



CITY OF FORT BRAGG

Incorporated August 5, 1889

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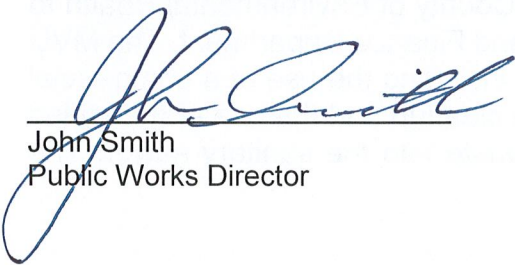
NOTICE OF FINAL ACTION ON MOBILE VENDING UNIT

On October 12, 2022, final action was taken by the City on the following application:

PERMIT TYPE/ NO.: Mobile Vending Permit 1-22 (MVU 1-22)
APPLICANT: Arnulfo Cazares / Taqueria Los Primos
PROJECT: Food Truck (Mobile Vending Unit) to sell food in various locations in commercial districts.
LOCATION: Within the City Right-of-Way in the Central Business District:
- 441 N. Franklin St.
- 127 E. Pine St.
Within the City Right-of-Way in General Commercial
- 251 South Franklin St.
- Parking Lot at 300 S. Main St. (Amerigas)
APN(s): Various including 008-173-01-00
LOT SIZE: N/A, 15,193 Square Feet
DATE OF ACTION: 10/12/2022
ACTION BY: John Smith, Director of Public Works

ACTION TAKEN: Approved (See attached Findings and Conditions)
 Denied (See attached Findings)

THIS PROJECT IS: Appealable to the City of Fort Bragg Planning Commission. Decisions of the Director shall be final unless appealed to the Planning Commission within ten (10) days after the decision is rendered. An appeal shall be submitted in writing along with the appeal fee of \$375.00 to the Community Development Department, and shall specifically state the pertinent facts and the basis for the appeal. Appeals shall be limited to issues raised at the administrative public hearing, or in writing before the public hearing, or information that was not known at the time of the decision.



John Smith
Public Works Director

10/12/2022
Date

MOBILE VENDING PERMIT FINDINGS

1. The proposed project complies with the requirements of Municipal Code Section 10.20.150 and 10.20.155. MVV may be approved, conditionally approved, or disapproved according to the following findings:
 - i. The location(s) will not result in traffic visibility issues;
 - ii. The location(s) will not remove parking spaces on Main Street;
 - iii. The location(s) will not interfere in the business operations of businesses located within 300 feet of the proposed location; and
 - iv. The location(s) will not interfere in the quiet enjoyment of residential units located within 300 feet of the proposed location(s).

STANDARD CONDITIONS

All MVVs shall adhere to the following standards:

1. This action shall become final on the 11th day following the decision unless an appeal to the Planning Commission is filed pursuant to ILUDC Chapter 18.92 - Appeals.
2. The mobile vending unit shall only operate in the areas approved by this permit.
3. Mobile vending is prohibited between the hours of 2:30 a.m. and 6:00 a.m.
4. All items to be sold must involve a short transaction period to complete the sale, and be easily carried by pedestrians. MVUs must not cause congestion or block vehicular or pedestrian traffic, nor cause undue noise, litter, or offensive odors.
2. The MVU shall be entirely self-contained. No external storage, power (generator), piping or plumbing is allowed. An external generator is permitted in a tow vehicle, provided the operation does not conflict with the quiet enjoyment of property within 300 feet of the MVU.
3. The MVU operator shall provide for collection and recycling of compostable material, recycling and trash on site. MVU operators shall clean up all trash associated with their operation and sales every 2 hours.
4. The design, material and color of the MVU shall be considerate of the immediate surroundings of the proposed location. Graphics and signage shall be appropriate for the immediate surroundings and to the product being sold.
5. Vehicle signage shall not exceed 25 square feet.
6. The location, scale, and appearance of formula business MVU shall not detract from the economic vitality of established commercial businesses and the MVU must be consistent with the small town, rural character of Fort Bragg.
7. Prior to Business License approval and operation, applicant will submit Mobile Food Facility Permit issued by Mendocino County of Environmental Health to the Community Development Department and Finance Department. The MVU shall comply with all requirements therein, including the use of a commercial kitchen for all food preparation and vehicle cleanup and the use of a certified disposal facility to dispose of all kitchen waste into the sanitary sewer. The

certified disposal unit must comply with the City's fats, oils, and grease program.

8. Prior to Business License approval and operation, applicant will obtain inspection and approval from Fire Department. Please contact Steve Wells, Fire Marshall at (707) 961-2831 to schedule inspection.

SPECIAL CONDITION

1. The MVU shall not park on the street within 20 feet of an intersection or 10 ft of a driveway.
2. Applicant shall obtain permission from the property owner prior to operating the food truck on private property
3. The operation of mechanical equipment on or associated with the MVU truck shall not cumulatively exceed more than 55 dB, This includes the operation of any electrical generation equipment, ventilation, cooking, or heating/cooling equipment. If the generator will be in the tow vehicle on a permanent basis, the applicant shall keep the generator in an enclosure to reduce noise output.

ENCROACHMENT PERMIT GENERAL PROVISIONS

A permit is issued under the provisions of Chapter 5.5 of Division 2 of the Streets and Highways Code and Chapter 9.72 of the Fort Bragg Municipal Code. Except as otherwise provided for public agencies and franchise holders, the permit is revocable on five (5) days' notice.

1. It is understood and agreed by the applicant that the doing of any work under the permit shall constitute an acceptance of the provisions, terms, conditions and/or restrictions
2. The permit shall be kept at the site of the work and must be shown to any representative of the grantor or any law enforcement officer upon demand.
3. **PUBLIC CONVENIENCE** - Applicant shall so conduct operations as to offer the least possible obstruction and inconvenience to the public. Unless otherwise provided on the permit, all public traffic shall be permitted to pass through the work with as little inconvenience and delay as possible. Spillage resulting from hauling operations along or across any public traveled way shall be removed immediately by the permittee at his/her expense. Any soil or debris tracking from a construction site is strictly prohibited. If the spillage is hazardous, the Mendocino County Office of Environmental Health must be notified at 964-2714, as well as the Fort Bragg Police Department at 964-0200.
4. **PUBLIC SAFETY** - Should the Applicant's operations create a condition hazardous to the public, he/she shall furnish, erect, and maintain, at his/her expense, such fences, barricades, lights, signs, and other devices as are necessary. Applicant shall furnish at his/her expense, such flagmen and guards as are necessary to prevent accidents or damage or injury to the public. No material or equipment shall be stored where it will interfere with the free and safe passage of public traffic.
5. An encroachment permit does not relieve permittee from the responsibility of obtaining all applicable permits and/or licenses as may, in connection with the work or activity therein described, be required from other public

- agencies and/or commissions. Failure by applicant to secure all necessary and applicable permits and/or licenses shall nullify the permit.
6. **LIABILITY FOR DAMAGES** - Applicant is responsible for all liability for personal injury or property damage which may arise out of work herein permitted, or which may arise out of failure on the permittee's part to perform his/her obligations under the permit in respect to maintenance. In the event any claim of such liability is made against the City of Fort Bragg, or any department, officer, or employee, thereof, applicant shall defend, indemnify and hold them and each of them harmless from such claim.
 7. **DUE CARE** shall be exercised to avoid injury to existing Highway improvements or facilities. City road surfacing shall be replaced by equal or better than the surfacing disturbed. The cost of all materials, labor, etc. necessary for installation of the encroachment shall be borne by the permittee. The cost of any labor and materials for repairs to the road by city forces, made necessary by the work done under the permit, shall be charged to the permittee at actual cost.

MOBILE VENDING VEHICLE ENCROACHMENT PROVISIONS

1. This Encroachment Permit only allows mobile vending operations in the Public Right-of-Way to occur on North Franklin St from the Mid 400 block to the mid 500 block, on East Pine St from the mid 100 block to the intersection with Franklin St, and on the 200 block of South Franklin St.
2. No vending parking may occur within 25' of the intersection with North Main St unless it's on private property with the permission of the property owner.
3. The Mobile Vending Vehicle shall be entirely self-contained. No external storage, power (generator), piping or plumbing is allowed. An external generator is permitted in a tow vehicle, provided the operation does not conflict with the quiet enjoyment of property within 300 feet of the MVV.
4. The operation of the food truck in the public right of way requires a general liability insurance policy of \$1 Million per occurrence and \$2 Million aggregate with \$1 Million auto liability to remain on file with the City Clerk's Office during any period of time the permittee has an active business license. The insurance requires an additionally insured endorsement naming the "City of Fort Bragg including its officer's officials, employees, and volunteers, are insureds."
5. **Liability for Damages-** Applicant is responsible for all liability for personal injury or property damage which may arise out of operation of the MVU herein permitted, or which may arise out of failure on the permittee's part to perform their obligations under the permit.
6. The Permittee shall be compliant with the American's with Disabilities Act and allow ADA-accessible pedestrian travel (a minimum of four feet) on the sidewalk at all times.
7. The MVU may park and vend in 2-hour parking zones, and may remain in those spaces longer than 2 hours. At no time may the vehicle remain

parked in an on-street parking space longer than 72 hours without moving the vehicle.

8. This encroachment permit does not give the MVU exclusive access to any parking spots. The operator of the MVU shall be respectful of other vehicle operators parked in these areas.
9. The MVU May not park in locations where the curb is marked for any specialty timed/limited parking (i.e. green curb, red curb, white curb, or yellow curb) unless explicitly using the space for that limited purpose (i.e. 20 minutes in a green zone).
10. The MVU must be parked on the proper side of the street consistent with California vehicle code.
11. The permittee shall not reserve the parking spot. No placement of signs or cones to reserve the parking spot is allowed.
12. The permittee shall not place promotional signs on the sidewalk.
13. The Permittee shall cleanup around the MVU at the end of the shift to ensure that any foreign material including litter generated by the MVU is removed from City Right of Way (street, sidewalk and the gutter). It is not permitted for any liquid or litter to be discharged into the gutter or storm drain system.
14. The Permittee is required to have a disposal container for litter to be disposed of during operation hours. The Permittee is solely responsible for disposing of said litter. MVU related litter shall not be deposited in City trash cans.