

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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original staff report

W10b

Addendum

October 2, 2014

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item W10b**, City of San Diego LCP Amendment No. **LCP-6-SAN-14-0601-1 (Mobile Food Truck Ordinance)**, for the Commission Meeting of Wednesday, October 8, 2014

Staff recommends the following changes be made to the above-referenced staff report; language to be added is underlined and language to be deleted is shown in ~~strike-through~~:

1. On Page 1 of the staff report, the second full paragraph should be modified as follows:

The City has adopted code amendments to introduce a new, separately regulated commercial use – mobile food trucks. Specifically, the proposed ordinance would regulate the operation of mobile food trucks both in the public right-of-way and on private property. In order to permit this new commercial use while minimizing impacts to coastal resources, the proposed ordinance contains multiple provisions for food truck operators, including, but not limited to, no sales to persons in vehicles, no amplified sound, limited lighting, collection of litter within 25 feet of the truck, no exterior furniture or generators, limitations on hours, no operation on public streets within the Beach Impact Overlay Zone unless part of an authorized special or temporary event, and no interference with the flow of pedestrian traffic. When authorized on private property within the Beach Impact Overlay Zone, the proposed mobile food truck cannot usurp the otherwise required parking on-site and that off-street parking complement is higher due to the nearshore location.

2. On Page 5 of the staff report, the final paragraph, which ends on Page 6, should be modified as follows:

The proposed amendment is to introduce a new, separately regulated commercial use – mobile food trucks. Specifically, the proposed ordinance would regulate the operation of mobile food trucks both in the public right-of-way and on private property. In order to permit this new commercial use while minimizing impacts to coastal resources, the proposed amendment contains multiple parameters for food truck operators, including, but not limited to, no sales to persons in vehicles, no amplified sound, limited lighting,

collection of litter within 25 feet of the truck, no exterior furniture or generators, limitations on hours, no operation on public streets within the Beach Impact Overlay Zone unless authorized through a special event or temporary use permit, and no interference with the flow of pedestrian traffic.

3. On Page 6 of the staff report, the final paragraph will be modified as follows:

Under the Coastal Act, mobile food trucks would be viewed as a priority, visitor-serving use which serves as an amenity to support coastal visitors and activates a coastal destination. Mobile food trucks also foster a pedestrian-oriented atmosphere, and can activate areas of the coast much more quickly and cheaply than waiting to fund and construct a brick-and-mortar restaurant. Each of the City's certified community plans/LUPs contain provisions that encourage and support visitor-serving uses. The proposed code amendments do not modify any of the otherwise required development standards, such as parking or landscaping. Mobile food trucks would be precluded from operating on public streets within the Beach Impact Area, which includes the two to three blocks along the coast where parking demand is the highest, unless part of an already permitted special event. When authorized on private property within the Beach Impact Overlay Zone, the proposed mobile food truck cannot usurp the otherwise required off-street parking and that parking complement is higher due to the nearshore location. Therefore, the proposed amendment can be found consistent with the City's certified land use plans and no adverse impacts to any coastal resources, including public access, are anticipated.

4. On Page 7 of the staff report, the final paragraph will be modified as follows:

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform to CEQA provisions. At the local level, the City found the operation of mobile food trucks to be categorically exempt from CEQA pursuant to State CEQA Guidelines Sections 15301 (Existing Facilities) and 15311(c) (Accessory Structures) ~~found that the environmental review completed at the time of the original adoption of the Land Development Code remained valid and sufficient. The City concluded that the proposed amendment would not result in a substantially changed project, would not result in new impacts or changed circumstances that would require a new environmental document.~~ In the case of the subject LCP amendment request, the Commission also finds that approval of the LCP amendment, as submitted, would not result in significant environmental impacts under the meaning of the California Environmental Quality Act. Therefore, the Commission finds that there are no feasible alternatives under the meaning of CEQA which would reduce the potential for any impacts which have not been explored and the LCP amendment, as submitted, can be supported.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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SAN DIEGO, CA 92108-4421
(619) 767-2370

**W10b**

September 24, 2014

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT
ALEXANDER LLERANDI, COASTAL PLANNER, SAN DIEGO DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO LCP AMENDMENT
No. LCP-6-SAN-0601-1 (Mobile Food Truck Ordinance) for Commission
Meeting of October 8-10, 2014**

SYNOPSIS

The subject LCP implementation plan amendment was submitted and filed as complete on April 29, 2014. At the June 2014 Commission hearing, a one year time extension was granted by the Commission. As such, the last date for Commission action on this item is the June 2015 hearing. The item was previously scheduled for Commission review but the City requested the matter be continued to address some local issues which might result in further changes being sought.

SUMMARY OF AMENDMENT REQUEST

The City has adopted code amendments to introduce a new, separately regulated commercial use – mobile food trucks. Specifically, the proposed ordinance would regulate the operation of mobile food trucks both in the public right-of-way and on private property. In order to permit this new commercial use while minimizing impacts to coastal resources, the proposed ordinance contains multiple provisions for food truck operators, including, but not limited to, no sales to persons in vehicles, no amplified sound, limited lighting, collection of litter within 25 feet of the truck, no exterior furniture or generators, limitations on hours, no operation within the Beach Impact Overlay Zone unless part of an authorized special or temporary event, and no interference with the flow of pedestrian traffic.

Mobile food trucks would generally be permitted in citywide industrial, commercial, open space and multi-family residential zones in accordance with specified criteria. Trucks would not be authorized to operate in environmentally sensitive lands, low density open space, agricultural lands or residential zones that do not otherwise allow commercial development. When proposed within the Open Space-Park zone, mobile food trucks would only be permitted pursuant to an approved park development plan or master plan.

SUMMARY OF STAFF RECOMMENDATION

For the City of San Diego's Local Coastal Program, the Land Development Code (LDC) constitutes the primary element of the City's certified implementation plan and it represents an integrating feature for the multiple community plan/land use planning areas. The proposed code amendments will facilitate the operation of mobile food trucks in multiple zones across the City of San Diego.

Throughout the state, communities are considering the regulation of mobile food trucks. Although some communities have seen little activity from mobile food truck operations, others, such as the City of San Diego, given their size, population base and visitor demands have experienced significant growth in their popularity and potential impacts. Mobile food trucks are health regulated businesses subject to state and local health standards established by the counties. Based on the City's analysis, there are approximately 500 mobile food vendors with active County health permits operating within the region.

While such businesses create an activating and lively pedestrian environment, given their numbers and the size of the City of San Diego, the City determined that it was necessary to establish reasonable regulations for mobile food vendors. Unlike land use and zoning regulations, parking provisions and traffic controls within the public right-of-way are generally addressed through the California Vehicle Code. Therefore, mobile food trucks can currently operate in the public right-of-ways and the City may regulate them in a limited capacity that must be related to public safety concerns. Relative to their operation on private property, the LDC currently prohibits mobile food vending throughout most of the City of San Diego, with only the Centre City Planned District permitting them with a Conditional Use Permit. Before mobile food trucks can legally operate on private property, the LDC must be amended to establish a use category along with corresponding zoning and regulations.

The proposed amendment to the certified Local Coastal Program would require private property owners to obtain renewable one-year mobile food truck permits for mobile food truck operations on private property and ensure that mobile food truck operators on the property adhered to the permit requirements. No permit would be required for mobile food truck operations in the public right-of-way. However, whether operating on private property or the public right-of-way, the proposed amendment requires all mobile food trucks to adhere to general regulations regarding hours of operation, noise, lighting, signage, trash removal, and bans on exterior furniture and alcohol sales, among other limitations.

With regard to public lands, especially parks and beaches, the purpose and intent of the code amendment states, in part, that the "City Council further finds that the unauthorized use of public property for private commercial activity constitutes a misuse of public property...." The bulk of the City's regulations governing use of public property were not incorporated within the City's certified LCP or the Land Development Code. However, they prohibit commercial operations on public property without City approval and the proposed amendment reiterates this prohibition. Generally, no business is allowed

on parks or beaches without approval from the City Manager or Park and Recreation Director. In addition, as noted above, mobile food trucks could be permitted in the Open Space – Park zone when consistent with the park’s adopted development plan or master plan and again authorized by the City. Therefore, the potential use of public lands for mobile food vending is not being modified by this ordinance and such business is largely addressed by provisions outside the certified LCP.

Under the Coastal Act, mobile food trucks would be viewed as a priority, visitor-serving use which serves as an amenity to support coastal visitors and activates a coastal destination. Mobile food trucks also foster a pedestrian-oriented atmosphere, and can activate areas of the coast much more quickly and cheaply than waiting to fund and construct a brick-and-mortar restaurant. Each of the City’s certified community plans/LUPs contain provisions that encourage and support visitor-serving uses. The proposed code amendments do not modify any of the otherwise required development standards, such as parking or landscaping. Mobile food trucks would have to operate outside the Beach Impact Area, which includes the two to three blocks along the coast where parking demand is the highest, unless part of an already permitted special or temporary event. Therefore, the proposed amendment can be found consistent with the City’s certified land use plans and no adverse impacts to any coastal resources, including public access, are anticipated. Staff therefore recommends the Commission approve the proposed LCP amendment as submitted.

The appropriate resolution and motion may be found on Page 5. The findings for approval of the Implementation Plan Amendment as submitted also begin on Page 5.

BACKGROUND

For the subject amendment, Commission staff was briefed by City staff on its drafting and consultation between the respective offices continued through its adoption. Once the amendment request was submitted, Commission scheduled it for Commission review. However, the City subsequently asked for a delay to address procedural concerns with the Airport Authority which might necessitate further revisions. Ultimately, those questions were resolved and no further revisions to the originally adopted amendment were required. The City is now requesting the Commission complete its review.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP Amendment No. LCP-6-SAN-14-0601-1 may be obtained from **Alexander Llerandi, Coastal Planner**, at (619) 767-2370.

PART I. OVERVIEW**A. LCP HISTORY**

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve parts in order to have the LCP process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments, which are all presently certified, in whole or in part.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. This was achieved in January 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its coastal zone. The IP consisted of portions of the City's Municipal Code, along with a number of Planned District Ordinances (PDOs) and Council Policies.

Since effective certification of the City's LCP, there have been numerous major and minor amendments processed. These have included everything from land use revisions in several segments, to the rezoning of single properties, and to modifications of citywide ordinances. Late in 1999, the Commission effectively certified the City's Land Development Code (LDC) that includes Chapters 11 through 14 of the municipal code. It replaced the first IP in its entirety and went into effect in the coastal zone on January 1, 2000. The Commission has certified many IP amendments since 2000.

B. STANDARD OF REVIEW

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires local governments to provide the public with maximum opportunities to participate in the development of the LCP amendment prior to its submittal to the Commission for review. The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. MOTION:** *I move that the Commission reject the Implementation Program Amendment for the City of San Diego No. LCP-6-SAN-14-0601-1 as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the City of San Diego as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plans, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment.

PART III. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**A. AMENDMENT DESCRIPTION**

The proposed amendment is to introduce a new, separately regulated commercial use – mobile food trucks. Specifically, the proposed ordinance would regulate the operation of mobile food trucks both in the public right-of-way and on private property. In order to permit this new commercial use while minimizing impacts to coastal resources, the proposed amendment contains multiple parameters for food truck operators, including, but not limited to, no sales to persons in vehicles, no amplified sound, limited lighting, collection of litter within 25 feet of the truck, no exterior furniture or generators, limitations on hours, no operation within the Beach Impact Overlay Zone unless

authorized through a special event or temporary use permit, and no interference with the flow of pedestrian traffic.

Mobile food trucks would generally be permitted in citywide industrial, commercial, open space and multi-family residential zones in accordance with specified criteria. Trucks would not be authorized to operate in environmentally sensitive lands, low density open space, agricultural lands or residential zones that do not otherwise allow commercial development. When proposed within the Open Space-Park zone, mobile food trucks would only be permitted pursuant to an approved park development plan or master plan.

B. FINDINGS FOR APPROVAL

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP(s). The proposed amendment to the certified Local Coastal Program would require private property owners to obtain a one-year mobile food truck permit for mobile food truck operations on private property and ensure that mobile food truck operators on the property adhered to the permit requirements. No permit would be required for mobile food truck operations in the public right-of-way.

However, whether operating on private property or in the public right-of-way, under the proposed amendment, all mobile food trucks would be required to adhere to general regulations regarding hours of operation, noise, lighting, signage, trash removal, and bans on exterior furniture and alcohol sales, among other limitations. The purpose of these regulations is to ensure that mobile food trucks do not interfere with the business and public around them who are not patronizing the food truck. Furthermore, food truck operations on private property will be limited in scope by spatial parameters and parking requirements, so that they do not interfere with the otherwise required parking and development standards established for the principal business already operating on the site.

Under the Coastal Act, mobile food trucks would be viewed as a priority, visitor-serving use which serves as an amenity to support coastal visitors and activates a coastal destination. Mobile food trucks also foster a pedestrian-oriented atmosphere, and can activate areas of the coast much more quickly and cheaply than waiting to fund and construct a brick-and-mortar restaurant. Each of the City's certified community plans/LUPs contain provisions that encourage and support visitor-serving uses. The proposed code amendments do not modify any of the otherwise required development standards, such as parking or landscaping. Mobile food trucks would be precluded within the Beach Impact Area, which includes the two to three blocks along the coast where parking demand is the highest, unless part of an already permitted special event. Therefore, the proposed amendment can be found consistent with the City's certified land use plans and no adverse impacts to any coastal resources, including public access, are anticipated.

The bulk of the City's regulations governing use of public property were not incorporated within the City's certified LCP or the Land Development Code. However, they prohibit commercial operations on public property without City approval and the proposed amendment reiterates this prohibition. Generally, no business is allowed on parks or beaches without approval from the City Manager or Park and Recreation Director. Long-term agreements typically involved bidding and requests for proposals in a public process and short-term or single event operations would be handled through special event or temporary event permits. In addition, as noted above, mobile food trucks could be permitted in the Open Space – Park zone when consistent with the park's adopted development plan or master plan and again authorized by the City. Therefore, the potential use of public lands for mobile food vending is not being modified by this ordinance and such business is largely addressed by provisions outside the certified LCP.

Given the nature of these businesses to support visitors in coastal destinations and enliven an area for both residents and visitors alike, mobile food vending operations, as proposed for regulation herein, can be found compatible with the community character of the City's coastal zone while also maintaining public safety and mobility. Staff therefore recommends the Commission approve the proposed LCP amendment as submitted.

PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform to CEQA provisions. At the local level, the City found that the environmental review completed at the time of the original adoption of the Land Development Code remained valid and sufficient. The City concluded that the proposed amendment would not result in a substantially changed project, would not result in new impacts or changed circumstances that would require a new environmental document. In the case of the subject LCP amendment request, the Commission also finds that approval of the LCP amendment, as submitted, would not result in significant environmental impacts under the meaning of the California Environmental Quality Act. Therefore, the Commission finds that there are no feasible alternatives under the meaning of CEQA which would reduce the potential for any impacts which have not been explored and the LCP amendment, as submitted, can be supported.

STRIKEOUT ORDINANCE

OLD LANGUAGE: STRIKEOUT

NEW LANGUAGE: UNDERLINE

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 4, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 54.0122; AMENDING CHAPTER 12, ARTICLE 3, BY ADDING NEW DIVISION 6, TITLED "MOBILE FOOD TRUCK PERMIT," SECTIONS 123.0601, 123.0602, 123.0603, 123.0604, 123.0605 AND 123.0606; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222, TABLE 131-02B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322, TABLE 131-03B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422, TABLE 131-04B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522, TABLE 131-05B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622, TABLE 131-06B; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY ADDING SECTION 141.0612; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTIONS 156.0302 AND 156.0308, TABLE 156-0308-A; AMENDING CHAPTER 15, ARTICLE 7, DIVISION 3 BY AMENDING SECTION 157.0304, ALL RELATING TO REGULATION OF MOBILE FOOD TRUCKS.

§54.0122 Prohibitions and Regulations Applicable to the Sale or Distribution of Foods, Beverages, Merchandise or Services from Vehicles and Mobile Food Units

- (a) Purpose and Intent. The City Council hereby finds and declares that the unrestricted sale or distribution or the offering for sale or distribution of food, beverages, merchandise or services from vehicles, or mobile food units within or upon public streets, sidewalks and rights of way, p

property or in the vicinity of school buildings, under certain circumstances, constitutes a danger to public safety because of the likelihood of injury to pedestrians thereby exposed to hazards from other vehicular traffic in the vicinity.

~~The City Council further finds that it is in the interest of the health, safety and welfare of the community that sales of products from mobile food units be limited to food items subject to regulation under the California Retail Food Code.~~ The City Council further finds that the unauthorized use of public property for private commercial activity constitutes a misuse of public property and tax money and that similar activity on private property when not in conformity with health, safety, zoning and land use regulation is contrary to the public welfare.

(b) **Definitions**

(1) through (2) [No change in text.]

(3) ~~The term "mobile food unit" is any non-self propelled or nonmotorized vehicle or similar vending device defined in Section 42.0160 of this Code.~~

(4) ~~"Public school" shall refer to any public elementary school, middle school, junior high school or high school as defined in the Education Code of California.~~

(c) Prohibitions. No food, beverage, merchandise or services shall be sold or distributed or offered for sale or distribution from a vehicle on a street or highway unless the vehicle is first lawfully parked or stopped and then

remains for no longer a period of time than is necessary to complete the immediate sale. An operator is considered to be engaged in an "immediate sale" when there are patrons waiting in line for service.

Operators of such vehicles shall maintain a minimum clear space of (10) feet both in front of and behind the vehicle to allow for pedestrian safety and safe sight distance for approaching motorists. No sales or distribution shall be made when the designated minimum clear space of ten (10) feet does not exist.

(d) ~~No food or beverage shall be sold or distributed or offered for sale or distribution from a mobile food unit on a street or highway, on public property or upon a sidewalk without a permit from the City Manager or designee authorizing such sale or distribution pursuant to Section 42.0166 of this Code.~~

(e)(d) No food, beverage, merchandise or services shall be sold or distributed or offered for sale or distribution, whether from a vehicle or otherwise, upon public property without the authorization of the public entity.

(f)(e) No food, beverage, merchandise or services shall be sold or distributed or offered for sale or distribution from a vehicle or mobile food unit on private property without the express consent of the owner or lessee of the property and except in conformity with health, safety, zoning and land use regulations or permits pertaining to the site from which the sale or distribution is conducted.

- (g) ~~(f)~~ No food, beverage, merchandise or services shall be sold or distributed or offered for sale or distribution from a vehicle in the public right-of-way within ~~five hundred (500)~~ feet from any public kindergarten-twelfth grade school building, measured in a straight line to the nearest point of the school building, between 7:00 a.m. and 4:00 p.m. on regular school days, except in a designated commercial loading zone ~~in conformity with applicable restrictions thereto or except on private property with the express consent of the owner or lessee of the property and in conformity with health, safety, zoning and land use regulations and permits pertaining to the site from which the sale or distribution is conducted.~~
- (h) ~~Mobile food unit operations are limited to the sale of food items regulated under the California Retail Food Code. The sale or distribution of any other items is prohibited.~~
- (i) ~~(g)~~ In addition to enforcing applicable federal, state and local laws, the City intends to strictly enforce any violations of the California Penal Code regarding the sale, distribution, or display of BB devices and Imitation Firearms. ~~Violations of mobile food unit sections may be pursued as both a regulatory and a criminal violation.~~
- (j) ~~(h)~~ Construction with other laws. Nothing in this section shall be deemed to excuse compliance with any law or regulation pertaining to health, zoning, public safety or land use under applicable state law or the municipal code, including the issuance of any permits thereunder.

§123.0601 Purpose of Mobile Food Truck Permit Procedures

The purpose of these procedures is to regulate mobile food trucks in a manner that protects the public health, safety, and welfare, while also accommodating mobile food truck activity that promotes an active and social pedestrian environment within appropriate areas of the City. This Division describes the permitting procedures for mobile food trucks and is intended to operate in conjunction with those regulations contained in Chapters 13, 14 and 15, which set forth the zoning regulations and operating requirements for mobile food trucks.

§123.0602 When a Mobile Food Truck Permit Is Required

- (a) A mobile food truck permit is required for mobile food truck operations on private property, except where specifically exempted by Section 141.0612(f). A mobile food truck permit is not required for mobile food truck operations in the public right-of-way.
- (b) A property owner shall obtain a mobile food truck permit for all mobile food truck operations on their premises. One permit shall cover multiple mobile food trucks.
- (c) A permit holder shall ensure that all mobile food truck operations on their premises comply with Section 141.0612.

§123.0603 How to Apply for a Mobile Food Truck Permit

- (a) An applicant shall apply for a mobile food truck permit in accordance with Section 112.0102.
- (b) The application shall include a site plan including details sufficient to demonstrate compliance with Section 141.0612(d)(4)-(5).

§123.0604 Approval and Issuance of a Mobile Food Truck Permit

- (a) A decision on an application for a mobile food truck permit shall be made in accordance with Process One.
- (b) The Director of Development Services, or his or her designee, shall approve and issue a mobile food truck permit if:
 - (i) the required permit fees have been paid; and
 - (ii) no notices of violation, as that term is defined in section 11.0210, are pending on the property.
- (c) A permit is effective upon approval by the Director of Development Services, or his or her designee.
- (d) A permit allows mobile food truck operations to occur on the *premises*, and requires *permit holders* to ensure compliance with the regulations in Section 141.0612.

§123.0605 Suspension or Revocation of a Mobile Food Truck Permit

- (a) If the Director of Development Services, or his or her designee, determines that there has been a violation of the permit or the mobile food truck regulations, he or she may provide the *permit holder* with a notice of intent to revoke the permit.
- (b) The notice of intent to revoke shall describe the violation, require the *permit holder* to immediately correct the violation or cause the violation to be corrected, and shall be provided to the *permit holder* by personal service, mail, or posting, as described in section 11.0301(a).

- (c) If the permit holder fails to immediately correct the violation or cause the violation to be corrected, the Director of Development Services shall schedule a hearing to revoke or modify the permit in accordance with Sections 121.0314 and 121.0315.

§123.0606 Expiration of a Mobile Food Truck Permit

Each mobile food truck permit shall expire one year from the date of issuance.

§131.0222 Use Regulations Table for Open Space Zones

The uses allowed in the open space zones are shown in Table 131-02B.

Legend for Table 131-02B

[No change in text.]

**Table 131-02B
Use Regulations Table of Open Space Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones				
	1st & 2nd >>		OP-		OC-	OR ⁽¹⁾ -	OF ⁽¹¹⁾ -
	3rd >>		1-	2-	1-	1-	1-
	4th >>		1	1	1	1 2	1
Open Space through Retail Sales, Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]	[No change in text.]						
Commercial Services, Building Services through Visitor Accommodations [No change in text.]	[No change in text.]						
Separately Regulated Commercial Services Uses, Adult Entertainment Establishments through <i>Medical Marijuana Consumer Cooperatives</i> [No change in text.]	[No change in text.]						
<u>Mobile Food Trucks</u>	<u>L⁽²⁾</u>	<u>L⁽²⁾</u>	=	=	=	=	=
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]	[No change in text.]						
Offices through <i>Signs</i> , Theater <i>Marquees</i> [No change in text.]	[No change in text.]						

Footnotes for Table 131-02B

1 [No change in text.]

2 This use is permitted only if consistent with an approved park general development plan or master plan and is subject to any requirements identified in the plan. Vending in certain public places must comply with the provisions of sections 63.0102(b)(13) and (14) and 63.20.20.

3 through 11 [No change in text.]

§131.0322 Use Regulations Table for Agricultural Zones

The uses allowed in the agricultural zones are shown in Table 131-03B.

Legend for Table 131-03B

[No change in text.]

**Table 131-03B
Use Regulations Table of Agricultural Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Retail Sales, Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]		[No change in text.]			
Commercial Services, Building Services through Visitor Accommodations [No change in text.]		[No change in text.]			
Separately Regulated Commercial Services Uses, Adult Entertainment Establishments through <i>Medical Marijuana Consumer Cooperatives</i> [No change in text.]		[No change in text.]			
<u>Mobile Food Trucks</u>		=		<u>L⁽¹²⁾</u>	
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]		[No change in text.]			
Offices through <i>Signs</i> , Theater <i>Marquees</i> [No change in text.]		[No change in text.]			

Footnotes for Table 131-03B

1 through 11 [No change in text.]

12 This use is permitted by right on the property of a school, university, hospital, religious facility, or construction site, and is permitted as a limited use where accessory to commercial development, and designed and operated in compliance with Section 141.0612.

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the Table 131-04B.

Legend for Table 131-04B

[No change in text.]

Table 131-04B
Use Regulations Table of Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones																							
	1st & 2nd >>	RE-	RS-												RX-		RT-									
		3rd >>	1-	1-												1-		1-								
		4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	
Open Space through Retail Sales, Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]			[No change in text.]																							
Commercial Services, Building Services through Visitor Accommodations [No change in text.]			[No change in text.]																							
Separately Regulated Commercial Services Uses, Adult Entertainment Establishments through <i>Medical Marijuana Consumer Cooperatives</i> [No change in text.]			[No change in text.]																							
<u>Mobile Food Trucks</u>			=	=												=	=									
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]			[No change in text.]																							
Offices through <i>Signs</i> , Theater <i>Marquees</i> [No change in text.]			[No change in text.]																							

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Retail Sales, Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]		[No change in text.]											
Commercial Services, Building Services through Visitor Accommodations [No change in text.]		[No change in text.]											
Separately Regulated Commercial Services Uses, Adult Entertainment Establishments through <i>Medical Marijuana Consumer Cooperatives</i> [No change in text.]		[No change in text.]											
<u>Mobile Food Trucks</u>		<u>=</u>			<u>N</u>			<u>L⁽¹²⁾</u>			<u>L⁽¹²⁾</u>		<u>L⁽¹²⁾</u>
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]		[No change in text.]											
Offices through <i>Signs</i> , Theater <i>Marquees</i> [No change in text.]		[No change in text.]											

Footnotes for Table 131-04B

(1) through (11) [No change in text.]

(12) This use is permitted by right on the property of a school, university, hospital, religious facility, or construction site. It is permitted as a limited use only in association with a multiple dwelling unit development with at least 16 dwelling units and only if the commercial service is limited to the residents and their guests, and the use is designed and operated in compliance with Section 141.0612.

§131.0522 Use Regulations Table of Commercial Zones

The uses allowed in the commercial zones are shown in Table 131-05B.

Legend for Table 131-05B

[No change in text.]

Table 131-05B
Use Regulations Table for Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CN ⁽¹⁾ -			CR-		CO-		CV-		CP-
	3rd >>	1-			1-	2-	1-		1-		1-
	4th >>	1	2	3	1	1	1	2	1	2	1
Open Space through Retail Sales, Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]		[No change in text.]									
Commercial Services, Building Services through Visitor Accommodations [No change in text.]		[No change in text.]									
Separately Regulated Commercial Services Uses, Adult Entertainment Establishments through Medical Marijuana Consumer Cooperatives [No change in text.]		[No change in text.]									
Mobile Food Trucks		<u>L⁽¹⁵⁾</u>			<u>L⁽¹⁵⁾</u>	<u>L⁽¹⁵⁾</u>	<u>P</u>		<u>L⁽¹⁵⁾</u>	<u>L⁽¹⁵⁾</u>	
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]		[No change in text.]									
Offices through Signs, Theater Marquees [No change in text.]		[No change in text.]									

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																			
	1st & 2nd >>	CC-																			
	3rd >>	1-	2-	3-	4-	5-															
	4th >>	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5		
Open Space through Retail Sales, Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]		[No change in text.]																			
Commercial Services, Building Services through Visitor Accommodations [No change in text.]		[No change in text.]																			
Separately Regulated Commercial Services Uses, Adult Entertainment Establishments through Medical Marijuana Consumer Cooperatives [No change in text.]		[No change in text.]																			
Mobile Food Trucks		L ⁽¹⁵⁾			L ⁽¹⁵⁾			L ⁽¹⁵⁾			L ⁽¹⁵⁾					L ⁽¹⁵⁾					
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]		[No change in text.]																			
Offices through Signs, Theater Marquees [No change in text.]		[No change in text.]																			

Footnotes for Table 131-05B

(1) through (14) [No change in text.]

(15) This use is permitted as a limited use subject to a mobile food truck permit in accordance with Section 123.0603 and the limited use regulations in Section 141.0612.**§131.0622 Use Regulations Table for Industrial Zones**

The uses allowed in the industrial zones are shown in Table 131-06B.

Legend for Table 131-06B

[No change in text.]

Table 131-06B
Use Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones								
	1st & 2nd >	IP-		IL-			IH-		IS-	
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-	
	4th >>	1	1	1	1	1	1	1	1	
Open Space through Retail Sales, Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]		[No change in text.]								
Commercial Services, Building Services through Visitor Accommodations [No change in text.]		[No change in text.]								
Separately Regulated Commercial Services Uses, Adult Entertainment Establishments through Medical Marijuana Consumer Cooperatives [No change in text.]		[No change in text.]								
Mobile Food Trucks		P	P	P	P	P	P	P	P	
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]		[No change in text.]								
Offices through Signs, Theater Marquees [No change in text.]		[No change in text.]								

Footnotes for Table 131-06B [No change in text.]

§141.0612 **Mobile Food Trucks**

Mobile food trucks are motorized vehicles that function as transportable retail food and beverage facilities. This use category includes mobile food trucks that provide sales to the general public of food and beverage (pre-packaged or prepared and served from the vehicle or an attached trailer) for consumption on or off of the premises. They are health regulated businesses subject to Chapter 4, Article 2, Division 1. This use category does not include pushcarts as described in Section 141.0619, farmers' markets as described in Section 141.0503, or off-site food and beverage delivery services.

(a) Zoning Regulations.

- (1) In the zones indicated with a "P" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), mobile food trucks are permitted by right and are not required to obtain a permit or comply with Section 141.0612.
- (2) In the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), mobile food trucks are permitted as a limited use, subject to Section 141.0612.
- (3) In zones indicated with an "N" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), mobile food trucks may be permitted with a Neighborhood Use Permit, and are subject to Section 141.0612.

(b) General Regulations.

Mobile food truck operators shall comply with all of the following:

- (1) maintenance of a valid business tax certificate from the City of San Diego to operate within the City;
- (2) maintenance of a valid County of San Diego Health permit and operation in conformance with all applicable health standards;
- (3) posting, in public view and without obstruction, on both the front right windshield and the back left bumper of the mobile food truck, the following items: the County of San Diego Health permit certification stickers; and a notice with at least 3-inch font providing "To report a violation, call City of San Diego Code Enforcement at 619-236-5500";

- (4) selling only food and beverage items regulated under the California Retail Food Code (California Health and Safety Code Division 104, Part 7, Section 113700 et. seq., as it currently exists or may be amended);
- (5) no verbal solicitation of business from pedestrians or persons in vehicles, and no sale to persons in vehicles;
- (6) no amplified sound or loudspeakers, and compliance with the noise limits in section 59.5.0401;
- (7) no lighting, except localized lighting that is used on or in the mobile food trucks for the purpose of inside food preparation and menu illumination;
- (8) no signs other than those exhibited on or in the mobile food truck;
- (9) no selling or serving alcohol;
- (10) provision of one trash receptacle and one recycling receptacle for use by patrons and in a convenient location that does not impede pedestrian or vehicular traffic;
- (11) collection and removal of all litter or debris generated within a minimum 25-foot radius of the food truck;
- (12) containment of all associated equipment and operations within the mobile food truck, except for the trash and recycling receptacles required by Section 141.0612(b)(10);
- (13) no furniture, umbrellas, generators, objects or structures outside of the vehicle;

- (14) where located within 300 feet of a *dwelling unit*, operation only between 6 a.m. and 10 p.m. Sunday through Thursday and between 6 a.m. and 11 p.m. Friday and Saturday;
- (15) no obstruction or interference with the free flow of pedestrian or vehicular traffic, including but not limited to access to or from any business, public building, or *dwelling unit*; and
- (16) no restriction of *visibility area* sight distance at any driveway or intersection.

(c) Mobile food trucks in the *Public Right-of-Way*.

Mobile food truck operators shall comply with all of the following:

- (1) maintenance of liability insurance policy of at least \$1,000,000 that names the City as an additional insured;
- (2) the mobile food truck shall be legally parked;
- (3) mobile food trucks shall not operate in the *public right-of-way* within 500 feet from any kindergarten-twelfth grade *school*, between 7:00 a.m. and 4:00 p.m. on regular *school* days;
- (4) mobile food trucks that constitute oversized vehicles, as defined in section 81.010, shall comply with the distance requirements of section 86.0139. Mobile food trucks that do not constitute oversized vehicles shall not be parked within 25 feet from a street intersection with a crosswalk, traffic light, or stop sign, or within 25 feet from a bus stop or trolley stop;

- (5) mobile food trucks shall not occupy more than two on-street parking spaces in the *public right-of-way* in commercial zones;
- (6) mobile food truck operators shall organize customer queuing in a manner that does not interfere with or obstruct the free passage of pedestrians;
- (7) mobile food truck operators shall limit food and beverage service to that side of the mobile food truck facing away from the *street*;
- (8) mobile food trucks shall not encroach onto a public sidewalk with any part of the vehicle or any other equipment or furniture related to the operation of the business, except for required trash and recycling receptacles or any attached *sign* or awning. The operator shall provide an 8-foot vertical clearance for pedestrian access under any *sign* or awning;
- (9) mobile food truck operators shall control smoke and odors caused by food preparation to avoid a public nuisance;
- (10) mobile food trucks are not permitted in the *public right-of-way* within the Parking Impact Overlay Zone as described in Section 132.0802; and
- (11) a mobile food truck shall not operate in the *public right-of-way* within 500 feet of a permitted Special Event on public property while such event is in progress unless the mobile food truck has either (i) written authorization from the Event Organizer or (ii) a Special Event Permit as defined in section 22.4003.

(d) Mobile Food Trucks on Private Property.

Property owners and permit holders shall comply with all of the following:

- (1) obtain an approved mobile food truck permit in accordance with Section 123.0602, unless exempted by Section 141.0612(f);
- (2) ensure that a mobile food truck operator operates only at the location designated on the permit;
- (3) ensure that a mobile food truck operator displays a copy of the approved mobile food truck permit in a prominent and visible place within each mobile food truck, together with a letter of permission from the permit holder consenting to mobile food truck operations on the site in accordance with the approved permit;
- (4) mobile food truck operations shall not occupy more than 25 percent of the area of the premises; and
- (5) mobile food trucks shall operate as follows:
 - (A) within a paved, level parking area, where it can be demonstrated that any off-street parking spaces located in that area are not otherwise reserved, encumbered, or designated to satisfy the off-street parking requirement of a business or activity that is operating at the same time as the mobile food truck;
 - (B) one mobile food truck may operate on the site for every 525 square foot paved area of at least 35 feet by 15 feet in

dimension. Mobile food trucks greater than 27 feet in length require a space at least 70 feet by 15 feet; and

(C) operations shall not impede pedestrian or vehicular ingress or egress through the remainder of the parking area or adjacent public right-of-way.

(e) Neighborhood Use Permit.

A Process Two Neighborhood Use Permit may be requested in accordance with Section 126.0203 to deviate from Section 141.0612 on private property or to operate a mobile food truck in an RM-2 zone.

(f) Exemptions from Mobile Food Truck Permits.

The following types of mobile food truck operations are exempt from the requirement to obtain a mobile food truck permit:

- (1) operations in the zones indicated with a "P" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones);
- (2) operations on the property of a school, university, hospital, or religious facility with the written consent of the property owner or authorized school official;
- (3) operations in RM zones where permitted as a limited use and with the written consent of the property owner or authorized leasing office;
- (4) private catering events that comply with the following requirements:

- (i) the mobile food truck is parked entirely on private property;
 - (ii) service is limited to private guests of the catering host; and
 - (iii) payment occurs directly between the catering event host and the mobile food truck operator. No payment transactions shall occur for individual orders; and
- (5) construction sites that comply with the following requirements:
 - (i) the site is actively under construction pursuant to a valid building permit or grading permit; and
 - (ii) the mobile food truck does not vend to the general public during the stop.

§156.0302 Definitions

The following definitions apply to this Article. Where not otherwise specified, the definitions found in Chapter 11, Article 3, Division 1 of the Land Development Code shall apply. Each word or phrase that is defined in this Division or in Chapter 11, Article 3, Division 1 of the Land Development Code appears in the text in italicized letters.

Active commercial uses through Mixed-use development [No change in text.]

~~*Mobile Food Facilities* are motorized vehicles from which food or drink (prepared on-site or pre-packaged) is sold or served to the general public, whether consumed on-site or elsewhere.~~ *Mobile food trucks* are motorized vehicles that function as transportable retail food and beverage facilities, as described in

Section 141.0612. Mobile Food Facilities Mobile food trucks do not include pushcarts as defined in Section 141.0619.

Outdoor Activities through Urban open space [No change in text.]

§156.0308 Base District Use Regulations

(a) through (b) [No change in text.]

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Public Park/ Plaza/Open Space through Retail Sales [No change in text.]	[No change in text.]														
Commercial Services	[No change in text.]														
Animal Grooming & Veterinary Offices through Business Support [No change in. text.]	[No change in text.]														
Eating & Drinking Establishments	[No change in text.]														
<i>Bona Fide Eating Establishments</i> through With Live Entertainment & Dancing [No change in text.]	[No change in text.]														
<i>Mobile Food Facilities Trucks</i>	C L	C L ¹¹	C L	C L	C L	C L	C L	-- L	-- L	C L	C L	C L	-- L	[No change in text.]	

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Financial Institutions through Visitor Accommodations, <i>Hotels and Motels</i> [No change in text.]	[No change in text.]														
Separately Regulated Commercial Service Uses through Other Use Requirements, <i>Outdoor Activities</i> [No change in text.]	[No change in text.]														

Footnotes for Table 156-0308-A

1 through 10 [No change in text.]

11 Not permitted in the NC Zone in the Little Italy Neighborhood of the Downtown Community Plan Area.

§157.0304 Permitted Uses

Notwithstanding the uses allowed in Chapter 15, Article 1, Divisions 1 and 4, no building or improvement or portion thereof shall be used except as permitted by this Division. Permitted ground floor uses in the Gaslamp Quarter Planned District are limited to active commercial uses such as restaurants and retail of consumer goods and services. No single user or business shall occupy more than 10,000 square feet on the ground floor of a building except as provided in Section 157.0305(d).

(a) through (c) [No change in text.]

(d) Prohibited Uses

The following uses shall be prohibited in the entire District as both
primary and *accessory* uses:

(1) through (2) [No change in text.]

(3) drive-through businesses; and

(4) mobile food trucks as described in Section 141.0612; and

~~(4)~~(5) pushcarts in the *public right-of-way*.

(e) through (f) [No change in text.]

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