



CITY OF OJAI

401 South Ventura Street · Ojai · California · 93023

www.ojaicity.org

June 10, 2020

Charles Genkel, Director
Environmental Health Division (EHD)
Ventura County Resource Management Agency
800 S. Victoria Ave.
Ventura, CA 93009-1730

Subject: Microenterprise Home Kitchen Operations (MEHKO)

Dear Mr. Genkel

On June 9, 2020, the Ojai City Council received a report regarding Microenterprise Home Kitchen Operations and directed staff to provide feedback to the Ventura County Board of Supervisors opposing the authorization of Microenterprise Home Kitchen Operations as proposed under current legislation.

Although Ojai would consider innovative concepts such as MEHKOs with appropriate regulations, the legislation as proposed cannot be supported because it severely limits local government land use authority.

MEHKO operations are exempt from City planning and zoning regulations related to land use, parking, and other zoning standards, as well as requirements of the retail food code related to handwashing facilities, plan review, exhaust hoods, and other commercial kitchen standards.

The City's zoning program establishes clear performance standards for uses within each zone considering unique community needs and maintaining the City's character. These safeguards are non-enforceable under the current MEHKO legislation, in favor of a "one-size fits all" approach to statewide regulation.

Ojai may be able to support alternative MEHKO legislation granting more local authority to address potential impacts.

Please forward our comments and concerns to the Board of Supervisors when they consider this item in the near future.

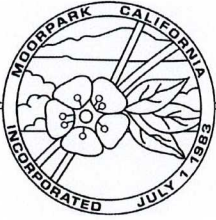
Feel free to contact me if you have any further questions.

Best Regards,

A handwritten signature in blue ink, appearing to read "James Vega".

James Vega
City Manager

C: Ojai City Council



CITY OF MOORPARK

799 Moorpark Avenue, Moorpark, California 93021
Main City Phone Number (805) 517-6200 | Fax (805) 532-2205 | moorpark@moorparkca.gov

June 15, 2020

SUBMITTED ELECTRONICALLY

Board of Supervisors
County of Ventura
Government Center, Hall of Administration
800 South Victoria Avenue
Ventura, California 93009

RE: Letter of Opposition – Ventura County Microenterprise Home Kitchen Operations Program (MEHKO)

Dear Honorable Board of Supervisors:

We understand that the Board intends to consider whether Ventura County should establish a local Microenterprise Home Kitchen Operations (MEHKO) program pursuant to Assembly Bills 626 (2018) and 377 (2019). The County serves as the local health agency and the Board's decision on this matter will determine whether these uses can occur within the City of Moorpark. This decision will have a direct impact on our City. If the Board decides to "opt-in", the City would not have any recourse to address potential concerns associated with the use.

The City Council evaluated this topic at their June 3, 2020 meeting¹ and recommends that the Board not establish a local MEHKO program until the legislation allows for local amendments to the MEHKO program necessary to address potential impacts. Within the City of Moorpark these potential impacts are expected to include:

1. Sanitation: MEHKO operations within single-family and multi-family structures may result in significant sanitation impacts associated with the discharge of unfiltered commercial food waste and grease, odors from refuse, pests, and inadequate sewer capacity. In multi-family settings, sewer blockages resulting from MEHKO operations could be particularly impactful, as numerous residents rely on one point of service. These factors could impact adjacent residents and the public at-large. The state legislation does not sufficiently address these impacts.

¹ https://moorpark.granicus.com/MediaPlayer.php?view_id=129&clip_id=2233&meta_id=185491

2. Building and Fire Safety: The current legislation does not sufficiently mitigate potential building and fire safety issues related to MEHKO operations. These include provisions for safe kitchen facilities, exhaust systems, fire alarm and suppression systems, exiting, and disabled access.
3. Parking and Traffic Congestion: The current legislation does not sufficiently address parking and traffic congestion concerns related to commercial loading and customer parking, particularly in denser, multi-family areas.

The City Council acknowledges the potential benefits of a MEHKO program to economic development, micro businesses, and developing entrepreneurs in our community. The City *strongly* supports economic development and local business opportunities. Unfortunately, the one-size-fits-all approach to the legislation removes local tools necessary to ensure that these uses will not present a hazard to the operators, adjacent properties, and public welfare. The City could support a local MEHKO program when such a program provides for the local exercise of police powers, through planning and zoning provisions, over local land use. This is not possible under the proposed legislation.

For these reasons, the City of Moorpark recommends that the Ventura County Board of Supervisors “opt-out” of the MEHKO program as currently proposed. We thank the Board for your consideration in this matter and Ventura County Environmental Health Division Director Charles Genkel for his outreach and engagement with our staff on this issue.

Sincerely,



Karen Vaughn, AICP
Community Development Director

cc: City Council
Troy Brown, City Manager
PJ Gagajena, Assistant City Manager
Douglas Spondello, Planning Manager
Charles Genkel, Director, Ventura County Environmental Health Division

Al Adam

July 15, 2020

Ms. Kelly Long
Chairperson of the Board of Supervisors
County of Ventura
800 S. Victoria Ave.
Ventura, CA 93009

Via Email to: ClerkoftheBoard@ventura.org

RE: CITY OF THOUSAND OAKS POSITION ON MICROENTERPRISE HOME KITCHEN OPERATIONS – LETTER NOT IN SUPPORT

Dear Chair Long & Members of the Board:

On behalf of the City of Thousand Oaks City Council, we are not in support of implementing Micro-Enterprise Home Kitchen Operations (MEHKO) as authorized by AB 626 (2018) and AB 377 (2019) and recommend that the Ventura County Board of Supervisors “opt out” of the program, thereby not mandating that the City of Thousand Oaks participate in the program.

The legislation allows the County to “opt in” or “opt out” of this program by adoption of an Ordinance. If the Board of Supervisors opts in, then all cities within the County are subject to the program and do not have the ability to regulate the use. The operation is subject to an annual registration and inspection by the County of Ventura Environmental Health Division (EHD), but no other permits or approvals from the City would be allowed. Although we understand the intent of the legislation is to provide economic opportunities for home-based cooks to operate small-scale restaurants from their homes, there are potential ramifications of this program that could occur and thus, we cannot support the program for the following reasons:

- The program would promote continued degradation of local control, both from the standpoint of State regulations, and an inclusive “opt in” by the County, eliminating a city’s ability to regulate the use.
- Commercial cooking equipment is installed pursuant to specific safety standards meant for commercial purposes. By exempting commercial installation standards, Uniform Building Standards, and fire codes, un-regulated installation of equipment creates a potential hazard to persons and properties. Residential cooking equipment is not meant for commercial purposes.
- Exempting Uniform Building Standards would potentially exempt home businesses from disability standards, making such locations inaccessible to many residents.

- Exempting a MEHKO business from zoning standards, would eliminate the ability to require a Home Occupation (HO) Permit, as currently required by the Thousand Oaks Municipal Code (TOMC). In doing so, standards for home-based businesses could not be imposed, therefore causing an unfair business advantage compared to other businesses requiring such a permit, and potentially creating negative impacts to residential areas that cannot be mitigated through local standards. MEHKO businesses may also conflict with existing Home Occupation Permit provisions of City's TOMC such as limiting the hours of operation, use of commercial vehicles and storage of equipment and supplies, thus requiring a Municipal Code amendment.
- Customers would be allowed to take delivery, take-out, or consume the meals on-site, creating a restaurant use in a residential neighborhood. Such operations could significantly impact adjoining neighbors by creating parking and traffic issues, and potentially loitering and lines of customers waiting for food.
- The operation would only be subject to registration and an annual inspection by EHD. There would be no reporting or other accountability to the City for these operations. Based on the general description of a MEHKO business, enforcement of the listed standards would be difficult and time consuming such as, monitoring the number of meals served and investigation of potential violation complaints.

For these reasons, the City recommends that the Ventura County Board of Supervisors "opt out" of the MEHKO program, by voting not to mandate participation in the program by the County Environmental Health Division and the cities of Ventura County.

Thank you for considering the City's position on this matter.

Sincerely,



Al Adam
Mayor

C: Charles Genkel, Director, Environmental Health Division Charles.Genkel@ventura.org
Betty Huff, MS, REHS Community Services Section Manager, Betty.Huff@ventura.org

Tim Flynn
Mayor



Office of the Mayor
300 West Third Street
Oxnard, CA 93030
(805) 385-7430
Fax (805) 385-7595

July 30, 2020

Board of Supervisors
County of Ventura Government Center, Hall of Administration
800 South Victoria Avenue
Ventura, California 93009

Submitted Electronically

Subject: Letter of Opposition – Ventura County Microenterprise Home Kitchen Operations Program (MEHKO)

Dear Honorable Board of Supervisors:

We understand that the Board intends to consider whether Ventura County should establish a local Microenterprise Home Kitchen Operations (MEHKO) program pursuant to Assembly Bills 626 (2018) and 377 (2019). The County serves as the local health agency and the Board's decision on this matter will determine whether these uses can occur within the City of Oxnard. This decision will have a direct impact on our City. If the Board decides to "opt in", the City would not have any recourse to address potential concerns associated with the use.

The City Council evaluated this topic at their July 29, 2020 meeting and recommends that the Board not establish a local MEHKO program until the legislation allows for local amendments to the MEHKO program necessary to address potential impacts. Within the City of Oxnard these potential impacts are expected to include:

1. Sanitation: MEHKO operations within single-family and multi-family structures may result in significant sanitation impacts associated with the discharge of unfiltered commercial food waste and grease, odors from refuse, pests, and inadequate sewer capacity. In multi-family settings, sewer blockages resulting from MEHKO operations could be particularly impactful, as numerous residents rely on one point of service. These factors could impact adjacent residents and the public at-large. The state legislation does not sufficiently address these impacts.

2. Building and Fire Safety: The current legislation does not sufficiently mitigate potential building and fire safety issues related to MEHKO operations. These include provisions for safe kitchen facilities, exhaust systems, fire alarm and suppression systems, exiting, and disabled access.
3. Neighborhood Impacts such as Parking and Traffic Congestion: The current legislation does not sufficiently address parking and traffic congestion concerns related to commercial loading and customer parking, particularly in denser, multi-family areas.

The City Council acknowledges the potential benefits of a MEHKO program to economic development, micro businesses, and developing entrepreneurs in our community. The City strongly supports economic development and local business opportunities. Unfortunately, the one-size-fits-all approach to the legislation removes local tools necessary to ensure that these uses will not present a hazard to the operators, adjacent properties, and public welfare. The City would welcome the opportunity to work collaboratively with the County and other Ventura County cities to explore commercial kitchen opportunities that would provide a place for food entrepreneurs to expand their businesses and serve our communities with healthy food choices.

For these reasons, the City of Oxnard recommends that the Ventura County Board of Supervisors "opt-out" of the MEHKO program as currently proposed. We thank the Board for your consideration in this matter and Ventura County Environmental Health Division Director Charles Genkel for his outreach and engagement with our staff on this issue.

Sincerely,

A handwritten signature in black ink that reads "Tim Flynn". The signature is written in a cursive, flowing style.

Tim Flynn
Mayor



CITY OF SIMI VALLEY

Home of The Ronald Reagan Presidential Library

November 10, 2020

Honorable Robert O. Huber, Supervisor
County of Ventura, Fourth District
980 Enchanted Way #203
Simi Valley, California 93065

RE: Position Letter for the County's Consideration of Participation in Microenterprise
Home Kitchen Operations

Dear Supervisor Huber:

Thank you for contacting our office and requesting that the City Council provide feedback on the Microenterprise Home Kitchen Operations (MEHKO) program to be discussed by the Board of Supervisors at their November 17, 2020 meeting. It is the City Council's concern that an inclusive "opt-in" by the County eliminates the City's ability to regulate the home occupation use and further degrades local control, as the County would be the sole jurisdictional authority for this program. As a MEHKO would exempt a home-based kitchen operation from local zoning standards, this would result in a direct contradiction to the City's Home Occupation permit, which is required for home-based business owners. In addition, placing a commercial use in a residential zone has the potential to create significant conflicts between the operator and adjacent residents.

The City has several concerns related to loading, noise, food odor, safety, and parking issues that will likely arise in our neighborhoods with the County adopting such a program. Based on the information that we have studied regarding MEHKO, we respectfully request that the Ventura County Board of Supervisors "opt-out" of the MEHKO program.

For further information regarding our position on this issue, please contact Linda Swan, Assistant City Manager, at (805) 583-6701.

Sincerely,

A handwritten signature in black ink, reading "Keith L. Mashburn".

Keith Mashburn
Mayor

cc: City Council
City Manager
Resource Management Agency Director, K. Prillhart