved Administrative Use Permit for individual applicants and Temporary Use Permits for private events that want to utilize food vendors and provide definitions pertaining to Mobile Food Vendors

CONFLICT OF INTEREST

None
RECOMMENDATION

The Planning Commission and staff recommend that the City Council approve Ordinance 16-___. The City of Clovis is requesting to approve a comprehensive plan that will permit mobile food vendors to operate within city limits. Approval of this Ordinance would establish rules and regulations that would permit food vendors to sell within the City of Clovis.

BACKGROUND

The Clovis Municipal Code (CMC), does not provide standards for the permitting of mobile food vendors within the city. Although mobile food vendors are an old concept in cities, the resurgence of food trucks across California calls for an in-depth look at ways to welcome and regulate this industry into Clovis.

Currently there is no specific definition of mobile food vendors or commissaries in the CMC. Because there is no specific language towards the aforementioned terms the city has no way or regulating mobile food vendors and if they are vending within Clovis, are they upholding state, county and local health standards?

PROPOSAL AND ANALYSIS

Staff requests to adopt Ordinance 16-__ to create standards and regulations to allow mobile food vendors to legally operate within the City of Clovis. Vendors wishing to operate within the city must apply for a City of Clovis Business Permit, an Administrative Use Permit and finish a Mobile Food Vendor application to be
allowed to operate within the city. A County of Fresno Health Department Permit will be needed prior to applying for the aforesaid permits.

All food facilities including commissaries, mobile food facilities, and mobile food preparation units will be subject to all laws, standards and policies regarding the California Retail Food Code and Fresno County Health Department regulations. The state and county mandate that all mobile food facilities utilize commissaries and that all facilities (trucks, wagons, etc.) follow California state regulations.

Permits

The current CMC does not specifically address mobile food vendors. Food trucks and food carts are currently not allowed to operate within the city. In collaboration with the Police and Economic Development Departments, it was determined that employing an Administrative Use Permit along with a Mobile Food Vendor permit to address the state and city needs. For events that want to invite food trucks the Temporary Use Permit process will be used so as to keep the type of operation separate from daily use that is addressed in the Administrative Use Permit.

The Administrative Use Permit is a public hearing review process much like a Conditional Use Permit but has a lower submittal fee and the processing time is greatly reduced. The Administrative Use Permit also provides for the inclusion of
conditions of approval as well as the ability for a one year review to confirm compliance.

The Temporary Use Permit is a use permit that is used to address short-term activities or events. There is no need for a public hearing and is accepted or denied upon Directorial approval. A Temporary Use Permit is a low cost permit that for this ordinance will report on the use of a permitted mobile food vendor.

The Mobile Food Vendor Permit will be applied for together with the Administrative Use Permit. This permit will have the applicant fill out details on what commissary they will be using, the location and times of their operations, vehicle registrations, and restroom requirements. Each section will need to be fully completed before an issuance of an AUP and the Mobile Food Vendor Permit.

_Hours of Operation and Location_

The hours of operation and the location for a mobile food vendor will be laid out in the Mobile Food Vender Permit and AUP. Because Clovis has a diverse range of areas a more controlled approach is being used to regulate food vendors wanting to operate within Clovis. As a rule of thumb, most vendors will be allowed to operate for a maximum of four hours in the same spot. Exceptions will be addressed during the public hearing process mandated by the AUP. Locations will be determined on proximity to different areas like schools. Case studies from around the country
illustrate the varied ranges of proximity restrictions for brick and mortar restaurants. As for now the AUP process will address proximity restrictions on a case to case basis.

**Consistency with the General Plan**

**Goal 1: Regionally and globally competitive office and industrial employment centers that deliver desirable career opportunities for residents, create wealth-building opportunities for entrepreneurs, and attract private investment.**

**Policy 1.1 Economic development objectives.** Invest in economic development to:

1) attract jobs suited for the skills and education of current and future City residents; 2) work with regional partners to provide opportunities for the labor force to improve its skills and education; and 3) attract businesses that increase Clovis’ stake and participation in growing sectors of the regional and global economy.

**Policy 1.3 Two-way communication.** Continuously improve two-way communication with the Clovis business community and emphasize customer service to existing businesses as part of our competitive advantage.

**Policy 1.4 Regional clusters.** Attract new and expanding businesses to increase Clovis’ share of growing sectors of the regional and global economy.
Policy 1.6 **Retail as an attractor.** Encourage a mix of retail goods, dining, entertainment, and retail services that provide a full continuum of goods and services in order to support efforts to attract new office and industrial employers.

**Goal 2: A thriving local economy enriched by its connections and linkages to regional assets and to the national and global communication and transportation networks.**

Policy 2.5 **Fresno State University.** Maintain and enhance direct relationships with Fresno State University; build on relationships with and proximity to the university to support existing businesses and attract new business to Clovis.

**Goal 3 Distinctive commercial destinations, corridors, and centers that provide a wide variety of unique shopping, dining, and entertainment opportunities for residents and visitors.**

Policy 3.1 **Quality of life.** Promote retail development with the primary objective of improving the quality of life by providing a full range of goods and services in Clovis.

Policy 3.2 **Convenience goods and services.** Encourage businesses providing convenience goods and services to locate in retail centers in neighborhoods and communities throughout the city.

The proposal to add to the Municipal Code will capitalize on a new service trend by providing new food industry opportunities within Clovis and provide a unique experience throughout Clovis.
FISCAL IMPACT

The resurgent mobile food vendor trend will have a small fiscal impact on the city. With the addition of a new use for existing permits, the city will see a small short term increase in terms of revenue.

REASONS FOR RECOMMENDATION

The proposed Ordinance is consistent with the Goals of the General Plan in providing unique services to the community and accommodating a diverse range of opportunities for the food scene in the City of Clovis. Planning Commission and staff therefore recommends approval of Ordinance 16-___.

ACTIONS FOLLOWING APPROVAL

The second reading of this Ordinance will be heard by the City Council at its next regular meeting and if approved, will go into effect 30 days from its passage and adoption.
6. Conclusion

The new food truck market continues to grow. With Fresno County having the framework done to allow food trucks to operate, Clovis has the opportunity to tap into this market and improve upon the system to be the newest city to embrace food trucks. With many cities being successful in adding food trucks to their city and some cities not being so successful, the city of Clovis has the perfect opportunity to customize their plan and learn from others mistakes. Through the numerous case studies, reports, and actual ordinances, I believe that what I have presented is a strong step in the right direction for Clovis. There will be many trials and errors along the way and every system isn’t perfect, but with the proposed ordinance, Clovis is able to regulate food trucks, but embrace the uniqueness of mobile food vendors and let them flourish in the city.
Cited Work

California Department of Public Health (January 2016), California Retail Food Code, retrieved on March 27, 2016 from:

https://www.cdph.ca.gov/services/Documents/fdbRFC.pdf


City of Berkeley (February 2016), City of Berkeley Zoning Map, retrieved on May 12, 2016 from: http://www.ci.berkeley.ca.us/uploadedFiles/IT/Level_3_-_General/Zoning%20Map%2036x36%20050120.pdf

City of Chico (February 2016), City of Chico Municipal Code, retrieved on April 3, 2016 from:

http://library.amlegal.com/nxt/gateway.dll/California/chico_ca/chicomunicipalcode?f=templates$fn=default.htm$3.0$vid=amlegal:chico_ca

City of Clovis (August 2014), City of Clovis General Plan, retrieved on May 25, 2016 from:

http://www.ci.clovis.ca.us/Portals/0/Documents/Planning/GeneralPlan2014/ClovisGP_Adopted_Aug2014_wFig.pdf?ver=2015-04-03-100817-897
City of Clovis (June 2009), City of Clovis Fee Schedule, retrieved on May 25, 2016 from:
https://www.ci.clovis.ca.us/Portals/0/Documents/Planning/Applications/PlanningFeeSchedule.pdf?ver=2012-05-02-131921-883

City of Fresno, (May 2016), City of Fresno Code of Ordinances, retrieved on April 13, 2016 from:
https://www.municode.com/library/ca/fresno/codes/code_of_ordinances

City of Los Angeles (March 2016), City of Los Angeles Municipal Code, retrieved on April 4, 2016 from:
http://library.amlegal.com/nxt/gateway.dll/California/lamc/municipalcode?f=templates$fn=default.htm$3.0$vid=amlegal:losangeles_ca_mc

County of Fresno Department of Public Health (February 2012), County of Fresno Department of Public Health Mobile Food Program retrieved on March 29, 2016 from: http://www.co.fresno.ca.us/DivisionPage.aspx?id=1092#TMFV

Kobayashi T. (May 2016), Personal Correspondence with City of Clovis Planning Staff

National League of Cities (September 2013), Food on Wheels: Mobile Vending Goes Mainstream retrieved on April 1, 2016 from:

San Francisco Department of Public Work, (April, 2016) San Francisco Public Works Code, retrieved on March 15, 2016 from:
http://library.amlegal.com/nxt/gateway.dll/California/ordtable/comprehensiveordinancelist?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$sync=1

United States Census Department, May 2015, U.S. Census 2014. Retrieved on May 1, 2016 from:
http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk

Images taken from
https://c1.staticflickr.com/5/4120/4754753157_1e745df97e_b.jpg