

CITY OF RANCHO CORDOVA



CITY COUNCIL MEETING Tuesday, September 24, 2024

**5:30 PM PST – Special Meeting
American River Room**

**City Hall
2729 Prospect Park Drive
Rancho Cordova, CA 95670**

**Hampton Inn Billings - Lobby
5110 Southgate Drive, Billings, MT 59101**

How to Observe or Listen to the Meeting:

- Online via Zoom: <https://cityofranhocordova.zoom.us/j/81630466928>
Webinar ID: 816 3046 6928
- By phone: +1 669 900 6833 or +1 253 215 8782
Webinar ID: 816 3046 6928

Public Comment

Members of the public who wish to address the City Council may do so in person during the meeting by completing and submitting a Speaker Card to the City Clerk.

Members of the public who wish to provide public comment via email will need to submit comments to CityClerk@cityofranhocordova.org no later than 2:00 p.m. on Tuesday, September 24, 2024. Written comments received no later than 2:00 p.m. will be distributed to the Council, filed in the record, and will not be read aloud. All comments submitted later than 2:00 p.m. will be distributed to the Council.

If you have questions related to the City Council Meeting, please contact the City Clerk's Office at (916) 851-8720 before Tuesday, September 24, 2024, at 2:00 p.m.

AGENDA

1. SPECIAL MEETING - CALL TO ORDER/ROLL CALL

Council Members Linda Budge, Garrett Gatewood, Siri Pulipati, Donald Terry, and Mayor David Sander

2. PUBLIC COMMENT

At a special meeting, members of the public wishing to address the Council for any matter on the agenda may do so at the time the matter is discussed. Under the provisions of the California Government Code, the City Council is prohibited from discussing or taking action on any item not on the agenda.

3. SPECIAL MEETING

3.1. **Subject:** Discussion and Potential Direction for Zoning Code Updates for Mobile Food Vendors.

Recommendation: Receive information and provide direction.

4. ADJOURNMENT

ADDITIONAL INFORMATION

Special Meetings listed below are subject to change/cancellation without further notice.

Public documents related to items on the open session portion of this agenda, which are distributed to the City Council less than 24 hours prior to the meeting, shall be available for public inspection at the time the documents are distributed to the Council. Documents are available for inspection at the City Clerk's office located in Rancho Cordova City Hall.

The agenda items are accessible on the City's website at www.cityofranchocordova.org on Thursdays or Fridays prior to the City Council Meeting.

UPCOMING MEETINGS

October 7, 2024	4:00 PM Special Meeting/5:30 PM Regular Meeting
October 21, 2024	5:30 PM Regular Meeting
October 29, 2024	5:30 PM Special Meeting/Work Session
November 4, 2024	4:00 PM Special Meeting/5:30 PM Regular Meeting
November 18, 2024	5:30 PM Regular Meeting
November 26, 2024	5:30 PM Special Meeting/Work Session
December 2, 2024	4:00 PM Special Meeting/5:30 PM Regular Meeting
December 16, 2024	5:30 PM Regular Meeting

If you have any technical questions related to the agenda items, please contact City Hall at (916) 851-8700.

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's Office at (916) 851-8720 at least 48 hours prior to the meeting.

CERTIFICATION OF POSTING OF AGENDA

I, Stacy Leitner, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the September 24, 2024, Special Meeting of the Rancho Cordova City Council was posted and available for review on Thursday, September 19, 2024, at City Hall of the City of Rancho Cordova, 2729 Prospect Park Drive, Rancho Cordova, California, 95670. The agenda is also available on the city website at www.cityofranchocordova.org.

Signed September 19, 2024, at Rancho Cordova, California.



Stacy Leitner, CMC
City Clerk

MEMORANDUM



ITEM 3.1.

DATE: September 24, 2024

TO: Honorable Mayor and Council Members

FROM: Nick Sosa, Senior Planner
Brittany Mariscal, Code Enforcement Supervisor

SUBJECT: **DISCUSSION AND POTENTIAL DIRECTION FOR ZONING CODE
UPDATES FOR MOBILE FOOD VENDORS**

RECOMMENDATION

Receive information and provide direction.

RESULT OF RECOMMENDED ACTION

As a result of the discussion, staff may develop potential Zoning Code modifications to address concerns based upon Council direction. Any proposed code modifications would be presented to the Planning Commission for a recommendation and then presented to City Council at a future meeting.

BACKGROUND

At the July 15, 2024, Council Meeting as part of the future agenda items, it was requested that staff review the City's current mobile food vendor code regulations and return for a discussion on potential changes that could provide additional flexibility for vendors throughout the City.

Current Code Regulations

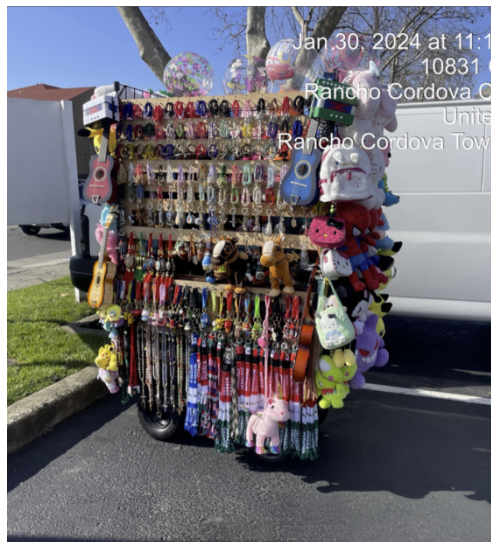
The City Zoning Code includes two types of vendors that have the ability to move from place to place throughout the City: Sidewalk Vendors and Mobile Food Vendors. The definitions and regulations for each vendor are listed below as well as their permitting process.

Sidewalk Vendors

On January 1, 2019, new State law (Senate Bill 946) went into effect regarding regulation of sidewalk vendors within the public right of way. As a result, the City created an additional section of the Municipal Code that coincides with the new State regulations. It is recommended that this section remain the same to maintain consistency with State requirements, however, it is being included in this presentation to provide all necessary information for discussion. The definition and regulations for sidewalk vendors can be found in Section 4.54.020 of the Rancho Cordova Municipal Code (RCMC). Sidewalk vendors are defined as follows:

- Sidewalk vendor “means natural person(s) or individual(s) who sell food or merchandise from a pushcart, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one’s person, upon a public sidewalk or other pedestrian path.”

This definition would include sellers such as hot dog carts, ice cream carts, seasonal merchandise sellers, and cell phone sellers. Examples are shown below:



Sidewalk vendors are required to obtain a Sidewalk Vendor Permit prior to operation. The permit is a one-time permit that is issued on the same day, does not require annual renewal, and requires a fee of \$60. Since 2019, the City has approved and issued 23 sidewalk vendor permits. This permit is utilized to ensure accountability by providing each vendor with a physical copy of the health, safety, and welfare regulations required by Rancho Cordova Municipal Code (RCMC) 4.54.020 to help maintain sanitary and safe conditions. These regulations are listed under the Health, Safety and Welfare Regulations and are required to be met by each sidewalk vendor.

Health, Safety and Welfare Regulations

1. At all times, the sidewalk vendor shall maintain at least one four-foot width path of travel for pedestrian travel.
2. The four-foot clear path of travel must be free and clear of any obstacles including, but not limited to, tents, chairs, signage, or any other objects that reduce the required width of clearance.
3. The sidewalk vendor is not permitted to locate on a sidewalk within the immediate vicinity of a construction zone or traffic-controlled area for construction purposes of any kind.
4. The sidewalk vendor is not permitted to locate within the immediate vicinity of an area designated for a temporary use permit issued by the city for temporary use of, or encroachment on, the sidewalk or other public area, including, but not limited to, an encroachment permit, special event permit, or temporary event permit, for purposes including, but not limited to, filming parades, events or outdoor concerts. A prohibition of sidewalk vending pursuant to this subsection shall only be effective for the limited duration of the temporary special permit.
5. The sidewalk vendor is not permitted to be located in areas within the immediate vicinity of a permitted certified farmers' market or a permitted swap meet during the limited operating hours of that certified farmers' market or swap meet. A "certified farmers' market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter. A "swap meet" means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.
6. The sidewalk vendor shall provide a trash receptacle for patrons to dispose of any trash, as well as ensure that the area is kept clean during hours of operation and upon leaving the location

These regulations are consistent with State Regulations; therefore, City staff recommends no modifications.

Mobile Food Vendors

The definition for mobile food vendor can be found in the glossary section of the Zoning Code (RCMC Section 23.1104) under Land Use Definitions. The definition is as follows:

- Mobile food vendor "means a person or enterprise that sells, serves, offers for sale, or gives away only food from a mobile food vending unit parked or located on a private parcel of property. This term includes a person who operates a mobile food vending unit that visits multiple private property sites on a daily basis."

This definition would apply to food trucks that are typically seen throughout the City.

Examples are shown below:



Mobile Food Vendors are required to go through the business license process prior to conducting business within the city limits and are required to renew this license annually. Below is the process and associated fees required prior to operation.

1. Mobile Food Vendors require a special business license which is a \$318 application fee with an annual renewal fee of \$286.
2. The ownership is required to pass a background check through Rancho Cordova Police Department (RCPD) which is a fee of \$44.
3. It may take up to 45 days for RCPD to receive the report from the State Department of Justice (DOJ). Once received, then RCPD can make their decision on the applicant.
4. If someone other than the owner is working, then they are considered an "itinerant food-worker" and would be required to obtain an Employee Permit by the City. The Employee permit has an initial cost of \$213 and also requires a \$44 background check.

Mobile Food Vendors standards are listed in RCMC Section 23.910.040 and are applicable to mobile food vendors:

Standards

1. The maximum time period for a vendor in a single location is two hours.
2. Vendor shall be able to demonstrate property owner permission.
3. No freestanding signs are permitted.
4. No tables or chairs are permitted at site locations. Temporary tables and chairs are permitted if approved with a temporary use permit.
5. Vehicles cannot be parked at a private residence if more than two-axle vehicle.

Additionally, Mobile Food Vendors are only permitted on property with a non-residential zoning designation per RCMC 23.922.030: Temporary Use Regulations.

Furthermore, both sidewalk vendors and mobile food vendors would also need to adhere to all applicable State and Department of Health permits prior to operation.

Enforcement Issues and Complaints

Existing regulations in the City's Municipal Code for mobile food vendors lack detail and may need additional clarification for both vendors and City staff, to ensure more consistent compliance and enforcement.

For example, the maximum time period a vendor can be in one location is two hours. However, it is unclear of when that time period starts and when it stops. Currently, Neighborhood Services officers start the time period once the vendor is seen, then the maximum time ends two hours from that point in time. Unfortunately, this does not provide a clear and consistent time frame for either officers or vendors. Another difficult requirement to enforce is demonstrating property owner approval. Many of these agreements are made either verbally or may be made with the tenant on-site rather than the property owner. This becomes an issue when Neighborhood Services officers may need to write a violation, and the property owner is unaware of the overall situation.

In addition to enforcement concerns, there are also complaints from both vendors and brick-and-mortar businesses regarding the regulations of food truck vendors. The most common complaint from vendors is the limitation to 2 hours which they argue is insufficient time for operation and sales, especially if it includes both set-up and clean-up of their area. The most common complaint from brick-and-mortar businesses is that food trucks parked in their areas interfere with their customer base and result in anywhere from 20-40% decrease in their own sales.

These enforcement concerns and complaints may be able to be resolved with potential code revisions and a documented permitting process as discussed in the next section.

ADDITIONAL ANALYSIS

Regulations of other Jurisdictions

Jurisdiction	Permit Required?	Time Allowance	Allowed in Public Right of Way?	Separation Requirements
City of Rancho Cordova	No	2 Hr. Max	No	None
City of Elk Grove	No	3 Hr. Max per 36 Hr. Period	Yes	Notice Sent to all Restaurants within 350' 350' Separation from a School
City of West Sacramento	No	4 Hr. Max and max 90 days per year at one location	No	None
City of Citrus Heights	Yes (TUP)	Dictated by TUP	No	None
City of Sacramento	Yes (Food Vending Vehicle Property Permit)	Hours dictated by conditions placed on Permit	Yes	50' from intersections 400' from other vendors 100' from any outdoor seating areas 400' from any school 1,000' from any entertainment permit areas

Opportunities to Consider

Given the complaints and concerns from both mobile food vendors and brick-and-mortar business owners regarding these regulations, City staff presents the following opportunities for changes to the Municipal Code that may address some of these concerns. As previously mentioned, the sidewalk vendor regulations are consistent with State regulations therefore, no modifications are being presented for those regulations at this time.

Modified Code Language

As previously mentioned, current mobile food vendor regulations lack detail and may need additional clarification. Upon review of similar regulations by neighboring jurisdictions, City staff found that other cities provide more in-depth and detailed regulations for food vendors. The City may consider conducting additional research to determine how the Municipal Code can be modified to fit the unique needs of the community. Some potential code modifications include:

- An increase in time allowed and clarification on start and stop points.
- Potentially adding a new permitting process to document property owner approval and specific days and times.
- Buffers/distance requirements from other brick and mortar businesses.
- Buffers/distance requirements from permitted events (parades, farmers markets, etc.).

- Clarification on exemptions for vendors as part of a permitted event.
- Clarification on vendors in public rights of way.

These suggestions are reflective of Code requirements from neighboring jurisdictions that may provide added flexibility while also providing clarification to mobile food vendor regulations throughout Rancho Cordova.

Potential Location Designations

In addition to more detailed regulations, other jurisdictions have developed re-occurring special events for food trucks to gather in a single location. These events typically involve multiple food trucks and may take place monthly, weekly, or daily. These are typically not managed by the City but may be encouraged through more flexible Code requirements and a permitting process that may permit re-occurring events for an extended period of time. Some examples would be:

- Lathrop Food Plaza which operates Monday through Sunday 9AM to 9PM
- Food Truck Fridays in Elk Grove which operates every Friday from 4:30PM to 7:30PM
- Food Truck Mania in Elk Grove which is the 1st Wednesday of each month 5PM to 8PM
- The Park in Redding, CA which operates Thurs, Fri, and Sat from 6PM to 10PM



These types of events have the potential to activate otherwise vacant or empty areas such as undeveloped land or parking lots without the need for major infrastructure development. These are typically organized in partnership with a third-party organization such as SactoMofo (Sacramento Mobile Food), Food in the Hood 916, or Foodieland that set up locations and organizes the events.

ATTACHMENT(S)

1. Presentation

Sidewalk and Mobile Food Vendors

Nick Sosa, Senior Planner
Brittany Mariscal, Code Enforcement Supervisor

September 24, 2024 - Work Session

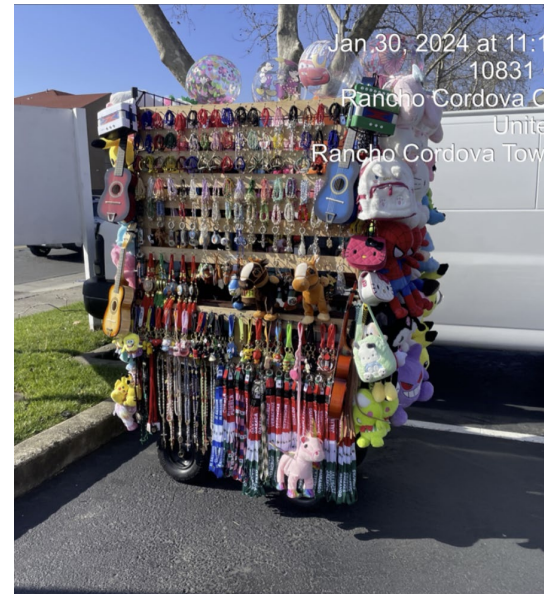
Purpose of Tonight's Meeting

At the July 15th Council meeting, it was requested that staff look into the City's current mobile food vendor code regulations for potential areas of improvement. Staff has reviewed these codes and tonight will be presenting to Council:

- Current regulations for both sidewalk vendors and mobile food vendors
 - Enforcement issues and complaints received
 - Regulations of other neighboring jurisdictions
 - Potential solutions and opportunities
-
- Staff is requesting direction on if Council would like to move forward with any changes to our Mobile Food Vending code regulations. Specifically key elements of the code that Council would like modified.

Current City Regulations – Sidewalk Vendors

- Defined as selling food or merchandise from a non-motorized conveyance in public spaces
- Permit Process: \$60 one-time fee, no annual renewal



Key Regulations – Sidewalk Vendors

- Maintain 4-foot clear path
- No vending near construction zones or permitted events
- Provide trash receptacle and keep area clean

These regulations are consistent with state regulations (SB 946); therefore, it is suggested that these not be modified.

Current City Regulations – Mobile Food Vendors

- Defined as selling food from a mobile unit parked on private property
- Permit Process: Business license required (\$318 application fee, \$286 annual renewal)
- Background check required



Key Regulations – Mobile Food Vendors

- Maximum time-period of a vendor at a single location is two (2) hours
- Vendors shall be able to demonstrate property owner permission
- No freestanding signs are permitted
- No tables or chairs are permitted unless approved with a temporary use permit
- Only permitted on property with a non-residential zoning designation
- Vehicles can not park at a private residence if more than two-axles
- Must adhere to all applicable State and Department of Health permits prior to operation

Enforcement Issues

- Enforcement Challenges
 - Unclear start/stop time for 2-hour limit
 - Difficulty verifying property owner approval
- Complaints
 - Vendors: 2-hour time limit too short
 - Brick-and-mortar businesses – Loss in sales when trucks are nearby

Regulations of Other Jurisdictions

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Citrus Heights	Yes (TUP)	Dictated by TUP	No	None
City of Sacramento	Yes (Food Vending Vehicle Property Permit)	Hours dictated by conditions placed on Permit	Yes	50' from intersections 400' from other vendors 100' from any outdoor seating areas 400' from any school 1,000' from any entertainment permit areas

Opportunities For Change

Modified Code Language

- Increase in time allowed
- Potentially adding a new permit process
- Distance requirements
- Clarifications on exemptions
- Clarification on vendors in public right of way

Specific Location Destinations

- Code regulations that may provide incentives for re-occurring events

Event Examples in Other Jurisdictions

Event Examples: Lathrop Food Plaza, Elk Grove's Food Truck Fridays, The Park in Redding



Next Steps

- Staff requests that Council provide direction regarding any changes to our Mobile Food Vending code regulations. Specifically key elements of the code that Council would like modified.
- Once Staff has received direction, proposed changes will be initially presented to the Planning Commission for a recommendation and then brought back to Council for a final decision.

THANK YOU

Questions?