



Information Item

Date: January 7, 2010

To: Mayor and City Council
From: Eileen Fogarty, Director of Planning and Community Development
Subject: Food Vending Trucks

Introduction

On January 4, 2010 the City's Code Compliance staff received a complaint regarding the use of a vacant lot at 1401 Santa Monica Boulevard for the Gourmet Food Truck Corner, a staging area for food vending trucks. The use is not permitted at the subject site which is in the C4 Highway Commercial District. The City issued a Notice of Violation to the property owner for violating the provisions of the Zoning Ordinance as well as other Municipal Code provisions related to business operations. This Information Item is intended to provide the Council with information on the specific Code violations and what actions Council may wish to take if there is a desire to identify food vending trucks as uses permitted in the Code.

Background

Food vending trucks offering a range of dining choices is a relatively new phenomenon which has spread across the Los Angeles area. In addition to the traditional food vending trucks that have served the area for years offering simple fare, the new trucks offer a broad range of international food items in addition to gourmet hamburgers,

hotdogs, sandwiches, and desserts. Typically, the vending trucks park in popular commercial areas for varying lengths of time and then travel to a new location, often communicating the new destination through Twitter and/or a business website. In Santa Monica, a City vendor permit, which has location and time restrictions, is required for the vending trucks. The Southern California Mobile Food Vendors Association has recently been established to advocate for the group (<http://site.socalmfva.com>). There has been concern about food vending trucks from established restaurants in the areas where these trucks congregate and from organizations such as the Bayside District Corporation.

A representative of the owner of 1401 Santa Monica Boulevard contacted City staff in early December about the possibility of using the lot for a food vendor courtyard. The representative was told that the use was not permitted by Code.

Discussion

On January 5, 2010, the property owner received a Notice of Violation for violations of three sections of the Municipal Code - one section of Article VI Business, Professions and Trades and two sections of Article IX Planning and Zoning (Zoning Ordinance). With respect to the violations of Article VI, the property operator did not have a proper business license per SMMC Section 6.04.020. With respect to the violations of the Zoning Ordinance, per SMMC Section 9.04.08.22.020 food vending trucks, considered fast food uses, are not permitted at the subject site which is located in the C4 Highway Commercial District. Fast food uses, which are defined as restaurants in SMMC Section

9.04.02.030.735 are not included in SMMC Section 9.04.10.02.340 which specifically identifies the types of uses that may be permitted outside an enclosed building. Fast food uses in the district must be within an enclosed building and are subject to approval of a Conditional Use Permit. Thus fast food uses that are not in an enclosed building are not permitted. The Notice of Violation was also issued for a lack of a Temporary Use Permit for the operation pursuant to SMMC Section 9.04.20.06.020(j).

If the Council wishes to permit food vending trucks at the subject site or other sites in the City, Zoning Ordinance amendments would be required. The text amendments would include identifying this activity as a conditional use that is permitted in specific zoning districts.

Prepared by: Paul Foley, Principal Planner