

# City of Alameda Food Truck Program Guidelines



**Community Development Department**

**Adopted December 20, 2011**

**Revised January 15, 2013**

# City of Alameda

## Food Truck Program Guidelines

### Introduction

City of Alameda has changed the Alameda Municipal Code (AMC) and created the Food Truck Program Guidelines in order to help the City revitalize vacant and blighted private properties in commercial areas, encourage new business creation and expansion, and address the lack of food establishments in certain areas of the City, such as Alameda Point and Harbor Bay Business Park. Providing on-the-spot amenities may also compliment and stimulate other economic development initiatives. Food trucks are regulated in the City of Alameda under Section 22-8 of the AMC.

### A. Special Event Permit, Conditional Use Permit, Encroachment Permit

The AMC changes allow food trucks in the City pursuant to a permitting process and consistent with State law. The Program Guidelines outlined in this document describe in detail how that process will be implemented. In addition to appropriate licenses (e.g., Alameda business license, County health permit), a food truck operator or organizer will need to obtain one of three permits to operate a food truck in the City, depending on the location and duration of the proposed use. The following describes this three-prong permitting process:

- A Special Event Permit (SEP) is for one-time events or up to three individual events (such as street festivals occurring on consecutive days) on private property or in the public Right-of-Way;
- A Conditional Use Permit (CUP) is for permanent or recurring food truck uses on private property (permitted only at the following locations in the city per *AMC Section 22-8.1*: Alameda Point, College of Alameda, South Shore Shopping Center, and the Marina Village and Harbor Bay business parks); or
- An Encroachment Permit (EP) is for permanent or recurring food truck uses in the public Right-of-Way.

While the changes to the AMC allow food trucks to operate at Special Events, staff is not recommending any modifications to the Special Event Permit inter-departmental review and approval process. This document provides guidelines for the CUP and EP process. An EP for any activities and/or access occurring in the public Right-of-Way will be approved by the Public Works Director.

No notice or hearing is required for a SEP or EP. The CUP requires public notice and hearing before the Zoning Administrator. A denial of the CUP permit application or revocation of a permit may be appealed to the Planning Board.

## **B. Standard Conditions for Conditional Use Permit and Encroachment Permit for Food Trucks**

The Conditional Use Permit and Encroachment Permit applications for food truck uses will include the following information: a description of the food to be sold; the location at which the vendor(s) intends to operate; hours of operation; and description of the vehicle(s) with photos, if available.

While each application will be evaluated based on its specific circumstances and specific conditions of approval may be required, food truck CUP and EP standard conditions and restrictions will include:

- 1) Location and hours of operation
  - Applicant may only conduct business between the hours of 6:00 a.m. and midnight.
  - Applicant will operate exclusively from the location and for the time periods designated on the permit.
  - Applicant may not conduct business within one block of any public or private elementary or middle school grounds on days that the school is open between the hours of 7:00 a.m. and 5:00 p.m.
- 2) Amplified sound.
  - Generally, amplified sound is not allowed, except pursuant to a special permit issued by the Community Development Department.
  - The Applicant must be compliant with the City's noise ordinances.
- 3) Lighting.
  - Adequate lighting will be provided to ensure customer safety.
  - Lighting will be directed downwards and away from public streets and adjacent properties.
- 4) Packaging and solid waste.
  - Applicant must ensure that no pollutants, including food waste/grease, liquid wastes, garbage/debris, and other materials are discharged to the City's storm drain system (including gutters, curbs, and storm drains).
  - Applicant will be required to pick up, remove, and dispose of all garbage, refuse or litter consisting of foodstuffs, wrappers, and/or materials dispensed from the vending vehicle and any residue deposited on the street from the operation thereof, and otherwise maintain in a clean and

debris-free condition the entire area within a 25-foot radius of the location where mobile food vending is occurring.

- Applicant will use best management practices and dry methods of cleaning to prevent accumulation or discharge of any materials to the City's storm drain system (including gutters, curbs, and storm drains).
- Applicant shall ensure that any wash water from surface cleaning activities shall be collected and discharged to the sanitary sewer system and shall implement surface cleaning best management practices described in the Bay Area Stormwater Management Agencies Association (BASMAA) "Pollution From Surface Cleaning" guidance document.
- Applicant shall provide sufficient garbage, recycling and organic collection receptacles during its operation. All receptacles shall be removed prior to leaving the site. Use of City waste receptacles is prohibited.
- Applicant shall not provide prepared food to customers in disposable food service ware that uses polystyrene foam.

5) Allowable days.

- There may be particular days or special events during which food trucks are prohibited to operate.
- Applications must be for specific days of the week.

6) Proof of permits and fees.

- Applicant must obtain a City Business License, based on the same classification as restaurants.
- Applicant must provide proof of insurance and valid CA driver's license.
- Applicant must provide proof of a valid health permit from the County enforcement agency.
- Applicant is required to obtain a hazardous materials permit when quantities of liquid propane gas are equal to or exceed ten (10) gallons.

7) Site requirements for off-street locations.

- Application must specify and be limited to a specific address at which vending of food will occur.
- Applicant must be stationary for a minimum of two (2) hours. No trolling allowed.

- Applicants will be required to provide proof of agreement from the property owner.
  - The City will consider site-specific conditions in the granting of a permit for off-street food truck vending, which may include the following: number of trucks and patron capacity, signage, noise, parking, provision of bike parking and other amenities where appropriate, lighting, security, and frequency of the event.
- 8) Site requirements for on-street location.
- If a Certified Farmers Market, certificate holder or event organizer is responsible for obtaining a business license and one permit for all food vendors, the application will identify the number and types of vendors operating within the market.
  - Applicant may only conduct business from a licensed vehicle or licensed trailer on a public street while parked in a legal parking space.
  - Applicant will at all times operate in compliance with the California Vehicle Code, the AMC, and with all posted parking, stopping, and standing restrictions.
  - Applicant will not encroach on a public sidewalk or curb with any part of a vehicle, wagon, trailer or truck or any other equipment related to the operation of the business. This restriction may be modified for on-street locations at Alameda Point, on a case-by-case basis, if the Public Works Department determines the proposed sidewalk and/or curb restrictions are acceptable.
  - Applicant may only conduct business on a street with a curb-to-curb width no less than 32-feet.
  - Applicant may only conduct business at least 50 feet from a crosswalk and at least 25 feet from a driveway.
  - Applicant may only conduct business when parked next to an unobstructed sidewalk of five feet or more in width.
- 9) Condition and appearance of site.
- City will have the discretion to require tables, chairs, or other site furniture if sufficient space is available to accommodate diners and pedestrian access.
  - No portable A-frame signs will be permitted on the site.

10) Revocation.

- The CUP may be modified or revoked by the Zoning Administrator, pursuant to Alameda Municipal Code Section 30-21.3d should the Zoning Administrator determine that: 1) the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare, or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance; or 3) the use is operated in violation of the conditions of the CUP.
- The EP may be modified or revoked by the Director of Public Works.

11) Indemnification

- The Applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda City Planning Board, and their respective agents, officers, or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, or City Council related to this project. The City shall promptly notify the Applicant of any claim, action, or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.