



# Information Item

**Date: August 10, 2010**

**Revised August 11, 2010**

To: Mayor and City Council  
From: Eileen P. Fogarty, Director of Planning and Community Development  
Subject: Food Vending Trucks on Private Property

## **Introduction**

On [January 19, 2010](#) the City Council directed staff to examine the issue of food vending truck operations on private property and propose a mechanism to allow these trucks on a temporary basis, subject to operational conditions. An assessment of potential long term issues could then be evaluated. This information item outlines the use of the existing Temporary Use Permit process as the permit mechanism to authorize short-term food vending truck operations.

## **Background**

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. A Council

Information Item was prepared on [January 7, 2010](#) which provided information on the specific Code violations and noted ordinance amendments that would be required to allow the use. Councilmember Holbrook subsequently agendaized the issue for Council discussion on January 19<sup>th</sup>.

## **Discussion**

The Information Item prepared for Council in early January addressed the issue of allowing food truck venues on private property on an on-going basis through ordinance amendments. While this is one approach the Council may wish to consider, Council's direction at the January 19<sup>th</sup> Council meeting was to first establish a process to permit the food trucks on a temporary basis to allow for an assessment of operational issues and potential impacts on the adjacent neighborhoods. Information gleaned from the temporary venues would then be used to make a determination as to whether an ordinance amendment to allow the use permanently was desirable. Although a Conditional Use Permit (CUP) is a possible approach, staff will be utilizing Temporary Use Permits (TUPs) to achieve the Council's interest to temporarily allow food truck venues on private property with conditions.

### *Conditional Use Permit*

A Conditional Use Permit (CUP) is one mechanism that could be used to authorize food truck venues. A Zoning Ordinance amendment would be required to implement this approach. However, because a CUP cannot be issued for a limited term, this type of permit would not allow for a limited period of operation and subsequent assessment of

potential impacts. Instead, the rights granted by a CUP would continue with the parcel and not the business. A successor business could conduct a similar business on the site if commenced within one year of the prior business's closure. Therefore, while a CUP would allow for public comment and Planning Commission review of the proposal, it would not accomplish the Council's goal of a test period for the food trucks so that staff could evaluate impacts and consider if on-going operation was warranted.

### *Temporary Use Permit*

Santa Monica Municipal Code (SMMC) Section 9.04.20.06.010 states that a Temporary Use Permit "is intended to allow for the short-term placement (generally six-months or less) of activities on privately or publicly owned property with appropriate regulations so that such activities will be compatible with the surrounding areas." Although Section 9.04.20.06.020 does not specifically list food vending truck venues as permitted temporary uses, paragraph (j) of this section states that similar temporary uses may be permitted if compatible with the district and surrounding land uses. Private farmer's markets, swap meets and sidewalk sales are all similar uses which are subject to the issuance of Temporary Use Permits and appropriate conditions may be imposed to insure compatibility with the neighborhood. In addition, the following Temporary Use Permit findings would be applicable to food truck venues on private property:

a) The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.

(b) The proposed site is adequate in size and shape to accommodate the temporary use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the site.

(c) The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably generate.

(d) Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the Zoning Administrator.

Prior to approval of an application for a Temporary Use Permit, staff could impose conditions on the operation, similar to conditions imposed through a CUP, that will ensure neighborhood compatibility in relation to the following issues:

- Hours of operation
- Restrooms
- Landscaping/screening from nearby residences
- Security
- Refuse and recycling containers
- Bicycle parking
- Signage
- Lighting and noise

In addition, although not required by Code, staff could send notices of a TUP approval for a food truck operation on private property to owners and occupants of property within the 300' of the approved location.

The fee for a Temporary Use Permit application is currently \$953.72. The processing time for this type of permit is typically two weeks. Most Temporary Use Permits are issued for a single event, such as a store promotion, or short-term events such as weekend sidewalk sales or pumpkin/Christmas tree sales lots, which typically operate

for about 30 days. Permits have been issued for certain types of uses, such as construction staging or temporary parking lots, for periods up to six months.

Requests to extend these longer-term temporary use permits for a maximum period of six months are addressed through the submittal and processing of permit. In those instances, staff evaluates the reasons why the temporary use needs to continue operation and also evaluates the impacts, if any, of the prior operation. If the use is authorized to continue for a specified time period, conditions can be added to address operational concerns in order to ensure the use is conducted in a manner that does not disrupt the surrounding area.

Staff believes allowing a Temporary Use Permit for food vending trucks on private property, with conditions tailored to the specific request, is an effective approach to determine if the use is appropriate on a short-term or long-term basis. Depending on the size of the operation, location, and operating hours, the use could be approved for a 30 to 90 consecutive day time frame and subsequently renewed for a total period not to exceed six months. This period will allow staff to evaluate the impacts of the food truck operations on adjacent neighborhoods and uses prior to considering if subsequent Temporary Use Permits should be authorized.

Staff will report back to Council in approximately four months with information regarding how food trucks have operated, and a recommendation regarding future options

including an ordinance amendment to allow food truck venues on private property as a permanent use.

### **Summary**

Staff is implementing the existing Temporary Use Permit provision of the Municipal Code to allow food truck venues on private property on a short-term basis, with the conditions noted above. This process will provide for a study period during which the impacts of the food vending trucks may be comprehensively studied.

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