



City of San Leandro

Meeting Date: July 20, 2015

Staff Report

File Number: 15-177

Agenda Section: CONSENT CALENDAR

Agenda Number: 8.M.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Cynthia Battenberg
Community Development Director

FINANCE REVIEW: David Baum
Finance Director

TITLE: Staff Report for an Ordinance Amending Chapter 4-34, Mobile Food Vending, of the San Leandro Municipal Code to Permit Mobile Food Vending Units Propelled, Operated, or Moved by Bicycle.

SUMMARY AND RECOMMENDATIONS

Staff recommends that the City Council conduct a first reading and pass to print an ordinance to amend Chapter 4-34 Mobile Food Vending, Section 100(b) and (e) and Section 250(b)(5)(ii) of the San Leandro Municipal Code to permit mobile food vending units propelled, operated or moved by bicycle.

BACKGROUND

The City Council adopted the Mobile Food Vending regulations in June of 2014. The regulations provide mobile food vendors a streamlined, modern set of regulations that serve to promote mobile food vending throughout the City of San Leandro. Recently, a mobile food vendor proposed a coffee service from a bicycle operated mobile food vending unit (see attached photo). However, the current regulations only permit mobile food vending units that are motorized vehicles or trailer vehicles and not operated by bicycle.

Analysis

Bicycle operated mobile food vending units are consistent with the spirit and intent of the Mobile Food Vending ordinance. The ordinance sought to activate underutilized spaces, especially in the City's industrial areas, by promoting unique business opportunities and activities to residents and visitors. The use of a bicycle operated mobile food vending unit is the type of creative approach to mobile food vending that the ordinance encourages, but does not currently permit.

Therefore, the following text amendments are proposed to the Mobile Food Vending ordinance:

1. Amend Section 4-34-100(b), "Mobile Food Vending Unit" definition, to add a piece of vending equipment moved by a bicycle to the mobile food vending unit definition.
2. Amend Section 4-34-100(e), "Pushcart" definition to exclude a piece of vending equipment moved by a bicycle from the definition.
3. Amend Section 4-34-250(b)(5)(ii), insurance requirements, to exclude auto liability insurance for bicycle mobile food vending units because they are not automobiles.

It is important to note that with the exception of the changes proposed above, all other regulations will apply to bicycle operated mobile food vending units. These regulations relate to traffic and operational standards, hours of operation, permitted locations and separations, inspections and enforcement. Ice cream sales from a bicycle operated mobile food vending unit will need to comply with the additional requirements in Section 4-34-500 such as, fingerprinting, background checks and school separations.

Previous Actions

On June 16, 2014 the City Council approved Ordinance 2014-008 regulating Mobile Food Vending.

Legal Analysis

The attached ordinance has been reviewed and edited by the City Attorney's Office.

ATTACHMENT(S)

Attachment(s) to Staff Report

- *Bicycle Mobile Food Vending Unit Photo*

PREPARED BY: Justin Proffitt, AICP, Project Specialist, Community Development Department





City of San Leandro

Meeting Date: July 20, 2015

Ordinance

File Number: 15-180

Agenda Section: CONSENT CALENDAR

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY:

FINANCE REVIEW: David Baum
Finance Director

TITLE: ORDINANCE Amending Title 4, Chapter 4-34 of the San Leandro Municipal Code Relating to Bicycle Mobile Food Vending Units (amends San Leandro Municipal Code to allow mobile food vending units operated by a bicycle).

The City Council of the City of San Leandro does **ORDAIN** as follows:

SECTION 1. PURPOSE. The City of San Leandro intends to regulate mobile food vending in a manner that protects the public health, safety, and welfare, while also accommodating mobile food vending activity that promotes unique businesses and an active and social pedestrian environment.

SECTION 2. AMENDMENT OF CODE. Title 4, Chapter 4-34-100, "Definitions" of the San Leandro Municipal Code is hereby amended as follows:

(b) "Mobile food vending unit" or "food truck" shall mean any motorized vehicle, trailer vehicle, or piece of vending equipment moved, propelled, or operated by a bicycle, designed to be portable and not permanently attached to the ground from which only food and beverages are sold, served free or sampled, displayed or offered for sale. Ice cream trucks shall be considered mobile food vending units except where otherwise stated and shall have additional requirements as specified pursuant to Section 4-34-500 of this Chapter.

(e) "Pushcart" shall mean a piece of vending equipment which is intended to store all materials and merchandise related to vending activity, and is easily moved by a person. It shall not mean a piece of vending equipment moved, propelled, or operated by a bicycle.

SECTION 3. AMENDMENT OF CODE. Title 4, Chapter 4-34-250, "Mobile Food Vending Permit Required; Application Requirements" of the San Leandro Municipal Code is hereby amended as follows:

(5) Proof of the following insurance requirements maintained during the term of the permit.

- (i) General Liability Insurance. \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage.
- (ii) Automobile Liability: \$1,000,000 combined single limit per accident. **Mobile food vending units moved, propelled, or operated by bicycle are exempt from the automobile liability coverage requirement.**

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

SECTION 5. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.