

Connie Williams

From: Aaron Busch
Sent: Thursday, July 16, 2009 2:36 PM
To: 'paulk@pkenterprises.com'
Cc: Katie Ertmer; Connie Williams; Terrel Locke
Subject: Fat Daddy's Vending Business

Dear Mr. and Mrs. Kaiser,

As a follow-up to our meeting today, I am providing you with the information you had requested regarding the possibility of temporarily locating your hot dog vending trailer operation at one of several fixed locations within the City until such time that the City Council adopts a permanent ordinance that fully addresses all aspects of vending operations. Please be advised that irregardless of which option you choose to pursue, it will be considered an interim measure that is temporary in nature and will require City Council approval before it can be implemented. If agreement is reached by you and the City on any of the options discussed below, the term of the temporary approval shall be effective until either the City has passed a new citywide ordinance regarding this subject matter, or one year from the date of the Council's authorization of the temporary approval, whichever occurs first.

Options:

The first option that was discussed was obtaining written approval from the property owner at Sutter North to locate your vending trailer at the rear of their medical office complex, adjacent to the parking area for the business. Should you be able to obtain such written approval, the vending trailer must be located within 25 feet of the business walls and/or entry, and cannot encroach into any of the on-site parking or emergency access. Additionally, the vending trailer must be located where it does not physically obstruct any required pedestrian or handicapped access paths or impede pedestrian or vehicular access to the building.

The second option is to locate the vending trailer on private property within the City. Similar to the first option with Sutter North, the property site must be developed and you must obtain written approval from the property owner to locate the trailer on the subject property. Acceptable developed properties similar to Sutter North would include: other medical complexes; office complexes; industrial centers; or large-box retail centers. The trailer cannot be located in any required on-site parking or emergency access areas on the site. The trailer cannot interfere with or impede pedestrian or vehicular access on the site. In addition to these standards, it will be necessary to obtain written approval from any similar business operation that sells food (i.e. restaurants, delis, coffee shops, etc...) within a 400 foot radius as measured from the outer lying boundaries of the subject property. If there are no similar businesses within said 400 foot radius, then no approvals are necessary.

The third option is to locate the vending trailer on public property in a location that does not interfere with pedestrian or vehicular access/activity and is not located in a residential zone district. The trailer cannot be located in a public street or median island (landscaped or not) and must be located on a sidewalk where there is sufficient access around the trailer to accommodate pedestrian traffic. A continuous and unobstructed sidewalk corridor that is a minimum of eight (8) feet in width must be maintained to insure that the trailer operation does not adversely affect pedestrian access and safety on public walkways. The trailer cannot be located in the front or rear entry of any existing business. If the trailer is to be located in front of an existing business, then the operator of the vending trailer shall obtain written approval from that business to locate at that location. Furthermore, it will be necessary to obtain written approval from any similar business operation that sells food (i.e. restaurants, delis, coffee shops, etc...) within a 400 foot radius as measured from the outer lying boundaries of the subject property or specific location if no parcel exists. If there are no similar businesses within said 400 foot radius, then no approvals are necessary. Finally, prior to operating the vending trailer on public property, the business owner shall secure an Encroachment Permit from the City's Public Works Department. As part of that Encroachment Permit process, the business owner shall provide adequate liability insurance and indemnification in a form acceptable to the City.

As we discussed this morning, in order to take this matter to the City Council for their review at their July 21, 2009 meeting, it is necessary for you to confirm that you are agreeable to the terms of each option by advising us in writing (e-mail is acceptable) by 5:00 p.m. today so that we can place this item on the July 21, 2009 City Council agenda. If acceptance of these options is obtained after 5:00 p.m. today, we can still proceed with the temporary solution, but the proposal will be forwarded to the Council for their consideration at their August 4, 2009 meeting due to noticing requirements. Of course, as we discussed again today, another immediate option that does not require any of the above actions is to move your vending trailer every ten (10) minutes. Please contact me or Katie Ertmer or the other individuals identified on this email by 5:00 p.m. today so that we can assist you with the next steps on this matter. Thank you.

Aaron Busch
City of Yuba City

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