



# 184 Days of Progress

## INTERIM MAYOR TODD GLORIA

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City of San Diego

### **WEEKLY UPDATE: February 13, 2014**

Ladies and gentlemen, we have a new mayor. I met yesterday afternoon with Mayor-Elect Faulconer and am confident there will be a seamless transition between our two administrations. My staff and I will make sure he and his staff has all of the information they need to hit the ground running and continue to provide great service to San Diegans.

I want to take the opportunity to provide updates on some of the longer-standing items on my to-do list as we near the end of my time as your Interim Mayor.

When I came into office, one of the first decisions I made to clean up City Hall was to direct staff to apply our rules and regulations fairly and consistently. Sadly, because of the state of affairs of the previous administration and the favors he chose to do for some and not others, this was seen as a pretty drastic change.

Out of that direction, it was clear that a need existed for some clearer rules of the road for medical marijuana dispensaries, food trucks, and some remodels.

### **Food Trucks**

Food trucks help add character to San Diego's neighborhoods, and creating sensible and fair rules will help ensure their impacts are only positive. The regulations being proposed were developed with extensive input from food truck operators, customers, neighbors, and restaurants, and I hope they will be approved by the City Council when we consider them on March 3.

The proposed ordinance provides that private property owners who host food trucks must apply for an over-the-counter permit from our Development Services Department.

Please note, the food truck operators are not required to get permits.

Please also note that no permits would be required

- for property owners in industrial areas where the food truck is providing a private catering service.
- at schools, hospitals, religious facilities, or construction sites.

In residential areas, there is a proposed limit on hours of operation in order to reduce the potential for late night noise impacts on residents. The proposed hours of limitation within 500 feet of a dwelling unit are 6:00 a.m. – 10:00 p.m. Sunday through Thursday and 6:00 a.m. – 11:00 p.m. on Fridays and Saturdays. It's important to clarify that this doesn't mean food trucks couldn't operate within 500 feet of a residence; it only puts very sensible time limitations on those operations.

There have been some misconceptions circulated online and in a couple of news reports and on some websites that I'd like to correct for the record today.

I've heard people say that the proposal would limit food trucks from parking within 500 feet of restaurants.

Correction: There is no 500 foot separation distance that would be required from restaurants, nor is there any other limitation in the ordinance that would require a specific separation distance between mobile food trucks and restaurants.

I've heard that we're banning food trucks in Gaslamp, Little Italy, and portions of Pacific beach, Mission Beach, Ocean Beach, La Jolla, and around San Diego's universities.

Correction: There is no ban of mobile food trucks included in the proposed ordinance. Instead, the City has identified appropriate zones and locations to allow mobile food trucks by right; and locations where food trucks need minimal staff review in order to limit the time, place, and manner of operations to minimize potential conflicts between pedestrians and vehicles.

All limitations are intended to protect public health and safety. Gaslamp Quarter and Little Italy are special character locations with significant historic cultural resources and extremely high levels of pedestrian and vehicular activity where food trucks would be allowed only as part of special events in order to allow for appropriate planning and consideration to minimize potential for impacts. In locations mapped as high parking demand with limited on-street parking availability, food trucks would be limited to operating on private property in order to help preserve the much needed on-street parking.

I've also heard that the proposed ordinance is anti-competitive and discriminatory and enforces rules on food trucks that do not apply to other businesses in adjacent areas.

Correction: The intent of the ordinance is a fair approach to protect public health, safety and welfare while providing for mobile food truck operations on private property and in the public right-of-way. No permit or limitations would apply to food truck operations in industrial zones, on the property of schools, universities, hospitals, or religious facilities, service to construction sites, or private catering.

Commercial properties are locations with high levels of vehicle and pedestrian traffic, where minimal staff review of proposed development is desirable to minimize potential

for conflicts. The proposed mobile food truck permit review in commercial zones is similar to the level of permit review required for any other change out of commercial tenants on a private property.

The proposal is less stringent on food truck operators than other businesses by allowing for a single permit to cover all prospective food truck operations on a given property with no limit on the number of food truck operators per permit.

### **Medical Marijuana**

This ordinance is expected to go before council on February 25. The main components to the ordinance are that:

- Cooperatives must be separated from public parks, churches, child care centers, playgrounds, residential care facilities, schools and other cooperatives by 1,000 feet.
- Cooperatives must apply for a Conditional Use Permit with a five year expiration.
- No onsite medical professionals are allowed.
- The ordinance includes a 100 foot buffer from residential zones.

### **Previously Conforming**

I also want to give a brief update on what is referred to as the “previously conforming” ordinance. This is the language we have in our Code that allowed for Jack in the Box to legally remodel its locations even though the community plans didn’t allow it. This was literally the first thing I had to deal with at 5:00 p.m. on August 30 when my predecessor left office. Our staff who focus on the Land Development Code – the same team that has worked on food trucks and medical marijuana dispensary rules – continues to try to clarify the Code language so our neighborhoods can be better protected in the future. It is still my hope that we’ll have proposed new language to consider soon, and I look forward to that work when I return to my role as Council President.

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