

**Agogo is a Go**  
**by Steve Spain, The Eureka Reporter**  
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Following a lengthy discussion, the Arcata Planning Commission voted to honor the appeal of a decision by Director of Community Development Tom Conlon, which would have required new mobile food vendors to acquire conditional-use permits.

The vote made by the commission was conditional, however, and directed city staff to conduct further research into regulations and conditions that may apply to such businesses. The appeal was made by start-up business owners Kalindi Rogers and Erin Slattery as well as property owner Peter Daggett.

Their appeal was based on a decision made by Conlon in July, which classified mobile food vendors as "other business." Conlon's decision derived from an application by Daggett for an outdoor food court on his property at 15th and G streets in Northtown Arcata.

The classification of mobile food vendors as "other business" would require a conditional-use permit for all future mobile vendors, regardless of how many are located on a single parcel.

Daggett's original proposal involved three mobile food vendors sharing a covered seating area in a grass and gravel parking lot.

Since the proposal in July, two of the three other vendors have been delayed in their plans. Meanwhile, Rogers and Slattery are eager to open their Agogo cart, but have been delayed by the appeal.

Daggett, Rogers and Slattery were nonplussed as to why their application had been singled out. Many in the audience felt that the classification as "other business" was unfair, due to the fact that five other food vendors currently operate in city limits, and none needed a conditional-use permit.

At Tuesday's meeting, Conlon said the arrangement of multiple vendors was something he hadn't seen before in the city. In his discussions with other city department heads, he said they agreed that locating multiple food vendors in a single location raised a variety of issues, including restroom availability, aesthetics, traffic circulation and noise.

Senior Planner Joe Mateer said due to a proliferation of similar food carts in recent years, city staff was looking for a way to regulate the issue.

"It's something the city is interested in maintaining. It just needs to have some oversight," he said.

The lot is zoned commercial-general, and a restaurant fits the category of a primary use in such zoning. In the past, all that's been required to open a food cart is a business license, Mateer said.

City staff argued that because the cart would be located in the same spot every day, it wasn't mobile and would unfairly compete with bricks and mortar businesses.

An exception to that logic was raised by Suzanne Dockal, business advisor to Agogo. She made the comparison that if mobile vendors have an unfair advantage, then so do Internet businesses. She asked if they should be banned from Arcata because of competition.

"As to the possible financial impact of competition, this is something that should be left to the private marketplace to determine. Government has never been able to adequately understand free-market competition," Dockal said.

In their remarks, Rogers and Slattery expressed frustration in dealing with the planning department, citing vague requirements for appealing department decisions, esoteric lingo and a spate of unreturned phone calls.

"Existing operators don't have conditional-use permits. I am unclear as to why we should be held to different standards," Slattery said.

Rogers and Slattery competed and won in the 2007 Economic Fuel Business Competition with their business plan for a vegetarian sushi cart.

After voting on the issue, Chairperson Robert Flint said, "Well, we beat that dead horse," then granted a 10-minute recess.