August 3, 2016

Oakland Planning Commission

Public Hearing on proposed new food vending regulations

Remarks made by Ed Manasse, City of Oakland, Strategic Planning Manager

Tonight is the second public hearing on a proposal to create a new food vending permit program in the City of Oakland.

In response to public and commission comments staff heard at the June 1st Planning Commission hearing, the report and attachments before you tonight describes a number of recommended changes made to the food vending proposal. Since the staff report was produced last week, staff has continued to receive comments from interested parties and meet with stakeholders.

The result of this ongoing communication and participation is a series of further recommended changes to the food vending proposal that staff will present tonight that go beyond what is before you in the staff report. We believe these additional changes address will significantly help to address the concerns staff has heard. We are looking to hear your thoughts and the comments from the public tonight, and seek your recommendation to move the proposal to City Council.

One recommendation which we have heard is the idea of “phasing” in implementation of the new program, especially in the first year, to help ensure that the new program can be properly enforced with the resources available.

Additional recommended food vending amendments include:

1. Limiting the total number of food vending permits issued in the first year of the program. Change the Administrative Rules and Regulations to limit the total number of permits issued in Year One, with a preliminary recommended limit of 100 carts and 100 trucks citywide. Within this overall citywide permit cap in Year One, the proposal would be to issue 50% of the total number of allowed permits to carts and trucks west of the Lake Merritt Channel, and the other 50% of the total number of allowed permits to carts and trucks east of the Channel.

2. No issuance of 90-day or 180-day temporary permits during Year One of the program.

3. Explore the feasibility of adding new criteria to the administrative rules that prioritizes Oakland-based food vending business. There is a strong feeling in the community that the new program first should benefit Oakland residents and long-time Oakland businesses.

4. Prohibit food vending from the public right of way on Broadway, from Embarcadero to 27th Street. Private property vending would still be permitted.
5. Staff has recently become aware that due to superseding regulations in the California State Vehicle Code, the City must eliminate the proposed administrative rule that requires food vendors in the public right of way to maintain a 200-foot distance separation from restaurants. Therefore, staff is proposing to replace this 200 foot distance provision with new criteria added to the administrative rules that prioritizes areas of Oakland which are currently underserved by other food outlets (i.e. restaurants, cafes and grocery stores).

6. Insurance: Add new language to the ordinance that specifies: “appropriate liability insurance shall be required for vending.”

7. In addition, staff is willing to study the implications of: (a) increasing the separation requirement between individual vendors; and (b) adding a requirement that pushcarts, both roaming and stationary, will be subject to the same separation requirement as food trucks, whatever that distance will be.

With these revisions, staff believes that the significant concerns heard from community stakeholders have been addressed, and asks that the Commission allow this proposed new program to proceed to the Council, for public hearings.