



# Information Item

Date: August 15, 2012

To: Mayor and City Council  
From: Andy Agle, Director of Housing and Economic Development  
Subject: Mobile Vending Trucks Update

## Introduction

On [June 21, 2011](#) City Council conducted a Study Session to discuss the impacts of commercial on-street mobile vending on the City's neighborhoods, streets and sidewalks. This Information Item is an update on actions that have transpired since that date.

## Discussion

At its [June 21, 2011](#) meeting, Council discussed the impacts of mobile vending activities on the City's neighborhoods, streets and sidewalks. Mobile vending trucks must adhere to the same parking regulations that apply to any other vehicle. Additionally, the California Vehicle Code only allows for the regulation of time, place and manner of mobile vending from vehicles based on public safety.

**Main Street:** At its [November 22, 2011](#) Council meeting, the City Council adopted Ordinance Number 2381 (CCS) which amends Santa Monica Municipal Code Chapter 6.36 to impose a narrow restriction prohibiting late-night vending activities on Main Street, between Ocean Park Boulevard and Marine Street, during the hours of 1:00 a.m. to 3:00 a.m. on Saturdays and Sundays. The ordinance was enacted to address the public safety concerns created by the late night commercial vending and to promote the safety of pedestrians and motorist traffic. All mobile vending trucks that have a Santa Monica business license were mailed notice of the changes/new restrictions along with a copy of the Ordinance. Santa Monica police officers distributed flyers to the mobile

vendors who were operating in the area after the Ordinance became effective. An Information Item posted [March 30, 2012](#) noted that while some public safety concerns have diminished as a result of the ordinance, including the number of pedestrians in the roadway, sidewalk overcrowding, and hazardous jaywalking to “shop” the food trucks’ offerings, on-going Police Department and other City staff monitoring is still needed to address remaining safety and quality-of-life issues. These include the large numbers of people that continue to visit the concentration of alcohol-serving establishments, the need to re-notify vending trucks of the amended ordinance, and the dispersal of patrons leaving the alcohol establishments. Safety issues continue to be monitored by the Police. The Santa Monica Police Department plans to prepare a staff report requesting that the Ordinance be amended to extend the southern boundary to the city limits just south of Marine Street in order to further limit late-night vending activity and its related public safety concerns. This small area just south of Marine Street was not included in the original ordinance and is currently unregulated.

**Off-street mobile vending operations:** The City has more authority to allow and regulate off-street vending trucks than on-street mobile vendors. To date, the City has used the Temporary Use Permit (TUP) as the primary regulatory and permitting mechanism for vending trucks to operate off-street on private property. The TUP allows the City to impose operational conditions such as lighting and noise restrictions, hours of operations, and refuse and recycling requirements. In September 2010, the City granted a TUP with operational conditions to the California Heritage Museum to operate a weekly food truck event in its parking area. The TUP was extended while staff assessed the potential long-term issues and, if warranted, the potential to implement a permanent process. The results of the City’s analysis showed that while some businesses may contend that any food truck operating in the City should not be allowed, many in the community consider the Heritage Museum weekly food truck event to be of benefit to the neighborhood. At the [June 21, 2011](#) meeting, Council directed staff to return with a permanent process for permitting appropriate off-street mobile vending. The Planning Division determined that the Performance Standards Permit (PSP) would

be the preferred permitting mechanism to allow for on-going food-truck events that occur on private property. On [May 16, 2012](#), the Planning Commission adopted a Resolution of Intention announcing their intention to consider permitting off-street food truck venues by Performance Standards Permit in the CM Main Street Commercial District and C4 Highway Commercial District. If approved, the PSP would be issued with specific criteria and standards. The adjacent property owners and residents would be sent a copy of the PSP once it is issued. One-time food truck events would still utilize the TUP. On August 22, 2012, the Planning Commission will review the standards for the PSP. This item is expected to go to Council in Fall, 2012. Upon Council approval, any existing off-street mobile vending operation will need to apply for a PSP for on-going food truck events. Each PSP application will be administratively processed by the Zoning Administrator.

The City granted another TUP with operational conditions for a food truck lot to operate at 1401 Santa Monica Boulevard. This food truck event began on August 8, 2012 and will operate each Wednesday from 10:00 am to 9:00 pm. This same location hosted a food truck event in January 2010, but the City shut operations down because of permit violations.

**Southern California Mobile Food Vendors Association (SoCalMFVA):** The SoCalMFVA has been cooperating with the City and Downtown Santa Monica Inc. (DTSM, Inc.) to encourage its food truck members to avoid dense commercial districts, including Downtown. In consideration of the cooperative working environment to jointly find solutions to problems, Matt Geller, CEO of SoCalMFVA, has obtained his board's approval to prohibit food trucks who vend in Downtown Santa Monica from participating in the Tuesday night food truck event at the Heritage Museum. DTSM, Inc. has been tracking mobile food vending trucks in the area and is providing that information weekly to Mr. Geller.

**Other Mobile Vending Operations:** In addition to mobile food vending trucks, a number of retail vending trucks have appeared occasionally in Downtown Santa Monica. These mobile retailers, which sell such items as clothing, bath soap and shoes, have been spotted on Arizona Avenue between 3<sup>rd</sup> and 4<sup>th</sup> Street, as well as at 2<sup>nd</sup> Street and Santa Monica Boulevard. Unlike many of the gourmet mobile food vendors who are members of SoCalMFVA, the retail vending trucks are not represented by a formal organization or association. City staff and DTSM will continue to monitor their activities.

**Parking Enforcement:** For all on-street mobile vending operations, both food and non-food, staff from SMPD Parking Enforcement are monitoring parking violations and issuing citations, where needed. This is occurring citywide. New parking meters have been installed citywide and in-ground parking sensors are in the process of being installed which together will prevent all motorists from adding time to the meters beyond posted time limits.

**Legislative Efforts:** Staff investigated legislators' interest in amending the Vehicle Code to allow cities more discretion in how they can regulate on-street parking. The City's legislative representatives reached out to other cities and interest groups but determined that there is little interest in proposing amendments to the law at this time. These representatives and City staff were able to reach out to the SoCalMFVA for support. As a result, SoCalMFVA works closely with City and DTSM, Inc. staff to monitor the food trucks vending issues in Santa Monica and to offer suggestions on how to achieve desired goals under the current state statute.

## **Summary**

City staff will continue to monitor mobile vending truck activity and pursue other avenues besides legislative action to achieve the City's goals. The proposed Performance Standards Permit (PSP) is the recommended permitting mechanism for on-going off-street food truck venues. The PSP is administratively issued but

appealable to the Planning Commission. Adjacent property owners and residents are sent a copy of the PSP determination once it is issued.

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