



City of Woodland
Meeting Agenda
Planning Commission

City Hall
Council Chambers
300 First Street
Woodland, CA 95695

November 21, 2024
6:30 PM

Please Note: The numerical order of items on this agenda is for the convenience of reference; items may be taken out of order. No new items shall begin after 10:30 pm unless unanimous consent exists to continue.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. STAFF AND COMMISSIONER COMMENTS

This is an opportunity for the Planning Commission members and staff to make comments and announcements to express concerns, or to request Commission's consideration of any items a Commission member would like to have discussed at a future Commission meeting.

E. SUBCOMMITTEE REPORTS

F. COMMUNICATIONS FROM THE PUBLIC

This is an opportunity for the public to speak to the Planning Commission on any item other than those listed on this agenda. Speakers are requested to use the microphone in front of the Commission and to begin by stating their name, whether they reside in Woodland and the name of the organization they represent if any. The Chair may impose a time limit on any speaker depending on the number of people wanting to speak and time available for the rest of the agenda. In the event comments are related to an item scheduled on the agenda, speakers may be required to wait to make their comments until that item is considered. The option to submit a public comment via voicemail is no longer available. Written Public Comments Members of the public are welcome to submit written comments prior to the meeting. Comments should be submitted by email to planningcommissionmeetings@cityofwoodland.org. Written Comments received at least two (2) hours prior to the scheduled start time of the Planning Commission meeting will be provided to the Commissioners and posted to the City website as part of the official record of the meeting but will not be read into the record. Written Comments received within two (2) hours of the scheduled start time of the Planning Commission meeting and during the meeting will be provided to the Commissioners the day following the Commission meeting. If you are submitting written comments on a particular item on the agenda, please identify the agenda item number and letter. If you are submitting written comments on an item not listed on the agenda, please identify your e-mail/comment as a General Public Comment. Note: Public comments at special meetings are limited to items on the agenda only.

G. APPROVAL OF MINUTES

1. SUBJECT: Planning Commission Meeting Minutes of July 18, 2024

RECOMMENDATION FOR ACTION: Staff recommends that the Planning Commission receive and approve the Planning Commission Meeting Minutes of July 18, 2024.

2. SUBJECT: Planning Commission Meeting Minutes of September 19, 2024

RECOMMENDATION FOR ACTION: Staff recommends that the Planning

Commission receive and approve the Planning Commission Meeting Minutes of September 19, 2024.

H. PUBLIC HEARING

3. SUBJECT: Mobile Vendor Ordinance Updates

RECOMMENDATION FOR ACTION: Staff recommends that the City Planning Commission: (1) Receive the staff report; (2) hold a public hearing; and (3) adopt Planning Commission Resolution No. PC 24-08 recommending that the Woodland City Council adopt Chapter 5.40 (Sidewalk Vendors) into the Woodland Municipal Code, repeal Chapter 10.20 of the Woodland Municipal Code and adopt Chapter 5.44 (Mobile Vendors), repeal and replace Section 17.84.250 (Mobile Vendors) of the Title 17 Zoning Ordinance with Section 17.84.250 (Mobile Vending and Food Preparation), approve new mobile vendor permit fees and annual renewal fees, and adopt Chapter 8.32 into the Woodland Municipal Code.

4. SUBJECT: Tentative Parcel Map No. 5258

RECOMMENDATION FOR ACTION: Staff recommends that the Planning Commission open and continue the public hearing to a date certain of December 19, 2024.

I. BUSINESS ITEMS

J. STAFF OR COMMISSIONER COMMENTS

K. ADJOURNMENT

The Planning Commission of the City of Woodland encourages all parties interested in a matter scheduled to be reviewed, discussed and acted on at a meeting, to participate in the public discourse, which may include the submission of written comments and materials. The Planning Commission notifies the public that those materials received less than 24 hours before a meeting date and time may not be able to be considered completely. Further, the Planning Commission encourages interested parties to attend the meeting to discuss any matter of concern and to explain their comments more fully.



TO: THE MEMBERS OF THE PLANNING COMMISSION
AGENDA: Planning Commission Meeting
DATE: November 21, 2024
ITEM #: G.1
SUBJECT: Planning Commission Meeting Minutes of July 18, 2024

RECOMMENDATION FOR ACTION: Staff recommends that the Planning Commission receive and approve the Planning Commission Meeting Minutes of July 18, 2024.

Attachments:

1. July 18, 2024 Planning Commission Minutes DRAFT

City of Woodland

City Hall
Council Chambers
300 First Street
Woodland, CA 95695



Planning Commission Meeting –

Thursday, July 18, 2024

6:30 PM

A. CALL TO ORDER

Meeting called to order at 6:32PM

B. ROLL CALL

Commission Members Present: Harris, Lizarraga, Lopez, Ortiz, Roberts, Smith
Absent: Holt

C. PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Commissioner Smith

D. STAFF AND COMMISSIONER COMMENTS

This is an opportunity for the Planning Commission members and staff to make comments and announcements to express concerns, or to request Commission's consideration of any items a Commission member would like to have discussed at a future Commission meeting.

Updates provided by Commission Members and Staff

E. SUBCOMMITTEE REPORTS

F. COMMUNICATIONS FROM THE PUBLIC

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G. APPROVAL OF MINUTES

H. PUBLIC HEARING

I. BUSINESS ITEMS

1. 2024 Heritage Home Awards

Commission members hosted the 2023-2024 Heritage Home and Historic Preservation Awards Ceremony.

J. STAFF OR COMMISSIONER COMMENTS

K. ADJOURNMENT

Meeting adjourned at 7:18 PM.



TO: THE MEMBERS OF THE PLANNING COMMISSION
AGENDA: Planning Commission Meeting
DATE: November 21, 2024
ITEM #: G.2
SUBJECT: Planning Commission Meeting Minutes of September 19, 2024

RECOMMENDATION FOR ACTION: Staff recommends that the Planning Commission receive and approve the Planning Commission Meeting Minutes of September 19, 2024.

Attachments:

1. September 19, 2024 Planning Commission Minutes DRAFT

City of Woodland

City Hall
Council Chambers
300 First Street
Woodland, CA 95695



Planning Commission Meeting –

Thursday, September 19, 2024

6:30 PM

A. CALL TO ORDER

Meeting called to order at 6:30 PM

B. ROLL CALL

Commission Members Present: Harris, Lizarraga, Lopez, Ortiz, Roberts, Smith
Absent: Holt

C. PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Commissioner Harris

D. STAFF AND COMMISSIONER COMMENTS

This is an opportunity for the Planning Commission members and staff to make comments and announcements to express concerns, or to request Commission's consideration of any items a Commission member would like to have discussed at a future Commission meeting.

Updates provided by Planning Commission Members/Staff.

E. SUBCOMMITTEE REPORTS

Updates provided by Commissioner Harris pertaining to the Cannabis Subcommittee.

F. COMMUNICATIONS FROM THE PUBLIC

This is an opportunity for the public to speak to the Planning Commission on any item other than those listed on this agenda. Speakers are requested to use the microphone in front of the Commission and to begin by stating their name, whether they reside in Woodland and the name of the organization they represent if any. The Chair may impose a time limit on any speaker depending on the number of people wanting to speak and time available for the rest of the agenda. In the event comments are related to an item scheduled on the agenda, speakers may be required to wait to make their comments until that item is considered. The option to submit a public comment via voicemail is no longer available. Written Public Comments Members of the public are welcome to submit written comments prior to the meeting. Comments should be submitted by email to planningcommissionmeetings@cityofwoodland.org. Written Comments received at least two (2) hours prior to the scheduled start time of the Planning Commission meeting will be provided to the Commissioners and posted to the City website as part of the official record of the meeting but will not be read into the record. Written Comments received within two (2) hours of the scheduled start time of the Planning Commission meeting and during the meeting will be provided to the Commissioners the day following the Commission meeting. If you are submitting written comments on a particular item on the agenda, please identify the agenda item number and letter. If you are submitting written comments on an item not listed on the agenda, please identify your e-mail/comment as a General Public Comment. Note: Public comments at special meetings are limited to items on the agenda only.

G. APPROVAL OF MINUTES

H. PUBLIC HEARING

1. SUBJECT: Perfect Union - Woodland, LLC Retail Cannabis Conditional Use Permit

RECOMMENDATION FOR ACTION: Staff recommends that the Planning Commission:

1. Receive the staff report;
2. Conduct a public hearing;
3. Find that the project is exempt from further environmental review pursuant to Class 1 and Class 32 categorical exemptions under the California Environmental Quality Act (CEQA) and find that the exemptions reflect the independent judgment of the City as lead agency under CEQA;
4. Approve Planning Commission Resolution No. PC 24-04 recommending

that the City Council approve a Conditional Use Permit and Operating Agreement for a storefront retail cannabis dispensary at 1810 E. Main Street, Ste. 101 in the City's Regional Commercial with Light Industrial Flex Overlay zone conditioned upon approval of the appropriate Cannabis Business Permit and the recommended conditions of approval.

On a motion by Commissioner Smith, seconded by Commissioner Ortiz and carried unanimously, Commission Members approved Planning Commission Resolution Number PC24-04 recommending that the City Council approve Conditional Use Permit and Operating Agreement for Perfect Union - Woodland, LLC, a storefront retail cannabis dispensary at 1810 E. Main Street, Ste. 101 in the City's Regional Commercial with Light Industrial Flex Overlay zone conditioned upon approval of the appropriate Cannabis Business Permit and the recommended conditions of approval.

Ayes: Harris, Lizarraga, Ortiz, Roberts, Smith

Noes: None

Absent: Holt, Lopez

2. SUBJECT: Woodland Cannabis Dispensary Retail Cannabis Conditional Use Permit

RECOMMENDATION FOR ACTION: Staff recommends that the Planning Commission:

1. Receive the staff report;
2. Conduct a public hearing;
3. Find that the project is exempt from further environmental review pursuant to Class 1 and Class 32 categorical exemptions under the California Environmental Quality Act (CEQA) and find that the exemptions reflect the independent judgment of the City as lead agency under CEQA;
4. Approve Planning Commission Resolution No. PC 24-05 recommending that the City Council approve a Conditional Use Permit and Operating Agreement for a storefront retail cannabis dispensary at 163 Court Street in the City's Community Commercial zone conditioned upon approval of the appropriate Cannabis Business Permit and the recommended conditions of approval.

On a motion by Commissioner Smith, seconded by Commissioner Roberts and carried unanimously, Commission Members approved Planning Commission Resolution Number PC24-05 recommending that the City Council approve Conditional Use Permit and Operating Agreement for Woodland Cannabis Dispensary, a storefront retail cannabis dispensary at 163 Court Street, in the City's Community Commercial zone conditioned upon approval of the appropriate Cannabis Business Permit and the recommended conditions of approval.

Ayes: Harris, Lizarraga, Ortiz, Roberts, Smith

Noes: None

Absent: Holt, Lopez

3. SUBJECT: Sundial Collective Retail Cannabis Conditional Use Permit

RECOMMENDATION FOR ACTION: Staff recommends that the Planning Commission:

1. Receive the staff report;

2. Conduct a public hearing;
3. Find that the project is exempt from further environmental review pursuant to Class 1 and Class 32 categorical exemptions under the California Environmental Quality Act (CEQA) and find that the exemptions reflect the independent judgment of the City as lead agency under CEQA;
4. Approve Planning Commission Resolution No. PC 24-06 recommending that the City Council approve a Conditional Use Permit and Operating Agreement for a storefront retail cannabis dispensary at 3 Court Street in the City's Community Commercial Mixed Use zone conditioned upon approval of the appropriate Cannabis Business Permit and the recommended conditions of approval.

On a motion by Commissioner Smith, seconded by Commissioner Harris, Commission Members approved Planning Commission Resolution Number PC24-06 recommending that the City Council approve Conditional Use Permit and Operating Agreement for Sundial Collective, a storefront retail cannabis dispensary at 3 Court Street, in the City's Community Commercial zone conditioned upon approval of the appropriate Cannabis Business Permit and the recommended conditions of approval.

Ayes: Harris, Lizarrage, Ortiz, Smith

Noes: Roberts

Absent: Holt, Lopez

4. SUBJECT: Yolo Cannabis Club Cannabis Conditional Use Permit

RECOMMENDATION FOR ACTION: Staff recommends that the Planning Commission:

1. Receive the staff report;

2. Conduct a public hearing;
3. Find that the project is exempt from further environmental review pursuant to Class 1 and Class 32 categorical exemptions under the California Environmental Quality Act (CEQA) and find that the exemptions reflect the independent judgment of the City as lead agency under CEQA;
4. Approve Planning Commission Resolution No. PC 24-07 recommending that the City Council approve a Conditional Use Permit and Operating Agreement for a storefront retail cannabis dispensary with delivery at 367 West Main Street, Ste. 353-D in the City's Corridor Mixed Use – West Main Street zone conditioned upon approval of the appropriate Cannabis Business Permit and the recommended conditions of approval.

On a motion by Commissioner Smith, seconded by Commissioner Harris and carried unanimously, Commission Members approved Planning Commission Resolution Number PC24-07 recommending that the City Council approve Conditional Use Permit and Operating Agreement for Yolo Cannabis Club, a storefront retail cannabis dispensary at 367 West Main Street, Ste. 353-D, in the City's Corridor Mixed Use - West Main Street zone conditioned upon approval of the appropriate Cannabis Business Permit and the recommended conditions of approval.

Ayes: Harris, Lizarrage, Ortiz, Roberts, Smith

Noes: None

Absent: Holt, Lopez

I. BUSINESS ITEMS

5. SUBJECT: Election of Officers for Chair and Vice-Chair of the Planning Commission

RECOMMENDATION FOR ACTION: Staff recommends that the Planning Commission: (1) hold elections; and (2) select and vote among current membership, the appointments of Chair and Vice-Chair of the Planning Commission.

Chairperson Lizarraga tabled the item to a future meeting

6. SUBJECT: Appointment of Two Members to the Undergrounding Committee

RECOMMENDATION FOR ACTION: Staff recommends that the Planning Commission appoint two members to the Undergrounding Committee.

Chairperson Lizarraga appointed himself and Commissioner Harris to the Undergrounding Committee

J. STAFF OR COMMISSIONER COMMENTS

K. ADJOURNMENT

Meeting adjourned at 8:35 PM.



TO: THE MEMBERS OF THE PLANNING COMMISSION
AGENDA: Planning Commission Meeting
DATE: November 21, 2024
ITEM #: H.3
SUBJECT: Mobile Vendor Ordinance Updates

Recommendation for Action: Staff recommends that the Planning Commission take action on the following:

1. Receive the staff report;
2. Conduct a public hearing; and
3. Adopt Resolution No. PC 24-08, recommending that the Woodland City Council adopt Chapter 5.40 (Sidewalk Vendors) into the Woodland Municipal Code, repeal Chapter 10.20 of the Woodland Municipal Code and adopt Chapter 5.44 (Mobile Vendors), repeal and replace Section 17.84.250 (Mobile Vendors) of the Title 17 Zoning Ordinance with Section 17.84.250 (Mobile Vending and Food Preparation), approve new mobile vendor permit fees and annual renewal fees, and adopt Chapter 8.32 into the Woodland Municipal Code.

Staff Contact:

Hadlie Ward, Assistant Planner, (530) 661-5960, hadlie.ward@cityofwoodland.gov

Report in Brief:

The Community Development Department analyzed the current mobile vendor ordinance, consulted state legislation, researched other cities in California, and met with the Yolo County Environmental Health Division and other stakeholders to prepare the proposed sidewalk vendor and mobile vendor ordinances, which are the subject of this report.

The proposed Sidewalk Vendor and Mobile Vendor chapters in the Woodland Municipal Code ("WMC") and the new Mobile Vending and Food Preparation section in the Title 17 Zoning Ordinance represent a rewrite of City requirements and processes. The goal of this effort is to comply with State legislation for sidewalk vending, clarify permit requirements, address additional types of mobile vendors not addressed in the current code, and adjust to the changing needs of the diverse local food economy. The new Food Handling chapter proposed in the WMC proposes the adoption by reference of Chapter 3 of Title 6 of the Yolo County Code of Ordinances. This is intended to create more consistency and collaboration between the County and City in the oversight of mobile vendors. New permit and renewal fees are proposed to assist in the cost recovery for the additional staff time required to expand the permit processes, enforcement, and inspection of mobile vendors.

On November 21, 2024, the Planning Commission will be asked to adopt Resolution No. PC 24-08 recommending to the Woodland City Council an Ordinance adopting Chapter 5.40 (Sidewalk Vendors) into the WMC, an Ordinance repealing Chapter 10.20 of the WMC and adopting Chapter 5.44 (Mobile Vendors), an Ordinance repealing and replacing Section 17.84.250 of the Title 17 Zoning Ordinance, a Resolution approving new mobile vendor permit fees and renewal fees, and an Ordinance adopting Chapter 8.32 (Food Handling) into the WMC.

Background:

In 2004, the Woodland City Council adopted Ordinance No. 1410, which addressed Vendors, Peddlers, and Solicitors. Under this ordinance, all mobile vendors were required to be roaming. After

response from mobile vendor business owners that the ordinance was too restrictive, the City Council approved amendments to allow stationary mobile vending. Following concerns about a lack of clear standards and regulations for mobile vendors, the ordinance was amended in 2011 to create the current Chapter 10.20 of the WMC. This amendment capped the total number of stationary mobile vendors to the number of vendors licensed as of April 1st, 2011, which was 13. The total number of Mobile Vendor Permits issued cannot exceed 13 under the current code. Roaming vendors not in any one location over 30 minutes or in the City more than 14 days per year are exempt from a Mobile Vendor Permit. Vendors operating as part of an approved Temporary Use Permit or Special Events Permit are regulated separately.

The Comprehensive Zoning Code Update adopted in July 2024 included Section 17.84.250, which created a new mobile vendors section supplemental to Chapter 10.20 of the WMC. This section applies to mobile vendors on private property, and added some requirements, such as restrictions on noise, requirements for trash receptacles, and prohibition of mobile automobile/vehicle services. This section in the Zoning Ordinance created some inconsistency between the requirements for mobile vendors in the Zoning Ordinance and Chapter 10.20 of the WMC, specifically due to the lack of clarity for non-motorized mobile vendors, and differences in requirements for vendors operating on public versus private property.

State legislation, namely Senate Bills 946 and 972, created new definitions for some food vendor types, including sidewalk vendors and compact mobile food operations. The Sidewalk Vendor and Mobile Vendor ordinances proposed include efforts to establish clear requirements for each vendor type. An overview of vendor types is included in Figure 1 below.

Location	Vendor Type	
Public Property	Stationary Sidewalk Vendors <i>Includes compact mobile food operations that operate in a fixed location on public property.</i>	
	Roaming Sidewalk Vendors <i>Includes compact mobile food operations that move continuously on public property, only stopping to complete transactions.</i>	
	Roaming Mobile Food Facility <i>Includes motorized vendors that move continuously in the public right-of-way, only stopping to complete transactions.</i>	
Private Property	Roaming Mobile Vendors <i>Includes motorized and nonmotorized vendors that do not stop in one location for more than 30 minutes.</i>	 
	Stationary Mobile Food Facilities <i>Includes motorized vendors that operate in a fixed location.</i>	
	Stationary Compact Mobile Food Operations <i>Includes nonmotorized vendors that operate in a fixed location.</i>	

Figure 1: Mobile Vendor Types

Current Mobile Vendor Permits

As of November 2024, 12 out of the 13 available Mobile Vendor Permits are issued. The remaining spot has been put on hold with an active waiting list pending the City's code updates, as some of the inquirers could potentially be exempt from the permit limit or subject to different requirements under the new code.

All 12 of the issued Mobile Vendor Permits are mobile food facilities, meaning that they are either motorized food trucks or trailers that must be pulled by a truck or other motorized vehicle. Each vendor has a commissary approved by the Yolo County Environmental Health Division. A commissary is a brick-and-mortar location with a commercial kitchen and other facilities where a mobile food vendor can store food and supplies, prepare food, clean equipment, and dispose of waste. The current permitted vendors all have commissaries that are located within the City of Woodland. Three of the permitted vendors are affiliated with existing restaurants, with the same

name indicated for both the restaurant and the mobile vendor operation.

Community Outreach

Staff determined the need to update and clarify the existing mobile vendor ordinance based on feedback and requests from community members. Various meetings with stakeholders were conducted during the development of the proposed ordinances.

Local brick-and-mortar restaurant owners expressed concern about “unfair” competition created by mobile food vendors, who operate without the same expenses that a fixed establishment incurs in providing food service, particularly un-permitted vendors. Some complaints described un-permitted mobile vendors' ability to sell food at lower prices due to fewer overhead costs for permitting. One restaurant on Main Street cited the competition from mobile vendors as a contributing factor to their closure in September 2024.

Representatives of the City of Woodland met with the Woodland Chamber of Commerce on multiple occasions to discuss concerns about mobile food vendors with its members. On November 13th, a special meeting was hosted by the Chamber where City staff presented an overview of the proposed code updates to six community members representing local restaurants.

Concerns were also received from permitted mobile food vendors. Staff at the Yolo County Environmental Health Division communicated to the City that one permitted mobile food vendor in Woodland shared similar sentiments about competition, and avoided payment for their health permit renewal. Another permitted food truck submitted a complaint via City Code Enforcement regarding un-permitted vendors.

Community members consistently inquire regarding Mobile Vendor Permit availability. Requests have been for permits for stationary mobile food facilities, compact mobile food operations, and mobile food facilities affiliated with existing local businesses. In total, at least eight requests have been received in 2024.

On September 24th, 2024, the Yolo County Board of Supervisors approved the pilot “Road to Licensure Program,” creating an allocation of the 2024-2025 budget for equipment grants up to \$1,000 and a fee waiver program for unlicensed food vendors who meet specific requirements. This program was a response to an increase in unlicensed mobile food vendors observed throughout Yolo County, but specifically in the City of Woodland. The County completed a survey of the City of Woodland from July to August 2024, driving through Woodland's main roads and residential areas at various times of the day. They observed 24 unlicensed mobile food vendors, and three vendors exempt from health permits. City Manager Ken Hiatt represented the City at the County Board of Supervisors meeting on August 27th, 2024 where the survey was presented.

Staff is in the process of creating an updated handout to outline the City and County permitting requirements for the various vendor types to provide further education. Additional handouts will be created to allow staff across departments to easily communicate about City location and operation requirements should the proposed ordinances be adopted.

Enforcement

As stated in the report for the presentation of the “Road to Licensure” Pilot Program at the Yolo County Board of Supervisor's Meeting, the County Environmental Health Division has not taken enforcement action regarding unlicensed food vendors in Woodland. The Board approved the previously mentioned “Road to Licensure” program in an effort to create pathways to legalization for unlicensed vendors, with grant and fee waiver incentives. The City declined to contribute to the

funding of the “Road to Licensure” program, instead choosing to contribute staff time for the enforcement of un-permitted and noncompliant vendors in Woodland.

Following the reports from the County Environmental Health Division and complaints from community members, City Code Enforcement completed surveys of the City outside of business hours to identify un-permitted and non-compliant food vendors. Since enforcement began in August 2024, 14 property owners have been noticed and fined for un-permitted and noncompliant food vending on their property. These included 13 un-permitted food vendors with high-risk of food-borne illness transmission operating from temporary shade structures and utilizing multiple pieces of equipment that violated Fire code and Yolo County Environmental Health requirements, and one un-permitted food truck. Following identification, property owners were notified and fined for allowing un-permitted vendors to operate on their private property.

After the property owners were noticed through the recent enforcement action, at least one formerly un-permitted mobile food vendor applied for a business license to operate a brick-and-mortar restaurant within the City. Other un-permitted vendors were observed to be no longer operating on the site that was noticed.

Discussion:

State Requirements

Sidewalk Vending Legislation

Senate Bill (SB) 946, the Safe Sidewalk Vending Act, was signed by Governor Jerry Brown on September 17, 2018. This legislation went into effect on January 1st, 2019, adding Chapter 6.2 (commencing with Section 51036) to Part 1 of Division 1 of Title 5 of the California Government Code. SB 946 defined “sidewalk vendor” as “a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one’s person, upon a public sidewalk or other pedestrian path.” Sidewalk vendors, as defined, may be stationary and operate from a fixed location, or roaming and move from place to place.

SB 946 asserts sidewalk vending as important for economic opportunities for low-income and immigrant communities and for increasing access to culturally significant foods. The legislation stipulates that cities may only regulate sidewalk vendors in conformance with the provisions of SB 946 and all regulations must be directly related to objective health, safety, or welfare concerns. Violations to a city’s regulations for sidewalk vendors are punishable only by administrative fines pursuant to an ability-to-pay determination, subject to the amounts specified.

Senate Bill (SB) 972 was signed by Governor Gavin Newsom on September 23rd, 2022 and went into effect January 1st, 2023, amending the California Retail Food Code. SB 972 defined and decriminalized “compact mobile food operations.” A compact mobile food operation (CMFO) is “a mobile food facility that operates from an individual or from a pushcart, stand, display, pedal driven cart, wagon, showcase, rack, or other non-motorized conveyance.” Sidewalk vendors operate CMFOs, but CMFOs can be sidewalk vendors or vendors on private property. Prior to SB 972, the California Retail Food Code allowed criminal penalties for violations by sidewalk vendors, even after SB 946. SB 972 established clearer definitions of non-motorized food vendors and removed the ability to apply criminal penalties to sidewalk vendors. As a result of SB 946 and SB 972, there are clear restrictions on the City’s ability to regulate sidewalk vendors and only administrative citations are allowed in response to violations.

Mobile Vending Legislation

The California Constitution endows cities with police powers to promote the public health, safety, and

general welfare of citizens. California Vehicle Code Section 22455 allows cities to adopt ordinances restricting the time, place, and manner of vending on any street. California Health and Safety Code Section 114315 similarly provides authority to adopt requirements for public safety, including reasonable time, place, and manner restrictions.

Analysis

Due to the State legislation that sets specific restrictions on regulation of sidewalk vendors, staff determined that sidewalk vending requirements and permitting should be outlined in a separate chapter from other mobile vending types. In addition, SB 972 created a new definition of non-motorized vendors. While mainly addressed in the context of sidewalk vending, staff have considered the potential of CMFOs operating on private property in the update of the Mobile Vendor Ordinance as well. Inclusion of this terminology and the new vendor types will create consistency for applicants as they navigate Yolo County Environmental Health and the City's permitting processes.

Chapter 5.40 Sidewalk Vendors

The proposed Sidewalk Vendor Ordinance includes a new Sidewalk Vendor Permit. This permit will apply to stationary and roaming CMFOs operating in the public right-of-way, including sidewalks, and in public parks. The proposed chapter does not include any permit cap or limit on the number of Sidewalk Vendor Permits that may be issued. Annual renewal with a renewal fee is required.

The permit application will require various items to allow City staff to verify that requirements from all agencies are met, including valid identification, a City business license, a California Seller's Permit from the Department of Tax and Fee Administration, and a Certification of General Liability Insurance with a minimum of \$100,000 coverage. If the vendor sells food, they will be required to provide a copy of a valid Yolo County Environmental Health permit, including the approved Commissary Agreement. These items will be required to reduce the City's liability for vendors operating on public property.

Location Requirements (5.40.080)

The following location restrictions are proposed based on those allowed under State law:

- Vendors prohibited within 600 feet of farmer's markets, swap meets, and temporary special events;
- Vendors prohibited in parks with signed agreements for exclusive sale of food or merchandise by the concessionaire; and
- Stationary sidewalk vendors prohibited in areas zoned exclusively residential. This does not apply to roaming sidewalk vendors, who, by State law, are allowed in residential zones.

The following restrictions are proposed based on general health and safety concerns:

- Stationary sidewalk vendors prohibited in areas with no sidewalks or with narrow sidewalks where the vendor cannot leave a minimum of 48 inches of accessible path of travel;
- Roaming sidewalk vendors prohibited in areas with no sidewalks and must leave a minimum of 48 inches of accessible path of travel on the sidewalk, except for a brief duration to conduct a sale;
- Sidewalk vending is prohibited in the street, bicycle paths, Class I paths, crosswalks, freeway on-ramps, or other traffic areas;
- Sidewalk vending is prohibited within 100 feet of emergency service personnel performing duties, freeway on-ramps/off-ramps, or another sidewalk vendor;

- Sidewalk vending is prohibited within 25 feet of traffic intersections, driveways, street corners, crosswalks, traffic signals, fire hydrants, bus stops, entrances and exits to buildings, and curbs painted white, yellow, green, blue, or red; and
- Sidewalk vending prohibited within 10 feet of a utility meter, manhole, service box, tree well, streetlight pole, power pole, telecommunications pole, outdoor dining area, or automated teller machine.

Operational Requirements (5.40.090)

The following is a summary of operational requirements proposed to address cohesion with other similar City requirements and to protect cleaning, food safety, public safety, and public property:

- Permits from the City and County must be posted in a visible location;
- Vendors may not outcry, ring bells, play amplified music or make any other noise prohibited in Section 9.28.090 of the WMC;
- Vendors must remove and dispose of any trash from operations or customers. Any grease, food, or fluids that fall on public property must be cleaned immediately;
- Sidewalk food vendors must return to their approved commissary daily for cleaning and servicing.
- Roaming vendors must move continuously, except to conduct transactions for customers for no more than 30 minutes;
- Vendors must move immediately to provide access to the sidewalk for other pedestrians or traffic if needed;
- Customer queueing must be organized to not interfere with pedestrian safety or traffic;
- Sidewalk vending operations must be self-contained, and may not contain any hazardous materials except propane;
- Sidewalk vendors must operate from facilities meant for vending (not personal cars or other personal vehicles);
- Adequate lighting must be provided for customer safety;
- Sidewalk vendors cannot have any site furniture, including chairs, tables, or shade structures outside their vending operation;
- No goods, equipment, signage, or other materials can be stored on public property, displayed on the ground or on public infrastructure, and may not be fastened to any building or structure;
- Operations cannot be left unattended;
- Vendors cannot use water lines, electrical lines, gas lines, or connect to any electrical outlets;
- Vendors cannot vend to any person traveling in a car or other vehicle in a public roadway; and
- Prohibited sales include alcohol, cannabis, tobacco, pharmaceutical products, products that contain nicotine, fireworks, adult-oriented materials, weapons of any type, live animals or wildlife, or rental services.

Storage (5.40.080.K)

The proposed chapter requires sidewalk food vending operations to be stored at the approved commissary. For non-food vendors, or as an alternative for sidewalk food vendors, up to two compact mobile food operations or other non-motorized vending conveyances may be stored on a residential property if not visible and not creating any nuisance to surrounding properties, subject to approval by the Yolo County Environmental Health Department.

Violations and Penalties (5.40.100)

SB 946 clearly outlines the administrative fines and process for violation of a local sidewalk vending program. Fines differ for permitted versus un-permitted vendors and increase after each violation.

Every city is required to have a process for vendors to request an ability-to-pay determination if fees are levied. Upon the fourth violation by a permitted sidewalk vendor, the City may rescind the permit. No violations are punishable as an infraction or misdemeanor, and no arrests can be made for violation of the City's sidewalk vending program, unless otherwise permitted under law.

The current Chapter 10.20 states that "any person who violates the provisions of this chapter shall be guilty of a misdemeanor." Chapter 10.20 briefly addresses the parking of peddlers and vendors in the public right-of-way, including the sidewalk, meaning that the current penalty for sidewalk vendors is out of compliance with State law. The proposed Chapter 5.40 includes the administrative fees outlined in SB 946 and all other provisions applicable to violations.

Chapter 5.44 Mobile Vendors

The proposed Mobile Vendor Ordinance repeals the existing Chapter 10.20 in the WMC and adopts Chapter 5.44. This moves the mobile vending requirements from Title 10 (Vehicles and Traffic) to Title 5 (Business Licenses and Regulations). While Chapter 10.20 focused mainly on mobile vending vehicles, Chapter 5.44 includes motorized and non-motorized vendors and expands operation and location requirements. These changes cause the Chapter to expand beyond the scope of Title 10. Staff recommends the move to Title 5, and the adoption of the new Sidewalk Vending Ordinance into Title 5, since processing of the mobile vendor licenses typically occurs concurrently with City of Woodland business licenses. Other licenses and permits that require annual renewal are located in Title 5 as well.

Permit Applicability (5.44.020)

Chapter 10.20 currently states that a Mobile Vendor Permit is required for persons operating a mobile vendor vehicle that are present in Woodland for more than 14 days in any calendar year and stopped in one location for longer than 30 minutes. Chapter 5.44 proposes that all mobile vendors, including roaming vendors stopped in one location for less than 30 minutes, will be required to obtain a Mobile Vendor Permit. This reflects the requirement for a Sidewalk Vendor Permit for stationary and roaming sidewalk vendors. Some exemptions are proposed for catering private events, the sale of agricultural products on the site where they are grown, and temporary vendors operating on the site of a brewery, school, or hospital for less than 4 hours per day with written consent from the property owner. Peddlers and solicitors are subject to separate requirements under Chapter 9.56 and vendors operating as part of an event with a Temporary Use Permit or Special Events permit are subject to separate requirements under Section 17.84.370 and Chapter 12.40 of the WMC.

Chapter 10.20 limits the total number of Mobile Vendor Permits to 13, based on the number of licensed mobile vendors as of April 1st, 2011. The proposed Chapter 5.44 does not include a permit limit on the total number of Mobile Vendor Permits as applies to roaming vendors, such as ice cream trucks that move continuously or other "job-site" vendors that move at least every 30 minutes. A limit is imposed in the proposed Section 17.84.250 on the number of stationary motorized mobile vendors (or stationary food trucks) on private property, with some exceptions as described later in this report.

Application Requirements (5.44.030)

Beyond the application requirements included in the current Chapter 10.20, Chapter 5.44.030 proposes that Mobile Vendor Permit applications include the following, as applicable:

- A copy of the valid Yolo County Environmental Health Permit, including the Commissary Agreement and Restroom Agreement;
- The address of the approved commissary and the name and contact information for the commissary operator;
- A commissary service plan outlining the times that the vending conveyance will be serviced;

- A business operation plan;
- The proposed gray-water disposal location;
- The proposed storage address and location for the vending conveyance when not in use;
- Certificate of General Liability Insurance for vendors operating on public property or in the public right-of-way;
- Proof of Worker's Compensation insurance, as applicable;
- Proof of vehicle registration with the California Department of Motor Vehicles; and
- Proof of a California Department of Tax and Fee Administration Seller's Permit.

These items are incorporated in the proposed ordinance to allow the City to verify that mobile food vendors are visiting their commissary daily for maintenance, and that mobile vendors in general are meeting all County and State requirements.

Location Requirements (5.44.080)

Chapter 5.44.080 proposes the continuation of some of the location requirements from Chapter 10.20 and the incorporation of similarly applicable requirements included in the Sidewalk Vendor Ordinance.

Key items proposed to create consistency with sidewalk vendor requirements are listed below:

- Vendors prohibited within 600 feet of farmer's markets, swap meets, and temporary special events;
- Vendors prohibited in parks with signed agreements for exclusive sale of food or merchandise by the concessionaire;
- Vending is prohibited within 100 feet of emergency service personnel performing duties, freeway on-ramps/off-ramps, or another sidewalk vendor;
- Vending is prohibited within 25 feet of traffic intersections, driveways, street corners, crosswalks, traffic signals, fire hydrants, bus stops, entrances and exits to buildings, and curbs painted white, yellow, green, blue, or red; and
- Vending prohibited within 10 feet of a utility meter, manhole, service box, tree well, streetlight pole, power pole, telecommunications pole, outdoor dining area, or automated teller machine.

Additional location requirements for mobile vendors are as follows:

- Vendors prohibited on vacant, unimproved properties or stand-alone parking lots;

This requirement is from the current Chapter 10.20. All mobile vendors are considered an accessory use to businesses on a site and this requirement ensures that vendors do not vend on properties without sufficient infrastructure for frequent access.

- Vendors must be located at least 300 feet apart;

Chapter 10.20 requires only one mobile vendor vehicle per property at any one time. By specifying a distance requirement, mobile vendors can be adequately separated to avoid unapproved congregation of mobile vendors, which could create unsafe conditions for customers without adequate space or infrastructure.

- Mobile vendors must be at least 100 feet from existing brick-and-mortar restaurants, unless the mobile vendor is affiliated with the restaurant;

This requirement is proposed based on concerns from local restaurant owners regarding the impacts of mobile vendors parking directly in front of existing restaurants and selling similar goods.

- Stationary mobile vendors are prohibited at gas stations or vehicle service stations;

The prohibition of stationary vendors at gas stations reflects similar safety requirements outlined in the distancing requirements in Chapter 5.44, which address concerns about the safety of mobile vending at gas stations. Given the typical small size of lots where gas stations are located and the constant vehicle traffic, customers queuing for a mobile vendor at a gas station site is unsafe.

- Vending is prohibited in any emergency fire lane, driving aisle, or other location that would interfere with vehicle traffic; and
- Vendors are prohibited from parking or standing in landscaped areas.

Operational Requirements (5.44.090)

Chapter 5.44.090 proposes the continuation of some of the operational requirements from Chapter 10.20 and the existing Section 17.84.250, the incorporation of similarly applicable requirements included in the Sidewalk Vendor Ordinance, and incorporation of requirements set by Yolo County Environmental Health or used by other jurisdictions. One exception to the proposed use of operational requirements from Chapter 10.20 is the limitation of hours of operation. Allowing more flexibility in the hours of operation may allow mobile vendors to operate later than many existing restaurants may be open, creating more food options for residents.

Key requirements proposed in Section 5.44.090 to create consistency with sidewalk vendor requirements are listed below:

- Permits from the City and County must be posted in a visible location;
- Vendors may not outcry, ring bells, play amplified music or make any other noise prohibited in Section 9.28.090 of the WMC;
- Roaming vendors must move continuously, except to conduct transactions for customers for no more than 30 minutes;
- Vendors must remove and dispose of any trash from operations or customers. Any grease, food, or fluids that fall on public property must be cleaned immediately;
- Food vendors must return to their approved commissary daily for cleaning and servicing;
- Customer queuing must be organized to not interfere with pedestrian safety or traffic;
- Vending operations must be self-contained;
- Vendors must operate from facilities meant for vending (not personal vehicles);
- Sidewalk vendors cannot have any site furniture, including chairs, tables, or shade structures outside their vending operation;
- Vendors cannot use water lines, electrical lines, gas lines, or connect to any electrical outlets;
- Vendors cannot vend to any person traveling in a car or other vehicle in a public roadway; and
- Prohibited sales include alcohol, cannabis, tobacco, pharmaceutical products, products that contain nicotine, fireworks, adult-oriented materials, weapons of any type, live animals or wildlife, or rental services.

Additional location requirements for mobile vendors are as follows:

- Mobile vendors shall not permanently alter the character of facilities at the property where they are located;
- Mobile vending must be an accessory to a primary use on any site;
- Roaming vendors must be legally parked when temporarily stopped to complete transactions with customers;

This requirement is meant to address motorized mobile vendors, such as ice cream trucks, that stop only to complete transactions, often along the public right-of-way. Requiring legal parking will prevent vendors from stopping in ways that block traffic or emergency access.

- The minimum number of on-site parking spaces pursuant to Section 17.68.030 must be available and not blocked by a vendor located in a parking lot; and

The current Section 17.84.250 requires that vendors displace no more than three non-residential parking spaces for a maximum of four hours per day per parking lot, provided that no more than 10 percent of the total number of parking spaces on the site are displaced. The proposed change simplifies this requirement and allows staff to more easily determine if a site can support a mobile vendor and the parking needs of the primary use. With the recent Comprehensive Zoning Code Update, many sites in the City have more parking than the minimum required, so this is not expected to widely prevent mobile vending in non-residential parking lots.

- Automobile and vehicle services are prohibited as mobile vendors, except car washing and windshield repair conducted in compliance with stormwater requirements.

This requirement is in the current Section 17.84.250. It is intended to prevent roaming mobile vendors from conducting significant auto repairs in residential neighborhoods, as it could be disruptive to traffic and surrounding residents.

Storage (5.44.080.J)

Similarly to the proposed sidewalk vendor requirements, mobile food facilities must be stored at the approved commissary. However, if there is no parking capacity at the commissary, an alternate storage location in a commercial or industrial area may be approved if screened from view. Up to two CMFOs (regardless of if they are sidewalk vending conveyances or for vending on private property) may be stored at a residential property if not visible or disruptive. Motorized vendors (including food trucks and trailers) may not be stored on residential property.

Violations and Penalties (5.44.100)

This section declares violations of the proposed Chapter 5.44 and Section 17.84.250 as nuisances subject to administrative citation pursuant to Chapter 9.20. In addition to the nuisance citations, the penalties for mobile vendors with permits, mobile vendors without permits, and property owners of sites un-permitted vendors are located are proposed as follows:

- Violations of Chapter 5.44 and/or Section 17.84.250 by mobile vendors with a Mobile Vendor Permit shall be punishable by:
 - A code violation notice upon first violation.
 - A fine of \$250 for a second violation and any subsequent violation.

- Permit suspension or revocation subject to an administrative hearing held by the Community Development Director for the third or any subsequent violation.
- Violations of Chapter 5.44 and/or Section 17.84.250 by mobile vendors without a Mobile Vendor Permit shall be punishable by:
 - A fine of \$500 for each violation.
- If a mobile vendor operates on private property within the City without a Mobile Vendor Permit, the property owner shall be punishable by:
 - An administrative fine of \$250 for each violation.

The proposed chapter includes a process for appeal of any fines and suspension or revocation of a Mobile Vendor Permit.

Section 17.84.250 Mobile Vending and Food Preparation

Chapter 5.44 is proposed as a baseline for permit requirements and standards for mobile vendors. The proposed Section 17.84.250 modifies permitting and requirements for stationary mobile vendors on private property and includes requirements for commissaries under the food preparation use type.

Section 17.84.250 is written to support Chapter 5.44, but further clarifies the specific types of vendors that the Zoning Ordinance regulates. Staff determined that stationary vending on private property and commissaries are more permanent uses on property, and therefore should remain included in the Zoning Ordinance.

Permit Limit (17.84.250.B through 17.84.250.D)

The new Section 17.84.250 retains the 13-permit limit for the total number of Mobile Vendor Permits issued but applies it only to stationary mobile food facilities located on private property. In essence, this limit will apply to food trucks or food vending trailers pulled by a vehicle that operates in a semi-permanent fixed location.

The updated requirements apply the 13-permit limit on the stationary vendors on private property only, and leave the various types of smaller CMFOs and roaming motorized vendors addressed in the new code uncapped. Based on discussion with the City Council Economic Development subcommittee, staff determined that the concerns over unfair competition apply primarily to vendors that cook food for substantial meals, which is less common among the CMFOs and roaming motorized vendors. The smaller vendors, such as CMFOs that sell fruit or other foods that require little preparation, have cultural value and limited impact on surrounding areas and businesses.

The proposed Section 17.84.250 includes an exception to the 13-permit limit for stationary mobile food facilities on private property that are affiliated with a brick-and-mortar restaurant. The mobile food facility must have substantially the same name, serve the same food, and be filed under the same business license as the restaurant. This exception is intended to allow existing brick-and-mortar restaurants to expand their business with one stationary mobile food facility per restaurant, without being subject to the limitations on the total number of permits for that vendor type allowed in the City.

If a mobile food facility subject to the 13-permit limit is sold or transferred, the permit “spot” may be held for the new owner if the new owner applies for a Mobile Vendor Permit within 90 days. This will allow stationary mobile vendors to retain the value of their business, even when all 13 permits are issued.

Staff find it important to note that feedback from existing brick-and-mortar restaurants received at the November 13th, 2024 meeting with various local restaurant representatives, would have the permit limit reduced from 13 to a much lower number. This is based on concerns that the overall number of mobile vendors will increase, since some of the current Mobile Vendor Permit holders would be exempt from the 13-permit limit under the proposed code, due to affiliation with existing brick-and-mortar restaurants. However, staff finds that value remains in providing some opportunity for low barrier entry into entrepreneurship in the food industry and therefore recommends retaining the 13 permit cap. The Planning Commission and City Council are asked to consider and recommend whether the 13-permit limit is the right number.

Application Requirements (17.84.250.E)

Beyond the application requirements proposed in Chapter 5.44, Section 17.84.250 requires a site plan of the stationary vending location and written authorization from the property owner to vend in that location. These requirements for authorization from the property owner are included in the current code in Section 10.20.120.B.3. The requirement for a site plan is necessary to demonstrate to staff where the vendor will operate.

Location Requirements (17.84.250.G)

Beyond the application requirements proposed in Chapter 5.44, Section 17.84.250 requires the following for stationary mobile vendors:

- Stationary mobile vendors are permitted in the Corridor Mixed Use-West Main (CMU-WM), Corridor Mixed Use-East (CMU-E), Corridor Mixed Use-Kentucky (CMU-K), Corridor Mixed Use-Flex (CMU-F), Community Commercial Mixed Use (CCMU), Regional Commercial-Flex (RC-F), Regional Commercial (RC), and Industrial Flex (IF) zones. Stationary mobile vendors will be prohibited in residential areas or within 100 feet of residential zones;
- No more than one stationary mobile vendor allowed per lot (except as allowed for permanent food truck hubs or as approved by the Community Development Department Director); and
- Adequate access, drainage, sanitation, and other necessary facilities must be on the proposed site.

The requirements reflect those described in the current Section 17.84.250, with some clarifications. The zones where mobile vending is and is not permitted are explicitly listed, clarifying this requirement for staff and the public.

Operational Requirements (17.84.250.I)

This section references the proposed Section 5.44.090 of the WMC and adds the following requirement:

- Stationary mobile vendors must have access to approved restroom facilities within 200 feet of the vending site. The restroom facility must be listed in the Restroom Agreement on file with the County Environmental Health Division.

Storage (17.84.250.H)

In addition to the storage requirements in Section 5.44.090, this section proposes to allow stationary

vendors on private property to store their vending conveyance in the approved vending location if the permit holder verifies that the operation is serviced at the commissary daily.

Design Standards (17.84.250.J)

Since stationary mobile vendors on private property are semi-permanent, the following design standards are recommended by staff:

- Signage must be professional, readable, and not prohibited by the Sign Ordinance;
- No freestanding or banner signage;
- No site furniture outside the mobile vending conveyance unless otherwise approved by the Community Development Department Director;
- Mobile vending conveyances must be self-contained; and
- Mobile vending conveyances must be functioning and operable.

Food Preparation Use and Commissary Standards (17.84.250.K)

Food preparation is defined in Chapter 17.144 of the Zoning Ordinance as follows:

"A business that prepares and/or packages food for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Typical uses include catering kitchens, bakeries with on-site retail sales, commercial kitchens, and small-scale specialty food production. This classification does not include businesses involved in the processing or manufacturing of wholesale food products."

This description covers commissaries that serve mobile food vendors. The current Zoning Ordinance allows food preparation uses in the Downtown Core (DX-1), Downtown Civic (DX-2), Downtown Gateway (DX-4), Corridor Mixed-Use West Main (CMU-WM), Corridor Mixed-Use East (CMU-E), Corridor Mixed-Use Kentucky (CMU-K), Corridor Mixed-Use Armfield (CMU-A), Corridor Mixed-Use Flex (CMU-F), Corridor Mixed-Use Gateway (CMU-G), Community Commercial Mixed-Use (CCMU), Regional Commercial Flex (RC-F), Industrial Flex (IF), and Business Park (BP) zones. Food preparation is conditionally permitted in the Downtown Transitional (DX-3), Neighborhood Mixed-Use (NMU), and Industrial General (IG) zones with the approval of a Zoning Administrator Permit.

The proposed Section 17.84.250.K includes the following requirements for commissaries and food preparation uses:

- Stationary mobile food facilities must have an approved commissary located within the City of Woodland jurisdiction;
- Existing restaurants may act as commissaries for no more than two mobile food facilities or compact mobile food operations at any time, subject to approval by the County Environmental Health Division, Community Development Department, and Public Works Department;
- No stand-alone food preparation uses allowed in the Downtown Core (DX-1) zone facing Main Street;
- Operation as a commissary is subject to a Public Works Department determination that the site has the capacity to support a mobile food vendor. Site upgrades or increased servicing may be required;
- Overnight parking for mobile food facilities or compact mobile food operations must be provided by the commissary, unless an alternative location is approved; and
- A 90-day transition period applies to existing, permitted mobile vendors with commissaries that do not meet the updated requirements at the time of the adoption of this ordinance.

Permanent Food Truck Hub (17.84.250.L)

A permanent food truck hub is a food-court style mobile vendor hub, where multiple stationary mobile food facilities are located. The proposed Section 17.84.250.L includes the following requirements for this use:

- Permanent Food Truck Hubs may be considered in non-residential zones, subject to approval of a Zoning Administrator Permit; and
- This use shall require permanent infrastructure, such as dining areas, restrooms, and lighting.

Chapter 8.32 Food Handling

The adoption of Chapter 3 of Title 6 of the Yolo County Code by reference will allow City Code Enforcement to assist in the enforcement of County requirements for food handling. Mobile vendors are easily movable, and it can be difficult to locate vendors operating out of compliance.

Collaboration between the County and City in enforcement will protect the food safety and the health of Woodland residents. The amendments to the County code included in Chapter 8.32 include changes in phrasing for clarity.

Permit and Annual Renewal Fees

Currently, the existing Mobile Vendor Permit (described in Chapter 10.20) is tied to the City Business License and does not have associated fees for the original Mobile Vendor Permit or renewal. The proposed permitting fees will be charged in addition to the business license fees, to assist in cost recuperation for some of the City staff time required to process the permits and enforce updated requirements. To determine appropriate fee amounts, staff compared current and proposed permit and business license fees to various other jurisdictions in the surrounding area, as shown in Figure 2 below.

Comparison of Mobile Vendor Permit and License Costs			
<i>Jurisdiction</i>	<i>Vendor Permit Cost</i>	<i>Renewal Cost</i>	<i>Business License Cost</i>
City of Woodland (Current)	None	None	Home Business - \$114, \$77 renewal Out-of-Town - \$191, \$77 renewal
City of Woodland (Proposed)	Sidewalk Vendor/CMFO - \$100 Mobile Food Facility - \$300	\$50	Home Business - \$114, \$77 renewal Out-of-Town - \$191, \$77 renewal
City of Sacramento (Sidewalk Vendors)	\$190	\$190	Unknown
City of Sacramento (Mobile Vendors)	Vending Vehicle Driver - \$185 Food Vending Vehicle - \$205 Private Property – Min. \$800	Vending Vehicle Driver - \$185 Food Vending Vehicle - \$205 Private Property – Min. \$500	Unknown
City of Winters	\$117	\$117	\$89 for annual license
City of Elk Grove	Special License - \$125 Employee Permit - \$75 Fingerprinting Fee - \$44	Special License - \$125 Employee Permit - \$75	\$16 for a 2-year license
City of Oakland	Motorized Vendor - \$497, or Nonmotorized Vendor - \$412	Same fees for annual renewal. Semi-annual permit available for slightly increased rate.	Varies depending on annual gross receipts

Figure 2: Mobile Vendor Permit Fee Comparison

General Plan Consistency

The City of Woodland 2035 General Plan does not explicitly discuss mobile vendors or mobile food vending. However, it does discuss topics related to mobile vending, such as circulation, economic development, and healthy food.

Circulation

The Circulation Element of the 2035 General Plan emphasizes the promotion of safe, walk-able and bike-able communities in the City. The proposed Sidewalk Vendor Ordinance and Mobile Vendor Ordinance incorporate location and operational requirements that prioritize the safety of pedestrians and other forms of traffic on sidewalks and roadways. Sidewalk vendors cannot obstruct space for pedestrians and are prohibited in bicycle lanes, Class I paths, streets, and other road areas in the proposed update. These requirements protect the safety of vendors, pedestrians, bicyclists, and motor vehicle traffic.

Economic Development

Policy 4.D.8 of the Economic Development Element encourages “home-based businesses compatible with surrounding neighborhoods, in accordance with the Zoning Ordinance” and “opportunities for alternative employment forms and incubators for small businesses.” State legislation, including SB 946, has identified sidewalk vending as a method of providing important entrepreneurship and economic development opportunities to low-income and immigrant communities. While mobile vending is not technically a home-based business, sidewalk vending and vending from CMFOs is a similar scale to many home-based businesses. With SB 972 allowing some guidance on the storage of up to two CMFOs at a residence, if certain requirements are met, the proposed updates address these smaller operations and residential storage of CMFOs.

Healthy Food

The Healthy Community Element discusses the importance of access to healthy food. Policy 6.C.2 states that the City should encourage healthy food options that are fresh and minimally processed. SB 946 discusses how sidewalk vending increases access to culturally significant food, and CMFOs can only sell foods that meet the “limited food preparation” standards outlined in SB 972. Produce and cut fruit are examples of healthy foods often sold by sidewalk vendors and CMFOs. By adopting the Food Handling Chapter of the Yolo County Code, the City can protect food safety by enforcing Yolo County Environmental Health permits.

By further outlining pathways to permitting sidewalk vendors and other mobile vendors, the City can create business opportunities and potential healthy food access consistent with this General Plan policy and State law, while still protecting public safety.

Environmental Review

Staff has determined that the adoption of the proposed ordinance updates are exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Sections 15061(b)(3) and 15060(c)(2) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3. These sections apply to projects that will not have a significant effect on the environment.

Public Notification

Public notice advertising for the Planning Commission public hearing was prepared by the Community Development Department in accordance with notification procedures set forth in the City of Woodland Zoning Ordinance and State Planning Law. On November 8th, 2024, the City published notice of the Planning Commission’s consideration of the proposed ordinances in a 1/8th page advertisement in the Woodland Daily Democrat. Public notices with information on the Planning Commission public hearing were mailed to current Mobile Vendor Permit holders on November 7th, 2024. The public notices included contact information for a Spanish-speaking City employee and

instructions written in Spanish to contact that employee for assistance with translation.

Planning Commission Recommendation

The Planning Commission is asked to make a recommendation to City Council regarding the adoption of Resolution No. PC 24-09 for the sidewalk vending and mobile vending code updates. The Commission has the following options:

1. Review and recommend approval via adoption of Resolution No. PC 24-08.
2. Review and recommend approval via adoption of Resolution No. PC 24-08 with specific recommended changes as agreed to by a majority of Commission members reflected in the motion and by the vote of members.
3. Continue the matter to a future Commission hearing with direction for additional information or revisions.
4. Review and recommend denial of Resolution No. PC 24-08.

Conclusion:

Staff recommends that the Planning Commission take action on the following:

1. Receive the staff report;
2. Conduct a public hearing; and
3. Adopt Resolution No. PC 24-08, recommending that the Woodland City Council adopt Chapter 5.40 (Sidewalk Vendors) into the Woodland Municipal Code, repeal Chapter 10.20 of the Woodland Municipal Code and adopt Chapter 5.44 (Mobile Vendors), repeal and replace Section 17.84.250 (Mobile Vendors) of the Title 17 Zoning Ordinance with Section 17.84.250 (Mobile Vending and Food Preparation), approve new mobile vendor permit fees and annual renewal fees, and adopt Chapter 8.32 into the Woodland Municipal Code.

Prepared by: Hadlie Ward, Assistant Planner

Reviewed by: Erika Bumgardener, Deputy Director Community Development Department

Attachments:

1. Resolution
2. Exhibit A - Chapter 5.40 Sidewalk Vendors
3. Exhibit B - Chapter 5.44 Mobile Vendors
4. Exhibit C - Section 17.84.250 Mobile Vending and Food Preparation
5. Exhibit D - Chapter 8.32 Food Handling

**PLANNING COMMISSION
RESOLUTION NO. PC 24-08**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WOODLAND
RECOMMENDING TO THE CITY COUNCIL APPROVAL OF CODE UPDATES ADOPTING
CHAPTER 5.40 (SIDEWALK VENDORS), REPEALING CHAPTER 10.20 OF THE
WOODLAND MUNICIPAL CODE AND ADOPTING CHAPTER 5.44 (MOBILE VENDORS),
REPEALING AND REPLACING SECTION 17.84.250 OF THE TITLE 17 ZONING
ORDINANCE, APPROVING NEW MOBILE VENDOR PERMIT FEES, AND ADOPTING
CHAPTER 8.32 INTO THE WOODLAND MUNICIPAL CODE**

WHEREAS, on March 1st, 2011, the City Council adopted Ordinance No. 1526 amending the section of the Woodland Municipal Code (“WMC”) pertaining to mobile vendors to create basic operational standards for vendors; and

WHEREAS, Senate Bill 946, the Safe Sidewalk Vending Act, was signed by Governor Jerry Brown on September 17, 2018, defining sidewalk vendors and the regulating local agency requirements for sidewalk vendors; and

WHEREAS, Senate Bill 972 was signed by Governor Gavin Newsom on September 23rd, 2022 and went into effect January 1st, 2023, amending the California Retail Food Code defining compact mobile food operations and creating a type of nonmotorized mobile food vendor not addressed under the City’s current mobile vending code; and

WHEREAS, the City has recognized changes in the local food vending landscape and the need for consistency across City code, Yolo County Environmental Health Division procedures, and state law; and

WHEREAS, the City has the authority to enact laws which regulate the time, place, and manner of sidewalk vendors and mobile vendors to promote the public health, safety, and welfare of residents in the City; and

WHEREAS, the addition of Chapter 5.40 (Sidewalk Vendors) into the WMC will bring the WMC into compliance with state law and provide a permitting pathway for the City to regulate sidewalk vendors; and

WHEREAS, the replacement of Chapter 10.20 with Chapter 5.44 (Mobile Vendors) in the WMC and the replacement of Section 17.84.250 in the Title 17 Zoning Ordinance will address CMFOs as defined by state law, create consistency with the Yolo County Environmental Health Division, add clarity to requirements for safety and public welfare, and provide permitting pathways for the City to regulate all mobile vendors; and

WHEREAS, the adoption of new permit fees for mobile vendors will assist with cost recovery for increased staff time to implement the new permitting procedures and requirements described in the proposed Sidewalk Vendor and Mobile Vendor Ordinances; and

WHEREAS, the addition of Chapter 8.32 (Food Handling) into the WMC to adopt by reference Chapter 3 of Title 6 of the Yolo County Code of Ordinances will create more consistency and collaboration between the City and the County for oversight of mobile food vendors; and

WHEREAS, the Planning Commission has determined that the proposed amendments to the WMC are in general conformance with the Woodland General Plan which seeks to encourage small businesses and protect public safety; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”), the proposed ordinance amendments are exempt from CEQA review per Section 15061(b)(3) 15060(c)(2) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, which applies to projects that will not have a significant effect on the environment; and

WHEREAS, proper notice of this public hearing was given in all respects as required by law; and

WHEREAS, the Planning Commission has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Woodland, based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby recommend that the City Council approve of the proposed code updates to adopt Chapter 5.40 (Sidewalk Vendors) into the WMC, to repeal Chapter 10.20 (Mobile Vendors) of the WMC and adopt Chapter 5.44 (Mobile Vendors) into the WMC, to repeal and replace Section 17.84.250 of the Title 17 Zoning Ordinance, to adopt new mobile vendor fees, and to adopt Chapter 8.32 (Food Handling) into the WMC. The proposed ordinance drafts are attached hereto as Exhibit A, B, C, and D and incorporated by this reference.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Woodland at a regular meeting held on the 21st day of November 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Marco C. Lizarraga, Chairperson

ATTEST:

Erika Bumgardner, Deputy Community Development Director

EXHIBIT A

[Insert Exhibit A – Chapter 5.40 Sidewalk Vendors]

EXHIBIT B

[Insert Exhibit B – Chapter 5.44 Mobile Vendors]

EXHIBIT C

[Insert Exhibit C – Section 17.84.250 Mobile Vending and Food Preparation]

EXHIBIT D

[Insert Exhibit D – Chapter 8.32 Food Handling]

5.40 Sidewalk Vendors

5.40.010 Definitions

“Certified farmers’ market” means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 16 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter;

“Compact mobile food operation” means a mobile food facility that operates from an individual or from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance;

“Director” means the Director of the City’s Community Development Department or designee;

“Roaming sidewalk vendor” means a sidewalk vendor who moves from place to place and stops only to complete a transaction;

“Sidewalk vendor” means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one’s person, upon a public sidewalk or other pedestrian path;

“Stationary sidewalk vendor” means a sidewalk vendor who vends from a fixed location in the public right-of-way; and

“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.

5.40.020 Permits Required

- A. Sidewalk Vendor Permit. No person, either for themselves or any other person, shall conduct or engage in sidewalk vending within the City without first obtaining a Sidewalk Vendor Permit pursuant to this Chapter, except for the following:
1. Vendors operating in conjunction with an event approved through a Temporary Use Permit or Special Event Permit issued by the City
 2. Peddlers and solicitors, as separately regulated under Chapter 9.56
 3. No Sidewalk Vendor Permit shall be required if the vendor only sells, displays, solicits or offers for sale, barter or exchange any of the following:
 - i. Newspapers, leaflets, pamphlets, bumper stickers, or buttons.
 - ii. Items which have been created, written, composed or otherwise produced by the vendor: Books, cassette tapes, compact discs, paintings, photographs or any other item that is inherently communicative and has nominal utility apart from its communication. Although an item may have some expressive purpose, it will be deemed to have more than nominal utility apart from its communication if it has a common and dominant non-

expressive purpose. Examples of items that have more than nominal utility apart from their communication and thus may not be vended under the provisions of this section, include, but are not limited to, the following: housewares, appliances, articles of clothing, sunglasses, auto parts, oils, incense, perfume, lotions, candles, jewelry, toys, stuffed animals, foodstuffs and beverages.

- B. Every permittee, upon receipt of a Sidewalk Vendor Permit, shall maintain the permit with the conveyance for which it is issued at all times of operation.
- C. Upon demand of a City employee authorized to enforce this chapter, a person operating a vending conveyance shall present the Sidewalk Vendor Permit that is in effect for the permitholder.
- D. All Sidewalk Vendor Permits are the property of the City and each shall authorize the operation of a single specific sidewalk vendor. It is unlawful for any person to sell or transfer, or attempt to sell or transfer, any sidewalk vendor permit.

5.40.30 Permit Application

- A. To apply for a Sidewalk Vendor Permit, a person must file an application with the Community Development Department, accompanied by a non-refundable application fee. The application shall be in a form prescribed by the Director and shall contain, at a minimum the following:
 - 1. The full legal name, business address, residential address, and telephone number of the sidewalk vendor.
 - 2. Valid identification, such as a California driver's license, individual taxpayer identification number, Social Security number, or any other government-issued identification card.
 - 3. The name and contact information of all persons that will be utilizing the conveyance for sidewalk vending.
 - 4. Written evidence that the applicant is an owner, lessee or holder of a similar interest in the conveyance to be used for sidewalk vending.
 - 5. A copy of the valid Yolo County Environmental Health Department Permit (including the Commissary Agreement) as applicable to food vendors, except when the sidewalk vending consists solely of twenty-five (25) square feet or less of display area from which only prepackaged non-potentially hazardous

food and whole uncooked produce will be sold. If potentially hazardous food or cooked produce will be sold or the display area is greater than twenty-five (25) square feet, the vendor must provide a copy of the Yolo County Environmental Health Department Permit issued to the vendor.

6. Proof of a valid City business license, or concurrent application for a City business license with the Sidewalk Vendor Permit application.
7. The name and contact information for the operator of the approved commissary as applicable to food vendors.
8. The address of the approved commissary as applicable for food vendors. The commissary shall be subject to a Zoning Clearance if located in the City of Woodland.
9. A commissary service plan, detailing the hours in which the sidewalk vendor will take their conveyance to the commissary to be serviced each day, as applicable to food vendors.
10. Whether the sidewalk vendor intends to operate as a stationary or roaming vendor.
11. If the vendor will be stationary, the application must include a site plan with the proposed location, marked by major cross streets, a photo or sketch of the location on an 8 inch by 11-inch sheet of paper, and the hours per day and the days per week during which the stationary sidewalk vendor proposed to operate at the location.
12. The address where the sidewalk vending conveyance will be parked and stored when not in use.
13. The type of food, goods, and/or merchandise the sidewalk vendor will vend.
14. Food vendors must provide a description of methods for ensuring adequate sanitation and waste management, such as dishwashing, handwashing, grease removal and liquid waste disposal, food storage and preparation, and potable water supply, as applicable.
15. A Certificate of General Liability Insurance in a form acceptable to the City Attorney, to be kept in force during the term of the permit. The insurance must have a minimum of \$100,000 coverage and include public liability and bodily insurance. The insurance policy must name the City of Woodland, its officials and employees, as additional insureds. The policy must be endorsed

by the state that coverage may not be suspended, voided, cancelled, or reduced in coverage or limits without 30 days prior written notice to the City.

16. Proof of Worker's Compensation insurance, as applicable.

17. Proof of a California Department of Tax and Fee Administration Seller's Permit.

18. Any additional licenses from other State or local agencies to the extent required by law.

19. An acknowledgement that the use of public property is at the sidewalk vendor's own risk and the City does not take any steps to ensure public property is safe or conducive to the sidewalk vending activities.

20. Any other reasonable information regarding the time, place, and manner of the proposed vending.

5.40.040 Permit Fee

A. The Sidewalk Vendor Permit application fee and renewal fee are hereby established and imposed. The City Council shall establish by resolution the amount of these fees, and any related penalties.

5.40.050 Permit Issuance

A. Except as provided in this section, a Sidewalk Vendor Permit shall be issued by the Director upon receipt of a complete application and payment of the permit fee, as specified in this chapter, and after the Director has:

1. Either based on the application and/or a physical inspection of the sidewalk vending conveyance and operation, the Director determines that the sidewalk vendor complies with this code and applicable State and County laws and regulations; and
2. Determined that the business location and vehicle storage location, if within the City, comply with applicable zoning regulations and other codes.

B. A Sidewalk Vendor Permit may be denied by the Director if the following findings are made:

1. The information submitted pursuant to Section 5.40.30 of this chapter is materially false or incomplete.
2. The application as proposed does not meet the requirements for sidewalk vendors, as specified in this chapter, at the discretion of the Director.

3. Within 12 months of the date of application, the applicant, any registered owner of the vending conveyance, or any person with a financial interest in the business that operates the vending conveyance, has had his or her Sidewalk Vendor Permit revoked.
4. A person with 10% or greater financial interest in the operation of the sidewalk vending business has been convicted of a crime, and the time for appeal has elapsed, irrespective of the entry of a subsequent order under Penal Code Section 1203.4; or has committed any act involving dishonesty, fraud, deceit, or moral turpitude with intent to substantially benefit him or herself, or another, or substantially injure another, or having the effect of substantially injuring another.
Provided, however, that the permit shall be denied upon any of the grounds specified in this subsection (B)(4) only if the Director finds that the crime or act is substantially related to the qualifications, functions or duties of a sidewalk vendor owner or owner of a business which operates vending vehicles or has substantial contact with minors. However, no person shall be denied a permit solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Penal Code Section 4852.01 et seq., or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed to evaluate the rehabilitation of a person when considering a petition under Penal Code Section 4852.01 et seq.

5.40.060 Permit Expiration and Renewal

- A. All Sidewalk Vendor Permits shall expire one year from their date of issuance. The corresponding City business license shall coincide and expire concurrently with the Sidewalk Vendor Permit. Applications for renewal shall be filed between 90 days and 30 days before their date of expiration.
- B. If a timely and complete application for renewal is filed, the permit's expiration shall be stayed until a decision on the renewal application is issued. The Director shall either approve or deny the renewal of the permit within 30 calendar days of receipt of the complete application. The Community Development Director may extend the time for consideration of the application for up to an additional 30 calendar days upon written notice to the applicant. The failure of the Community Development Director to timely act shall constitute approval of the renewal of the permit.
- C. Applications for Sidewalk Vendor Permit renewal require the following:
 1. Completed Sidewalk Vendor Permit Renewal Form.
 2. Copy of current Yolo County Environmental Health permit, if applicable.

3. Current Certificate of General Liability insurance.
4. Verification of the vending location for stationary sidewalk vendors.
5. Payment of the non-refundable renewal fee in an amount set by resolution of the City Council.

- C. Upon application for Sidewalk Vendor Permit renewal, an inspection of the sidewalk vending operation may be required to verify compliance, at the discretion of the Director.
- D. Failure to timely submit a renewal application prior to expiration of the permit shall result in permit expiration. Should a Sidewalk Vendor Permit expire, the vendor who was the permitholder shall be required to submit a complete new application for a Sidewalk Vendor Permit.

5.40.070 Permits Nontransferable

- A. No permit granted pursuant to this Chapter shall be transferable. Any change in ownership or operation of a sidewalk vending conveyance requires a new permit under this Chapter. In the event the holder of any sidewalk vendor permit sells or otherwise transfers the conveyance or operation to another person or entity, the permit holder shall notify the City to close the permit within five days of the sale, transfer, or of cease of operations.

5.40.080 Location and Siting

- A. Stationary sidewalk vendors are prohibited in areas that are zoned exclusively for residential use. This prohibition does not extend to roaming sidewalk vendors.
- B. Stationary sidewalk vending is prohibited in areas with no sidewalks or with narrow sidewalks where the sidewalk vendor's operation cannot still leave a minimum of forty-eight inches (48") of accessible path of travel, without obstruction, along the public sidewalk or public pathway.
- C. Roaming sidewalk vending is prohibited in areas with no sidewalks. Roaming vendors may not place or allow any obstruction that would reduce the width of the sidewalk to less than 48 inches, except for the brief duration of time to conduct a sale.
- D. Vending Prohibited in Certain Parks. Stationary sidewalk vendors are prohibited from vending in parks where the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire. Stationary sidewalk vendors and roaming sidewalk vendors may vend in parks that do not have signed agreements for exclusive food or merchandise concessionaires if they comply with all the requirements of this Chapter.

- E. Vending Prohibited Near Farmers' Markets. Sidewalk vendors are prohibited within 600 feet of a permitted certified farmers' market during the limited operating hours of that certified farmers' market.
- F. Vending Prohibited Near Swap Meets. Sidewalk vendors are prohibited within 600 feet of a permitted swap meet during the limited operating hours of that swap meet.
- G. Vending Prohibited Near Temporary Special Events. Sidewalk vendors are prohibited within 600 feet of an area designed for a temporary special event for the limited duration of the Special Event Permit, as issued pursuant to Chapter 12.40 of the City of Woodland Municipal Code.
- H. No sidewalk vendor shall vend in any of the following locations:
 - 1. Within one-hundred (100) feet of:
 - i. A police officer, firefighter, lifeguard, or emergency service personnel actively performing their duties or providing service to the public
 - ii. A freeway onramp or freeway offramp
 - iii. Another sidewalk vendor, unless otherwise approved by the Director
 - 2. Within twenty-five (25) feet of:
 - i. Any traffic intersection
 - ii. Any driveway, entrance to a parking lot, or alley approach
 - iii. A street corner, marked crosswalk, or curb return of any unmarked crosswalk
 - iv. A traffic signal, traffic signal controller, or emergency facility
 - v. A fire hydrant or fire call box
 - vi. A curb painted white, yellow, green, blue, or red
 - vii. A bus stop, bus shelter, or bus bench
 - viii. The entrance, exit, or emergency exit to a building, structure, or facility
 - 3. Within ten (10) feet of:
 - i. A utility meter, manhole, service box, tree well, streetlight pole, power pole, telecommunications pole, or other utilities
 - ii. An outdoor dining area
 - iii. An automated teller machine
- I. Sidewalk vending is prohibited in whole or in part on a street, alley, bicycle lane, Class I path, roadway median, crosswalk, freeway on-ramp, or other location that may interfere with vehicle or bicycle traffic and create a hazard for vendors and customers.

J. The issuance of a Sidewalk Vendor Permit does not provide an exclusive right to operate within any specific portion of the public right-of-way or any public property.

K. Sidewalk Vending Operation Storage

1. Sidewalk vending operations must be stored at the approved commissary, as applicable for food vendors.
2. Up to two (2) compact mobile food operations or other nonmotorized vending conveyances may be stored on a residential property if stored behind a fence line, inside a garage, or otherwise not visible from the public right-of-way. No other nuisance, odor, or noise shall be caused by the storage of a vending conveyance. A clear description of the storage location and proof of inspection and approval by the Yolo County Environmental Health Department must be provided with the Sidewalk Vendor Permit application for each conveyance.

5.40.090 General Operational Requirements

- A. A copy of the Sidewalk Vendor Permit and the permit from the Yolo County Environmental Health Department, as applicable for food vendors, shall be always posted in a location that is clearly visible to patrons of the vendor and City staff.
- B. Sidewalk vendors shall immediately move to provide access to the sidewalk if necessary, to avoid impeding the movement of pedestrians or other traffic. Sidewalk vendors must allow persons to freely pass while walking, running, or using mobility assistance devices and to comply with the Americans with Disabilities Act of 1990 (Public Law 101336) and any other disability access standards.
- C. All food, goods, and merchandise must be stored inside or affixed to the sidewalk vending operation or carried by the sidewalk vendor.
- D. No food, goods, merchandise, signage, equipment, or other possessions of the sidewalk vendor shall be stored on public property.
- E. No food, goods, merchandise, or signage of the sidewalk vendor shall be displayed on the ground or on public use items, including but not limited to, benches, tables, and utility infrastructure.

- F. Prior to leaving any vending location, the sidewalk vendor shall pick up, remove, and dispose of any trash or refuse generated by the vending operations or the vendor's customers within a fifteen (15) foot radius of the vending location.
- G. Sidewalk vendors shall immediately clean up any food, grease, or other fluid or items related to vending activities that falls on public property.
- H. Sidewalk vending operations shall not be chained, fastened, or affixed at any time to any building or structure, including, but not limited to, lampposts, parking meters, traffic signals, fire hydrants, benches, bus shelters, trash cans, street signs, trees, or other objects in the public right-of-way.
- I. Sidewalk vending operations shall not be left unattended and shall be removed from public property when not in active use by a sidewalk vendor.
- J. Sidewalk vendors shall return to the approved commissary at least once daily to dispose of waste, clean, and service the facility, as applicable to food vendors. The mobile vendor may be required to keep a visit log recording the date and time of each visit may be required to be kept at the approved commissary, at the request of the Director.
- K. Operations must be self-contained, including any power, fuel, cooling, cooking, shading, and heating equipment. Vending conveyances shall not contain or use explosive or hazardous materials, with the exception of propane.
- L. Sidewalk vendors may not attach or use water lines, electrical lines, or gas lines for their vending operation.
- M. Sidewalk vendors may not use any electrical outlet owned by the City or any other person. Power cords or extension cords across the sidewalk or other public right-of-way are prohibited.
- N. Sidewalk vendors shall not directly vend goods/merchandise from a car or personal vehicle that does not have the primary purpose of vending.
- O. Sidewalk vendors shall not vend to any person traveling in a motor vehicle along a public roadway.
- P. Vending operations may not be placed on and sidewalk vendors may not stand on areas improved with flowers, shrubs, street trees, or other landscaping.
- Q. No vendor shall outcry, ring bells, play chimes, play an amplified music system, or make any other noise prohibited in Section 9.28.090.

- R. Sidewalk vendors shall not have any site furniture, including chairs, tables, shade structures, or signage outside of the sidewalk vending operation.
- S. Sidewalk vendors must organize customer queuing in a manner that interferes with pedestrian safety or the flow of traffic.
- T. The vendor shall not utilize any equipment or methods that constitute a fire hazard, as determined by the City of Woodland Fire Marshal.
- U. Stationary sidewalk vendors who operate outside of daylight hours shall provide adequate lighting that may be necessary to ensure customer safety. Lighting shall be directed downwards and away from adjacent properties.
- V. Roaming vendors shall move continuously, except when conducting a sale, which must last no more than 30 minutes.
- W. Prohibited Sales: Sidewalk vendors shall not sell or offer any of the following:
 - 1. Alcohol, cannabis, tobacco, or pharmaceutical products, products that contain nicotine, any product or device used to smoke/vape nicotine or cannabis;
 - 2. Fireworks;
 - 3. Adult-oriented materials;
 - 4. Any weapons, including knives, guns, explosive devices, or BB devices or imitation firearms;
 - 5. Live animals, wildlife, fish, fowl, or insects;
 - 6. Any type of rental activity, including the rental of any goods and services; and
 - 7. Automobile and vehicle services except car washing and windshield repair conducted in compliance with applicable stormwater control requirements.

5.40.100 Violations; Penalties

- A. A violation of this chapter by a sidewalk vendor who has a valid Sidewalk Vendor Permit from the City is punishable only by an administrative fine in the following amounts:
 - 1. One hundred dollars (\$100.00) for the first violation.
 - 2. Two hundred dollars (\$200.00) for the second violation within one year of the first violation.
 - 3. Five hundred dollars (\$500.00) for each additional violation within one year of the first violation.
 - 4. The Director may rescind a permit issued to a sidewalk vendor for the term of that permit upon the fourth violation or subsequent violations.

- B. A person engaged in sidewalk vending without a valid City sidewalk vending permit is punishable by an administrative fine in amounts not to exceed the following:
1. Two-hundred and fifty dollars (\$250.00) for the first violation.
 2. Five-hundred dollars (\$500.00) for the second violation within one year of the first violation.
 3. One-thousand dollars (\$1,000.00) for each additional violation within one year of the first violation.
 4. Upon proof of a valid Sidewalk Vendor Permit issued by the City, the administrative fines set forth in this subsection shall be reduced to amounts set forth in subsection A, as required for sidewalk vendors with a valid Sidewalk Vendor Permit.
- C. Failure to pay an administrative fine pursuant to this chapter shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized shall not be assessed.
- D. A violation of this Chapter shall not be punishable as an infraction or misdemeanor. No person alleged to have violated the provisions herein shall be subject to arrest except when otherwise permitted by law.
- E. Should the Director rescind a Sidewalk Vendor Permit, written notice of the action shall be sent to the permitholder. Such notice shall contain a brief statement of the grounds to be relied upon for rescinding such permit. Notice may be given either by personal delivery to the persons to be notified, or by depositing the notice in the U.S. mail in a sealed envelope, postage prepaid, addressed to the persons to be notified at the address appearing in the Sidewalk Vendor Permit. Upon the Director's rescinding of the permit, the permit shall be null and void.
- F. When assessing an administrative fine pursuant to this section, the Director shall take into consideration the person's ability to pay the fine. The City shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgement remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.
1. If the person meets the criteria described in subdivision (a) or (b) of Government Code Section 68632, the local authority shall accept, in full satisfaction, 20 percent of the administrative fine imposed pursuant to this chapter.

2. The City may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.
- G. All appeals of administrative fines, citations, and/or permit rescission under this section must be made in compliance with the requirements and procedures of Section 5.44.110 through 5.44.130.

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5.44 Mobile Vendors

5.44.010 Definitions

“Compact mobile food operation” means a mobile food facility that operates from an individual or from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance;

“Commissary” means a food facility that services mobile food facilities, compact mobile food operations, or vending machines where any of the following occur: (a) Food, containers, or supplies are stored. (b) Food is prepared or prepackaged for sale or service at other locations. (c) Utensils are cleaned. (d) Liquid and solid wastes are disposed, or potable water is obtained;

“Director” means the Director of the City’s Community Development Department or designee;

“Mobile food facility” means any vehicle or trailer used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. “Mobile food facility” does not include a “transporter” used to transport packaged food from a food facility, or other approved source to the consumer;

“Mobile vending conveyance” means any vehicle, trailer, cart, stand, wagon, or other motorized or nonmotorized conveyance used for vending food or non-food merchandise;

“Roaming mobile vendor” means a mobile vendor who moves from place to place and stops only to complete a transaction; and

“Stationary mobile vendor” means a mobile vendor who vends from a fixed location on private property.

5.44.020 Permits Required

- A. Mobile Vendor Permit. It is unlawful for any person to maintain, manage, or operate a mobile vending conveyance within the City unless such activity is maintained, managed, or operated in strict compliance with all applicable city, county, state, and federal laws, rules, and regulations, including the possession of a Mobile Vendor Permit issued by the City.
1. Stationary mobile vendors on private property shall be subject to Section 17.84.250 of the City of Woodland Zoning Ordinance in addition to the provisions of this chapter.
 2. Roaming motorized food facilities operating in the public right-of-way and other roaming mobile vendors operating on public property shall be subject to the provisions of this chapter.

3. Exemptions:

- Temporary mobile vendors operating on a site with a permanent brewery, school, hospital, or similar site at the discretion of the Director and located on the site for greater than 30 minutes but no longer than 4 hours per day, as contracted with the business on site with written consent of the property owner or authorized official.
- Vendors catering a private event located fully on private property that is not open to the general public.
- The sale of agricultural products on the site where they are grown.
- Sidewalk vendors shall be subject to separate requirements under Chapter 5.40.
- Peddlers and solicitors shall be subject to separate requirements under Chapter 9.56.
- Vendors operating in conjunction with a Temporary Use Permit or Special Event Permit shall be subject to separate requirements under Section 17.84.370 and Chapter 12.40.

B. All Mobile Vendor Permits are the property of the City and each shall authorize the operation of a single mobile vending conveyance.

5.44.030 Permit Application

A. To apply for a Mobile Vendor Permit, the vendor must file an application with Community Development Department, accompanied by a nonrefundable application fee. The application shall be in a form prescribed by the Director and shall contain, at a minimum the following:

1. The full legal name, business address, residential address, and telephone number of the mobile vendor.
2. Valid identification, such as a California driver's license, individual taxpayer identification number, Social Security number, or any other government-issued identification card.
3. The name and contact information of all persons that will be utilizing the conveyance for mobile vending.
4. The State vehicle license plate number and the vehicle identification number of the mobile vending conveyance, if applicable.
5. Written evidence that the applicant is an owner, lessee or holder of a similar interest in the conveyance to be used for mobile vending.

6. A copy of the valid Yolo County Environmental Health Department Permit for food related vending, including the approved Commissary Agreement and Restroom Agreement, except when the mobile vending consists solely of twenty-five (25) square feet or less of display area from which only prepackaged non-potentially hazardous food and whole uncooked produce will be sold. If potentially hazardous food or cooked produce will be sold or the display area is greater than twenty-five (25) square feet, the vendor must provide a copy of the Yolo County Environmental Health Department Permit issued to the vendor.
7. Proof of a valid City business license, or concurrent application for a City business license with the Mobile Vendor Permit application.
8. The name and contact information for the operator of the approved commissary as applicable to food vendors.
9. The address of the approved commissary as applicable for food vendors. The commissary shall be subject to Zoning Clearance if located in the City of Woodland.
10. A commissary service plan detailing the hours in which the mobile vendor will take their conveyance to the commissary to be serviced each day, as applicable to food vendors.
11. The proposed greywater disposal location.
12. The address where the mobile vending conveyance will be parked and stored when not in use.
13. A description of the vendor type. If vendors are proposing to operate as stationary vendors, the additional requirements of Section 17.84.250 apply. If a mobile vendor proposes to operate one vendor conveyance as stationary and roaming, or as a mobile vendor and a sidewalk vendor, they shall apply for a Mobile Vendor Permit with a description of all proposed methods of operation.
14. A business operation plan, including vending areas and hours of operation.
15. The type of food, goods, and/or merchandise the mobile vendor will vend.
16. Food vendors must provide a description of methods for ensuring adequate sanitation and waste management, such as dishwashing,

handwashing, grease removal and liquid waste disposal, food storage and preparation, and potable water supply, as applicable.

17. A Certificate of General Liability Insurance for vendors operating in the public right-of-way or public property. Must be provided in a form acceptable to the City Attorney, to be kept in force during the term of the permit. The insurance must have a minimum of \$100,000 coverage and include public liability and bodily insurance. The minimum coverage required may be increased if the operation includes open flame, high-risk potentially hazardous foods, or other risks at the discretion of the Director. The insurance policy must name the City of Woodland, its officials and employees, as additional insureds. The policy must be endorsed by the state that coverage may not be suspended, voided, cancelled, or reduced in coverage or limits without 30 days prior written notice to the City.
18. Proof of Worker's Compensation insurance, as applicable.
19. Proof of vehicle registration with the California Department of Motor Vehicles and proof of an automobile insurance policy, as applicable.
20. Proof of a California Department of Tax and Fee Administration Seller's Permit.
21. Any additional licenses from other State or local agencies to the extent required by law.
22. Any other reasonable information regarding the time, place, and manner of the proposed vending.

5.44.040 Permit Fee

- A. The Mobile Vendor Permit fee is hereby established and imposed. The City Council shall establish by resolution the amount of the Mobile Vendor Permit fee, and any related penalties.

5.44.050 Permit Transferability

- A. Mobile Vendor Permits are not transferable, except as specified in Section 17.84.250. Permit holders shall notify the City within 5 days of sale, transfer of ownership, or closure of the mobile vending business or operation.

5.44.060 Permit Issuance

- A. Except as provided in this section, a Mobile Vendor Permit shall be issued by the Director upon receipt of a complete application and payment of the permit fee, as specified in this chapter, and after the Director has:
1. Either based on the application and/or a physical inspection of the mobile vending conveyance and operation, the Director determines that the mobile vendor complies with this code and applicable State and County laws and regulations; and
 2. Determined that the business location and vehicle storage location, if within the City, comply with applicable zoning regulations and other codes.
- B. A Mobile Vendor Permit may be denied by the Director if the following findings are made:
1. The information submitted pursuant to Section 5.44.30 of this chapter is materially false or incomplete;
 2. The application as proposed does not meet the requirements for mobile vendors, as specified in this chapter and Section 17.84.250, at the discretion of the Director;
 3. Within 12 months of the date of application, the applicant, any registered owner of the vending conveyance, or any person with a financial interest in the business that operates the vending conveyance, has had his or her Mobile Vendor Permit revoked; or
 4. A person with 10% or greater financial interest in the operation of the mobile vending business has been convicted of a crime, and the time for appeal has elapsed, irrespective of the entry of a subsequent order under Penal Code Section 1203.4; or has committed any act involving dishonesty, fraud, deceit, or moral turpitude with intent to substantially benefit him or herself, or another, or substantially injure another, or having the effect of substantially injuring another.

Provided, however, that the permit shall be denied upon any of the grounds specified in this subsection (B)(4) only if the Director finds that the crime or act is substantially related to the qualifications, functions or duties of a sidewalk vendor owner or owner of a business which operates vending vehicles or has substantial contact with minors. However, no person shall be denied a permit solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Penal Code Section 4852.01 et seq., or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of

rehabilitation developed to evaluate the rehabilitation of a person when considering a petition under Penal Code Section 4852.01 et seq.

5.44.070 Permit Expiration and Renewal

- A. All Mobile Vendor Permits shall expire one year from their date of issuance. The corresponding City business license shall coincide and expire concurrently with the Mobile Vendor Permit. Applications for renewal shall be filed between 90 days and 30 days before their date of expiration.
- B. If a timely and complete application for renewal is filed, the permit's expiration shall be stayed until a decision on the renewal application is issued. The Director shall either approve or deny the renewal of the permit within 30 calendar days of receipt of the complete application. The Community Development Director may extend the time for consideration of the application for up to an additional 30 calendar days upon written notice to the applicant. The failure of the Community Development Director to timely act shall constitute approval of the renewal of the permit.
- C. Upon application for Mobile Vendor Permit renewal, an inspection of the mobile vending conveyance may be required at the discretion of the Director prior to renewal.
- D. An inspection of the approved vending location, as applicable to stationary vendors as specified in Section 17.84.250 of the City of Woodland Zoning Ordinance, may be required at the discretion of the Director prior to renewal.
- E. Applications for Mobile Vendor Permit renewal require the following:
 - 1. Completed Mobile Vendor Permit Renewal Form.
 - 2. Copy of current Yolo County Environmental Health permit, if applicable.
 - 3. Verification of the vending location for stationary mobile vendors, as specified in Section 17.84.250.
- F. Should a Mobile Vendor Permit expire, the vendor who was the permit holder shall be required to submit a new application for a Mobile Vendor Permit.
 - 1. Stationary mobile vendors subject to the 13-permit limit shall be placed on the permit availability list as specified in Section 17.84.250.F of the City of Woodland Zoning Ordinance.

5.44.080 Location and Siting Requirements

- A. Mobile vending is prohibited on properties that are vacant, unimproved, or stand-alone parking lots. A mobile vending conveyance may only be stopped or parked on surfaces paved with concrete, asphalt, or another impervious surface.

- B. Mobile vending conveyances shall not be located in any emergency fire lane, drive aisle, or any other location that may interfere with access by emergency services and vehicular traffic.
- C. Mobile vending conveyances shall not obstruct walkways, sidewalks, or other pathways.
- D. Mobile vending conveyances shall not be placed on, and mobile vendors shall not stand on, areas improved with flowers, shrubs, street trees, or other landscaping.
- E. Mobile vendors are prohibited on sites developed as a gas station or other vehicle service station.
- F. Vending Prohibited Near Farmers' Markets. Mobile vendors are prohibited within 600 feet of a permitted certified farmers' market during the limited operating hours of that certified farmers' market.
- G. Vending Prohibited Near Swap Meets. Mobile vendors are prohibited within 600 feet of a permitted swap meet during the limited operating hours of that swap meet.
- H. Vending Prohibited Near Temporary Special Events. Mobile vendors are prohibited within 600 feet of an area designed for a temporary special event for the limited duration of the Special Event Permit, as issued pursuant to Chapter 12.40 of the City of Woodland Municipal Code.
- I. Mobile vendors must be located at least three hundred (300) feet apart.
- J. Mobile vendors must be located at least 100 feet from existing brick-and-mortar restaurants, unless the mobile vendor is affiliated with the restaurant.
- K. No mobile vendor shall vend in any of the following locations:
 - 1. Within one hundred (100) feet of:
 - i. A police officer, firefighter, lifeguard, or emergency service personnel actively performing their duties or providing service to the public
 - ii. A freeway onramp or freeway offramp
 - 2. Within twenty-five (25) feet of:
 - i. Any traffic intersection
 - ii. Any driveway, entrance to a parking lot, or alley approach

- iii. A street corner, marked crosswalk, or curb return of any unmarked crosswalk
 - iv. A traffic signal, traffic signal controller, or emergency facility
 - v. A fire hydrant or fire call box
 - vi. A curb painted white, yellow, green, blue, or red
 - vii. A bus stop, bus shelter, or bus bench
 - viii. The entrance, exit, or emergency exit to a building, structure, or facility
3. Within ten (10) feet of:
- i. A utility meter, manhole, service box, tree well, streetlight pole, power pole, telecommunications pole, or other utility
 - ii. An outdoor dining area
 - iii. An automated teller machine

L. Mobile Vending Conveyance Storage

1. Mobile vending conveyances must be stored at the approved commissary, as applicable for food vendors. If the mobile vendor is not a food vendor or the commissary does not have parking capacity, the following storage locations may be considered, subject to approval by the Director:
 - i. Up to two (2) compact mobile food operations or other nonmotorized vending conveyances may be stored on a residential property if stored behind a fence line, inside a garage, or otherwise not visible from the public right-of-way. No other nuisance, odor, or noise shall be caused by the storage of a vending conveyance. A clear description of the storage location and proof of inspection and approval by the Yolo County Environmental Health Department must be provided with the Mobile Vendor Permit application for each conveyance.
 - ii. Mobile food facilities or other motorized vending facilities may be stored in commercial and industrial areas if screened or otherwise not visible from the public right-of-way, as approved by the Director.

5.44.090 Operation Requirements

- A. A copy of the Mobile Vendor Permit and the required permit from the Yolo County Health Department, as applicable for food vendors, shall be always posted in a location that is clearly visible to patrons of the vendor and City staff.
- B. Mobile vendors shall return to the approved commissary at least once daily to dispose of waste, clean, and service the facility, as applicable to food vendors. The mobile vendor may be required to keep a visit log recording the date and

time of each visit may be required to be kept at the approved commissary, at the request of the Director.

- C. Mobile vending conveyances shall park at the storage location approved by the City and Yolo County Environmental Health Department when not operating.
- D. Mobile vendors and mobile vending conveyances shall not permanently alter the character or physical facilities of the property where they occur.
- E. Mobile vending must be accessory to a primary use on any site.
- F. Roaming mobile vendors shall not be stopped in one location or on one property for over 30 minutes. Motorized mobile vending conveyances operating in the public right-of-way must move continuously, stopping only to complete transactions with customers.
- G. Roaming mobile vending conveyances must be legally parked when temporarily stopped to complete a transaction with customers.
- H. If a mobile vendor is located in a parking lot, the minimum number of on-site parking spaces pursuant to Section 17.68.030 must be available, unless otherwise approved by the Director.
- I. Mobile vendors shall not have any site furniture, including chairs, tables, shade structures, or other structures outside of the mobile vending conveyance, unless otherwise approved by the Director.
- J. Mobile vendors must keep the vending area clean of litter or debris. Prior to leaving any vending location, the mobile vendor shall pick up, remove, and dispose of any trash or refuse generated by the vending operation or the vendor's customers within a 15-foot radius of the vending location.
- K. Mobile vendors shall provide trash receptacles for customer use on the site. Trash receptacles shall be emptied and removed prior to the closure of the mobile vending conveyance.
- L. Vendors shall immediately clean up any food, grease, or other fluid or item related to vending activities that falls outside of the vending conveyance. Any waste and wastewater must be disposed of at the approved commissary.
- M. All food, goods, and merchandise must be stored inside or affixed to the mobile vending conveyance or carried by the vendor.

- N. No vendor shall outcry, ring bells, play chimes, play an amplified music system, or make any other noise prohibited in Section 9.28.090.
- O. Mobile vending conveyances must be fully self-contained, and may not attach or use water lines, electrical lines, or gas lines.
- P. Mobile vendors may not use any electrical outlet owned by the City or any other person. Power cords or extension cords across the sidewalk, any public right-of-way, parking lot, or pathway are prohibited.
- Q. Operations shall only be conducted from a vehicle or conveyance consistent with state law and Yolo County Health Department approvals. Mobile vendors shall not directly vend food, goods, or merchandise from a car or personal vehicle that does not have the primary purpose of vending.
- R. Mobile vendors shall not vend to any person traveling in a motor vehicle along a public roadway.
- S. Vendors must organize customer queuing in a manner that does not interfere with pedestrian safety or the flow of traffic.
- T. The vendor shall not utilize any equipment or methods that constitute a fire hazard, as determined by the Fire Marshal.
- U. Prohibited Sales: Mobile vendors shall not sell or offer any of the following:
 - 1. Alcohol, cannabis, tobacco, or pharmaceutical products, products that contain nicotine, any product or device used to smoke/vape nicotine or cannabis;
 - 2. Fireworks;
 - 3. Adult-oriented materials;
 - 4. Any weapons, including knives, guns, explosive devices, or BB devices or imitation firearms;
 - 5. Live animals, wildlife, fish, fowl, or insects;
 - 6. Any type of rental activity, including the rental of any goods and services; and
 - 7. Automobile and vehicle services except car washing and windshield repair conducted in compliance with applicable stormwater control requirements.

5.44.100 Violations; Penalties

- A. The City hereby declares that mobile vending conveyances that are not in compliance with the provisions of this Section or Section 17.84.250 are a detriment to the public health, safety, and general welfare and are a public nuisance as defined in Chapter 9.04 (Nuisances) of the City of Woodland Municipal Code. In addition to any other remedy allowed by law or penalties

described in this section, any person who violate a provision of this chapter is subject to administrative citation pursuant to Chapter 9.20.

- B. A violation of this Chapter and/or Section 17.84.250 by a mobile vendor that has a valid Mobile Vendor Permit from the City is punishable by the following:
 - 1. A code violation notice upon first violation.
 - 2. A fine of two-hundred and fifty dollars (\$250.00) for a second violation or any subsequent violation.
 - 3. Permit suspension or revocation subject to an administrative hearing held by the Community Development Director for the third or any subsequent violation.
- C. A person engaged in mobile vending without a Mobile Vendor Permit is punishable by an administrative fine in the following amounts;
 - 1. An administrative fine of five hundred dollars (\$500.00) for the first violation and any subsequent violation.
- D. Should a mobile vendor without a Mobile Vendor Permit be operating on private property within the City of Woodland, the property owner is punishable by an administrative fine in the following amounts:
 - 1. An administrative fine of two hundred and fifty dollars (\$250.00) for the first violation and any subsequent violation.
- E. No Mobile Vendor Permit shall be suspended or revoked until a hearing is held by the Director. Written notice of the hearing shall be sent to the permitholder. Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending such permit. Notice may be given either by personal delivery to the persons to be notified, or by depositing the notice in the U.S. mail in a sealed envelope, postage prepaid, addressed to the persons to be notified at the address appearing in the Mobile Vendor Permit. An additional notice shall be sent to the permitholder following the final determination.
- F. Upon the Director's suspension or revocation of any permit pursuant to this section, the permit shall be null and void.

5.44.110 Appeals

- A. Any applicant or permittee aggrieved by a decision of the Community Development Director in denying, suspending, modifying or revoking a permit, or imposing conditions on the issuance of a permit or permit renewal, may appeal the decision to the City Council in accordance with the procedures set forth in this section.

- B. Any applicant or permittee who desires to appeal a decision of the Community Development Director, may appeal the decision by submitting a written appeal to the City Clerk within 10 calendar days from the date of service of the notice of denial, suspension, modification, revocation, or conditioned approval or renewal. The written appeal shall contain:
1. A brief statement in ordinary and concise language of the specific decision or condition protested, together with any material facts claimed to support the contentions of the appellant;
 2. A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested action should be reversed or otherwise set aside;
 3. The signatures of all parties named as appellants and their official mailing addresses; and
 4. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
- C. Upon receipt of a timely filed appeal, the City Clerk shall cause the matter to be sent for hearing before the City Council within 30 calendar days from the date of receipt of the notice of appeal, giving the appellant not less than 10 calendar days' notice in writing of the time and place for hearing.
- D. Failure of any person to timely file an appeal in accordance with the provisions of this section shall constitute an irrevocable waiver of the right to an administrative hearing and a final adjudication of the notice and decision, or any portion thereof.
- E. Only those matters or issues specifically raised by the appellant in the appeal notice shall be considered in the hearing of the appeal.
- F. The mobile vendor shall cease operations during the pendency of any appeal.
- G. The provisions of the Administrative Procedure Act (commencing with Section 11500 of the Government Code of the State) shall not be applicable to such a hearing, nor shall formal rules of evidence in civil or criminal justice proceedings be so applicable.
- H. The City Council shall by resolution from time to time establish a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal. No appeal shall be deemed valid unless the prescribed fee has been paid.

5.44.120 Hearings – Appeals

- A. At the time set for hearing, the City Council shall proceed to hear the testimony of the Community Development Director, the appellant, and other competent persons, including members of the public, respecting those matters or issues specifically raised by the appellant in the notice of appeal.
- B. The proceedings at the hearing shall be electronically recorded. Either party may provide a certified shorthand reporter to maintain a record of the proceedings at the party's own expense.
- C. The City Council may, upon request of the appellant or upon request of the City, grant continuances from time to time for good cause shown, or upon his or her own motion.
- D. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- E. Oral evidence shall be taken only upon oath or affirmation.
- F. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions.
- G. The City Council has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.
- H. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. An objection is timely if made before submission of the case or on reconsideration.
- I. Each party shall have these rights, among others:
 - 1. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - 2. To introduce documentary and physical evidence;
 - 3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - 4. To impeach any witness regardless of which party first called the witness to testify;
 - 5. To rebut the evidence presented against the party; and

- 6. To represent him, her, or itself or to be represented by anyone of his, her, or its choice who is lawfully permitted to do so.
- J. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact that may be judicially noticed by the courts of this State or that may appear in any of the official records of the City or any of its departments.

5.44.130 Forms, contents, finality of decision of appeals

- A. If it is shown, by a preponderance of the evidence, that one or more bases exist to deny, suspend, modify, or revoke the permit, the City Council shall affirm the Community Development Director's decision to deny, suspend, modify, revoke or condition the permit.
- B. The City Council's determination of the appeal shall be final.
- C. The final decision shall inform the appellant that the decision is a final decision and that the time for judicial review is governed by California Code of Civil Procedure Section 1094.6. Copies of the decision shall be delivered to the appellant personally or sent by certified mail to the address shown on the appeal within 10 business days following the conclusion of the hearing.

17.84.250 Mobile Vending and Food Preparation

A. Definitions

“Compact mobile food operation” means a mobile food facility that operates from an individual or from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance;

“Commissary” means a food facility that services mobile food facilities, compact mobile food operations, or vending machines where any of the following occur: (a) Food, containers, or supplies are stored. (b) Food is prepared or prepackaged for sale or service at other locations. (c) Utensils are cleaned. (d) Liquid and solid wastes are disposed, or potable water is obtained;

“Stationary mobile vendor” means a mobile vendor who vends from a fixed location on private property;

“Mobile food facility” means any vehicle or trailer used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. “Mobile food facility” does not include a “transporter” used to transport packaged food from a food facility, or other approved source to the consumer; and

“Mobile vending conveyance” means any vehicle, trailer, cart, stand, wagon, or other motorized or nonmotorized, moveable facility used for vending food or non-food merchandise.

B. Permits Required

1. Stationary mobile vendors operating on private property shall be subject to the provisions of this section, in addition to the requirements of Chapter 5.44 of the City of Woodland Municipal Code, including, but not limited to, the requirement for a Mobile Vendor Permit.
2. The maximum number of Mobile Vendor Permits issued for stationary mobile food facilities or other motorized mobile vending conveyances shall be 13, except as described in subsection C.
 - i. Should all 13 permits for stationary mobile food facilities or other motorized mobile vending conveyances be filled, the Director shall place subsequent applicants that meet City requirements on a permit availability list and shall notify the applicant of this decision and provide him or her with general information regarding the permit availability list. In the event a Mobile Vendor Permit becomes available, the Director shall notify the applicant who has been on the permit availability list the longest and allow him or her a reasonable time to provide the Director with any information necessary to ensure the application is current and otherwise complies with this code. If the applicant does so, he or she shall receive the Mobile Vendor Permit. In the event the applicant does

not, the Director shall remove that applicant from the permit availability list and repeat the process until a permit has been issued or all the applicants on the permit availability list have been notified.

C. Mobile Food Facilities for Local Brick-and-Mortar Restaurants

1. Each legally established restaurant located in a brick-and-mortar location may have one mobile vending conveyance that is owned by the restaurant owners, under the same business license, and that substantially has the same business name as the restaurant. Such mobile vending facilities will not be subject to the 13-permit limit on stationary motorized mobile vending facilities allowed in the City jurisdiction.
2. Restaurants that wish to serve as a commissary for more than one mobile vendor must obtain approval by the Community Development Department and the Public Works Department. Any additional stationary mobile food facilities affiliated with an existing restaurant beyond one will be subject to the 13-permit limit per subsection B(2).
3. The affiliated restaurant must be approved by Yolo County Environmental Health and the City as the commissary for the mobile food facility.

D. Sale or transfer of mobile vending conveyance

1. In the event that a Mobile Vendor Permit holder for a stationary mobile food facility or other motorized vending conveyance subject to the 13-permit limit sells or otherwise transfers the mobile vendor vehicle to a bona fide purchaser for value, such bona fide purchaser for value may continue to operate the mobile vending conveyance in the same location previously approved through the stationary Mobile Vendor Permit within the City provided the purchaser first complies with all of the provisions and requirements of this section and Chapter 5.44 of the City of Woodland Municipal Code, including having applied for and obtained all required licenses and permits.
2. Within five days of any mobile vendor conveyance sale or transfer, the seller shall notify the City of the sale or transfer and shall provide proof of the sale or transfer as may be required by the City.
3. A bona fide purchaser of a mobile vendor conveyance previously approved through a Mobile Vendor Permit subject to the 13-permit limit on stationary motorized mobile vendors shall provide all necessary updated application documents and information within ninety (90) days of the original owner ceasing operations. A bona fide purchaser pursuant to this section shall not be placed on the permit availability list when applying for a stationary Mobile Vendor Permit to replace the permit of the previous permittee for the purchased vehicle.

- E. Application Requirements. In addition to the Mobile Vendor Permit application requirements outlined in Chapter 5.44 of the Woodland Municipal Code, the following will be required for review for mobile vendors subject to this section:
1. Site plan including the parking location address, existing site conditions, major cross streets, and the proposed operation location.
 2. The private property owner's written authorization to operate and vend on the private property. The written authorization shall describe the approved location and operation schedule
 3. Any other reasonable information regarding time, place, and manner of proposed vending.
- F. Permit Expiration and Renewal. Mobile Vendor Permits for stationary mobile vendors subject to this section shall be subject to the following, in addition to Section 5.44.070 of the City of Woodland Municipal Code:
1. Should a Mobile Vendor Permit subject to the 13-permit limit for stationary mobile vendors expire, the vendor must reapply for a Mobile Vendor Permit. If there are no permits available due to the 13-permit limit for stationary mobile vendors, the vendor will be placed on the permit availability list, as described in subsection B(2)(i).
- G. Location and Siting Requirements. In addition to the location and siting requirements in Section 5.44.080 of the City of Woodland Municipal Code, the following will be required for mobile vendors subject to this section:
1. Stationary mobile vending facilities may be permitted, subject to the requirements of this Code including all applicable operating standards and granting of a Mobile Vendor Permit as provided in Chapter 5.44, in the Corridor Mixed Use-West Main (CMU-WM), Corridor Mixed Use-East (CMU-E), Corridor Mixed Use-Kentucky (CMU-K), Corridor Mixed Use-Flex (CMU-F), Community Commercial Mixed Use (CCMU), Regional Commercial-Flex (RC-F), Regional Commercial (RC), and Industrial Flex (IF) zones.
 2. Stationary mobile vendors are prohibited in residential areas in the City and within one hundred (100) feet of properties zoned Residential Low (R-L), Residential Low-Medium (R-LM), Residential Medium (R-M), and Residential High (R-H).
 3. Stationary mobile vendors must be accessory to a primary permitted use that has a valid business license on the same lot as their approved location.

4. No more than one stationary mobile vendor shall be allowed per lot, except as allowed in Section 17.84.250 or otherwise approved by the Community Development Director.
5. Adequate access, drainage, sanitation, and other necessary facilities must be provided on the proposed site in a safe and secure manner. The City's Traffic Engineer and Fire Marshall shall review and approve each location prior to operation.

H. Mobile Vending Conveyance Storage. In addition to the storage requirements detailed in subsection 5.44.080.J of the City of Woodland Municipal Code, the following shall apply to mobile vendors subject to this section:

1. The approved vending location may be approved as an overnight storage location for stationary mobile vendors, if the permit holder provides verification that the vending conveyance is serviced at the approved commissary daily, subject to the discretion of the Community Development Director.

I. Operating Standards. In addition to the operation requirements detailed in Section 5.44.090 of the City of Woodland Municipal Code, the following will be required for mobile vendors subject to this section:

1. Stationary mobile vendors must have access to approved restroom facilities within 200 feet of the vending site. Restroom facilities must be easily accessible to the food handlers and be supplied with hot water, soap, and towel dispensers. The restroom facility must be listed in the Restroom Agreement on file with the Yolo County Environmental Health Division.

J. Mobile Vending Conveyance Design Standards

1. Signage must be professional and readable. The use of prohibited or unpermitted signs for mobile vendors is not allowed.
2. No freestanding or banner signs shall be displayed.
3. Mobile vendors shall not have any site furniture, including chairs, tables, shade structures, or other structures outside of the mobile vending conveyance, unless otherwise approved by the Director.
4. Mobile vending conveyances must be self-contained, including any signage, fuel, cooking equipment, shading, and heating and cooling equipment.
5. Mobile vending conveyances must be functioning and operable.

K. Food Preparation and Commissary Requirements

1. Stationary mobile food facilities must have an approved commissary that is located in the City of Woodland jurisdiction.
2. Existing restaurants may act as commissaries for no more than two mobile food facilities or compact mobile food operations at any time, subject to approval by the Community Development Department Director, the Public Works Department, and by the Yolo County Environmental Health Division.
3. A business that is a commissary for mobile food facilities and/or compact mobile food operations must be in a zone where the food preparation use is permitted.
4. No stand-alone food preparation uses shall be allowed in the Downtown Core (DX-1) zone facing Main Street. Any commissary or other food preparation use must be accessory to the primary use, such as a customer facing restaurant.
5. The Public Works Department must approve the commissary location and determine that the site has sufficient capacity to support the mobile vendor prior to permit application approval.
6. The food preparation use may require site upgrades or increased servicing at cost to the business and/or property owner to support multiple mobile food facilities, catering operations, or other food production operations.
7. The commissary must provide facilities for preparation and packaging of food, potable water supply, liquid waste disposal facilities, waste grease removal, refrigerated/frozen food storage, dry food storage, utensil storage, electrical hook-up, ware washing, restrooms, and truck/cart cleaning, as specified by the Yolo County Environmental Health Department Director.
8. Overnight parking for mobile food facilities or compact mobile food operations must be provided by the commissary, unless an alternative location for the parking of each mobile vendor or sidewalk vendor utilizing the commissary is approved by the Community Development Director.
9. Any stationary mobile vendor with a Mobile Vendor Permit previously approved by the City prior to the effective date of the ordinance codified in this section shall be entitled to a ninety (90) day period to find a new commissary if the vendor's existing commissary does not comply with the requirements of this section. At the expiration of the ninety (90) day period, existing vendors shall be subject to the same commissary requirements as new vendors.

- L. Permanent Food Truck Hub. A food-court style vendor hub, where multiple stationary mobile food facilities are located may be considered in non-residential

zones, subject to a Zoning Administrator Permit at the discretion of the Community Development Director.

1. Food truck hubs shall require permanent infrastructure including dining areas, restrooms, service areas for the vending vehicles, lighting, and landscaping.

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8.32 Food Handling

8.32.010 Yolo County Code Adoption

A. The City adopts by reference, and makes a part of this Chapter, Yolo County Code Chapter 3 of Title 6, entitled "Food Handling," except as amended in this chapter.

B. Amendments to Yolo County Code

1. Section 6-3.01 Definitions, is amended to read as follows:

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

(a) "Director of Environmental Health" shall mean the Director of the Yolo County Environmental Health Division or his/her designated employee.

(b) "Employee" shall mean any person who is engaged in the handling, preparation, packaging, or serving of food or drink, or in the handling of utensils used in the preparation, packaging, or serving of food or drink, or who is employed, with or without pay, at any time in any room in which food or drink is prepared, packaged, or served.

(c) "Food Facility" shall mean an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level as more fully defined in the California Health and Safety Code, Sections 113789 and 113831.

(d) "Operator" shall mean every person, owner, or agent conducting the business of a Food Facility.

(e) "Person" shall mean the property owner, business owner, operator, or any person who engages in, enables, allows, permits, or otherwise sponsors the operation of a Food Facility.

(f) "Placard" shall mean a color-coded placard that describes the compliance status of the food facility at the most recent Routine Inspection or Re-Inspection. The color green shall be the primary color used for a "PASS" placard. The color yellow shall be the primary color used to a "CONDITIONAL PASS" placard. The color red shall be the primary color for the "CLOSED" placard.

(g) "Re-Inspection" shall mean an inspection of any food facility by the Director of Environmental Health to determine compliance with an inspection report following a Routine Inspection, or any interim inspection conducted to determine compliance with specific regulations or legal requirements.

(h) "Routine Inspection" shall mean an inspection of any food facility by the Director of Environmental Health to determine compliance with all applicable federal, state, and local laws and regulations pertaining to the protection of public health.

2. Section 6-3.02 Permits, is amended to read as follow:

It shall be unlawful for any Person to open, operate, or maintain a food facility without first obtaining a business license from the City of Woodland and a permit from the Yolo County Director of Environmental Health.

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TO: THE MEMBERS OF THE PLANNING COMMISSION
AGENDA: Planning Commission Meeting
DATE: November 21, 2024
ITEM #: H.4
SUBJECT: Tentative Parcel Map No. 5258

RECOMMENDATION FOR ACTION: Staff recommends that the Planning Commission open and continue the public hearing to a date certain of December 19, 2024.

Attachments:

None