

# Summary of Proposed Land Use Regulations and Permit Process for **Mobile Food Trucks**

## **I. What is a Mobile Food Truck?**

Mobile food trucks 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. They are retail food facilities and health regulated businesses subject to San Diego Municipal Code Chapter 4, Article 2, Division 1 and Section 54.0122. Each food truck operator must obtain a County Health permit with annual permit fees, pass annual health inspections, and display a certification sticker and health letter grade.

## **II. Brief Description of Proposed Code Amendments**

Proposed code amendments would create a new land use category for mobile food trucks and establish new land use regulations in Land Development Code Section 141.0612. As proposed, Mobile Food Trucks would be allowed as a limited use in the citywide Community Commercial, Neighborhood Commercial, Regional Commercial, Office Commercial, Visitor Commercial and all Industrial zones; conditionally permitted in the Centre City Planned District; and would be “not permitted” in the citywide open space, agricultural, residential, and commercial-parking zones, the Gaslamp Planned District, or within the public right-of-way in the Parking Impact Overlay Zone (beach impact area and campus impact area). A new ministerial permit approval process would be created for mobile food trucks on private property. Minor clean up amendments to Section 54.0122 and Chapter 15 Planned Districts would clarify applicability to downtown and would remove inconsistencies and outdated requirements.

## **III. What City Approvals would be Required?**

Mobile food trucks would be permitted as a “limited use” in industrial zones and most commercial zones, which means they would be permitted where in compliance with the regulations in Section 141.0612.

### **A. Mobile food truck operators that maintain the following would not be required to obtain a City permit:**

1. A valid business tax certificate issued by the City Treasurer to operate within the City of San Diego. (Prior to commencing operations and prior to City issuance of a business tax certificate, a zoning use certificate approval from the Development Services Department would be required in accordance with LDC Section 123.0302); and
2. A County Health permit in good standing in accordance with the San Diego County Code Title 6, Division 1.
3. No City permit would be required for operations of a mobile food truck within the public right-of-way in accordance with Section 141.0612. If operations would result in the assembly of 75 people or more on public

property, City Manager approval of a Special Events Permit is required-SDMC Section 22.4004.

4. No City permit would be required for catering of a private event in accordance with Section 141.0612(d) or for service to an active construction site in accordance with Section 141.0612(e).

**B. Mobile Food Truck Permit to Operate on Private Property:** A Mobile Food Truck Permit would be required for operations on private property, except that a Mobile Food Truck Permit would not be required for catering of a private event, service to an active construction site, or operations on the property of a school, university or hospital with the express consent of the property owner. The permit would be issued by staff and would be non-appealable. The permit submittal requirements would be minimal (general application, site plan, current photos of the location, and permit fees). As proposed, the permit would require an annual renewal fee with payment of annual business taxes.

**C. Permission required to operate within a Business Improvement District (BID):** San Diego's BID program is administered by the City's Office of Small Business. San Diego's BIDs are City designated geographic areas where business owners are assessed annually to fund activities and improvements to promote the business district. The City partners with various merchant associations representing the assessed business owners including BIDs for Adams Avenue, City Heights, College Area, Diamond, Downtown, East Village, El Cajon Boulevard, Gaslamp Quarter, Hillcrest, La Jolla, Little Italy, Midway, Mission Hills, North Park, Ocean Beach, Old Town, Pacific Beach, and San Ysidro. As proposed, food trucks would not be permitted within the Gaslamp Quarter BID. To operate within a BID, notarized authorization would be required from the BID and the mobile food truck operator would be required to pay a prorated assessment in exchange for approval to operate within participating BID locations. (City Attorney review is still pending.)

**D. Conditional Use Permit required within the Centre City Planned District:** Existing Section 156.0308 Table A indicates that *Mobile Food Facilities* require a Conditional Use Permit in the CCPDO Core, Neighborhood Mixed-Use Center, Employment Residential Mixed-Use, Ballpark Mixed-Use, Waterfront Marine, Mixed Commercial, Residential Emphasis, Public/Civic, Public Facilities, and Park/Open Space zones, and are "not permitted" in the CCPDO Industrial, Transportation, or Convention Center/Visitor zones.

**IV. Locations mobile food trucks would not be permitted:** As proposed, mobile food trucks would not be permitted in citywide open space, agricultural, residential, and commercial parking zones, the Gaslamp Quarter Planned District (Ch 15/Art 7), or within the public right-of-way in the Parking Impact Overlay Zone (Ch 13/Art 2/Div 8), including the beach impact area (Map C-731) and the campus impact area (Map C-795).

**V. Performance Standards:** See proposed Section 141.0612 for all proposed requirements. Following is a summary of the most significant regulatory criteria.

**Bathroom Requirement:** The mobile food truck operator and his/her employees would need to secure written permission to use permanent sanitation facilities located not more than 200 feet from the location where the mobile food truck will be operated. The operator must maintain a notarized copy of the written permission within the vehicle and provide evidence upon request by an authorized City official.

**Clear Path of Travel:** To operate in the public right-of-way, mobile food trucks would be required to park adjacent to a paved sidewalk (not parkway) that contains a minimum width of 8 feet, free and clear for pedestrian passage, as measured perpendicular to the face of the curb.

**Equipment/Operations Self Contained in Vehicle:** All associated equipment and operations would need to be self contained within the mobile food truck. No furniture, umbrellas, generators, extension cords, objects or *structures* shall be placed outside of the vehicle (except for required refuse and recycling containers).

**Hours of Operation:** Mobile food truck operations would not be permitted between the hours of 10:00 pm and 6:00 a.m. Sunday through Thursday, or between 11:00 p.m. and 6:00 a.m. Friday and Saturday, in any location within 1,000 feet of residential. Food truck operations on private property would be limited to a maximum of 3 days per week in commercial zones.

**Minimum space required per food truck:** On private property, a maximum of one mobile food truck would be allowed for each 1,500 square feet of paved, level parking area on a site. The 1,500 square foot area could not include any off-street parking spaces that are 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.

**Proximity Limitations:** Mobile food trucks shall not operate less than 25 feet from a street intersection with a crosswalk, traffic light, stop sign, bus stop or trolley stop; within 500 hundred feet from any public educational facility (K-12 school), 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 food trucks operating for school purposes on school property or food trucks operating on private property in accordance with Section 141.0612); or in the public right-of-way if within 75 feet of the entrance to a street level eating and drinking establishment (except with authorization from the affected eating and drinking establishments). (City Attorney review is still pending.)

**Trash Requirement:** The mobile food truck operator would need to provide one trash receptacle and one recycling receptacle conveniently located for use by patrons and in a location that does not impede pedestrian or vehicular traffic. All litter or debris generated within a minimum of a 25-foot radius of the food truck would need to be collected and removed by the mobile food truck operator.