



LAND USE SERVICES DEPARTMENT
PLANNING STAFF REPORT

HEARING DATE: July 2, 2015

AGENDA ITEM NO: 4

Project Description:

Applicant: Land Use Services Department
Community: Countywide
Project No: P201500072
Staff: Christney Barilla

Proposal: A Development Code Amendment to revise the regulations relative to Food Truck Event Permits in Chapter 85.19 and definitions of Minor and Major Food Truck Events and Temporary Special Events in Chapter 810.01. The amendment would eliminate the requirement for food truck event permits, making such events subject to a Temporary Special Event Permit, as applicable.

Hearing Notice Published: June 21, 2015

Report Prepared By: Christney Barilla

BACKGROUND

On June 19, 2012, Ordinance 4258 was adopted by the Board of Supervisors to add Chapter 85.19 to the County Development Code, relating to the permitting of Food Truck Events in the unincorporated areas of the County. The new Chapter allowed food trucks, defined as those trucks on which food is both prepared and sold, to operate at designated, organized events at pre-approved fixed locations only, subject to an approved Food Truck Event Permit (FTEP).

On October 21, 2014, Ordinance 4170 was adopted by the Board of Supervisors to modify Chapter 85.19 of the Development Code. The modifications exempted private parties and any on-site service on private property for less than 100 people from the Food Truck Event Permit. The Board also directed staff to further reduce restrictions on food truck operations.

Currently, there is no provision in the County Code for food trucks to operate on public streets in the unincorporated area of the County. Any operation of a food truck is required to be conducted under an FTEP, modeled after the requirements of a Temporary Special Event Permit (TSEP). Food truck operators have expressed concerns about the FTEP process being too restrictive and too costly. For these reasons, no FTEP applications have been submitted in the three years that the County Code has allowed food truck operations.

ANALYSIS

The proposed amendment to the Development Code revises the Food Truck Event Permit Chapter 85.19 to delete the FTEP requirement and refer the reader to health code regulations in Title 3 of the County Code, and to Temporary Special Event Permit (TSEP) requirements that may apply, depending on the size of the gathering at an event. A minor TSEP is required for events planned for attendance of 500 persons or more. Anticipated attendance over 1,000 persons requires a major TSEP. This Development Code Amendment will level the playing field for food truck operators, making them subject to the same event permit requirements as all other special events.

Action taken by the Planning Commission on this item may be appealed to the Board. Yes No
Note: Recommendations to the Board of Supervisors are not appealable.

DEFINITIONS

In Chapter 810.01 Definitions, the proposed amendment would eliminate the definitions of major and minor Food Truck Events, and would add food truck events to the examples of events in the definition of Temporary Special Events.

FINDINGS:

The following findings are recommended for the Planning Commission to recommend approval of the proposed Development Code Amendment to the Board of Supervisors:

1. The proposed amendments are consistent with the General Plan and any applicable community plan or specific plan. General Plan Policy ED 4.1 encourages activities that “promote commercial development that enhances the County’s economic base, particularly for small businesses, and provides jobs for its residents.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County. The proposed modifications include requirements designed to protect the public interest, health, safety and welfare of the County’s residents by eliminating a redundant event permit, and implementing consistent requirements for all similar special events subject to a Temporary Special Event Permit, as applicable.
3. The proposed amendments are internally consistent with other applicable provisions of the Development Code because they eliminate a duplicative permit process. This will simplify Development Code regulations and increase fairness and consistency of special event permit requirements.
4. The Proposed Development Code Amendment is exempt under the California Environmental Quality Act (CEQA) because it would eliminate a duplicative event permit requirement, making food truck events subject to the same permit requirements as other similar temporary special events that may be subject to a TSEP. Therefore, it can be seen with certainty that there is no possibility that the proposed ordinance would have a significant effect on the environment, pursuant to section 15061(a)(3) of the CEQA Guidelines.

RECOMMENDATION: Staff recommends that the Planning Commission recommend the following actions to the Board of Supervisors:

- A. ADOPT the proposed ordinance to amend the County Code regulations relative to Food Trucks Event Permits in Title 8.
- B. ADOPT the findings as contained in the staff report.
- C. FILE the Notice of Exemption.

ATTACHMENT:

Exhibit A: Proposed Development Code Changes (Red-lined Version)

EXHIBIT A

Proposed Development Code Changes (Red-lined Version)

CHAPTER 85.19 FOOD TRUCK EVENT PERMITS

Sections:

- 85.19.010 Purpose
- ~~85.19.020 Permit Required for Food Truck Events~~
- ~~85.19.030 When Application for Permit Must Be Submitted~~
- ~~85.19.040 Content of Application~~
- ~~85.19.050 Fees, Bonding, and Insurance~~
- ~~85.19.060 Request for Law Enforcement Services~~
- ~~85.19.070 Application Review Process~~
- ~~85.19.080 Review by Sheriff~~
- ~~85.19.090 Decision on Application~~
- ~~85.19.100 Expiration and Non-Transferability of Permit~~
- ~~85.19.110 Complaints~~
- ~~85.19.120 Suspension or Revocation of Permit~~
- ~~85.19.130 Other Prohibited Activities~~
- ~~85.19.140 Post-Decision Procedures~~
- ~~85.19.150 Clean-Up and Performance Security~~

85.18.010 Purpose

The purpose of this Chapter is to refer the reader to ~~provide~~ regulations governing for the ~~establishment, operation, removal, and cleanup~~ of Food Trucks Events in the unincorporated areas of the County. ~~and which do not constitute a "land use" of sufficient magnitude or longevity to require permanent land use approval.~~

Adopted Ordinance 4170 (2012); Amended Ordinance xxxx

85.19.020 Permit Requirements~~d~~ for Food Trucks Events

- (a) **Health Permit required.** Except as otherwise provided by the County Code or state or federal law, operation of a food truck shall be subject to the permit requirements and standards of section 33.0408 of the County Code, as well as applicable provisions of the California Health and Safety Code. ~~no person or entity shall advertise, conduct, maintain, operate, or provide admission for any Food Truck Event within the unincorporated areas of the County without possessing an unexpired, unsuspended, and unrevoked Food Truck Event permit from the Department for each Food Truck Event.~~
- (b) **Temporary Special Events.** Events involving food trucks may be subject to Temporary Special Event Permit requirements in Chapter 85.16. **Closure if no permit.** ~~A Food Truck Event conducted without the required permit is subject to closure at any time during the event. It shall be the responsibility of the applicant to have the permit approval letter on-site during the event. The applicant, promoter of the~~

~~event, business owner, and/or landowner may be liable for the costs of the agencies participating in the closure of the event.~~

(c) Exemptions:

~~(1) Any Food Truck Event that has received another land use approval (e.g., conditional use permit or approved community event) to allow food trucks shall be exempt from the requirements of this Chapter.~~

~~(2) Operation of a food truck serving fewer than 100 people, where the operation of the food truck is not in the public right-of-way, and written authorization of the property owner was obtained prior to the event, shall be exempt from the requirements of this chapter.~~

~~(3) Operation of a food truck hired by a private party or business for private use on private property shall be exempt from the requirements of this chapter, regardless of the numbers of attendees.~~

~~(d) Food Truck Events. A Food Truck Event shall be classified as a Food Truck Event—Major or a Food Truck Event—Minor, as defined in County Code Section 810.01.080.~~

~~— Adopted Ordinance 4170 (2012); Amended Ordinance 4258 (2014)~~

85.19.030 — When Application for Permit Must Be Submitted

~~An application for a Food Truck Event permit must be submitted in a complete form at least 60 days in advance of the anticipated commencement of the Food Truck Event.~~

~~— Adopted Ordinance 4170 (2012)~~

85.19.040 — Content of Application

~~The applicant shall supply a site plan and other information the Department may reasonably require based upon the location, intensity, and level of services required for each proposed Food Truck Event. The applicant must show or provide, at a minimum, the following information:~~

~~(a) Food Truck staging areas(s);~~

~~(b) Trash receptacles;~~

~~(c) Restrooms;~~

~~(d) Temporary structures or tents;~~

~~(e) Notation of land uses on adjacent properties;~~

~~(f) Site lighting;~~

~~(g) Fire protection, including location of fire hydrants and supplemental water sources;~~

- ~~(h) Food concessions;~~
- ~~(i) Inclement weather contingencies;~~
- ~~(j) Medical/first aid facilities;~~
- ~~(k) News releases required;~~
- ~~(l) Noise impact(s) (An applicant's request to play or broadcast music, especially between the hours of 11:00 p.m. and 7:00 a.m., shall be evaluated and determined based on all relevant information including the following: the proximity to the nearest residence, business, or other occupied land use; the topography of the site and relevant surrounding area; and the time limits the music is proposed to be played);~~
- ~~(m) Restoration of landscape;~~
- ~~(n) Sanitary facilities;~~
- ~~(o) Provisions for adequate ingress/egress and adequate parking including provisions for special traffic control measures, including the use of traffic enforcement officers, barricades, cones, signs, maps and any other traffic control devices of any type;~~
- ~~(p) Topographical and ecological considerations and consideration of alternative sites; and~~
- ~~(q) Water facilities.~~

Adopted Ordinance 4170 (2012); Amended Ordinance xxxx

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~~85.19.050 Fees, Bonding, and Insurance~~

- ~~(a) Fees. All estimated total fees and charges shall be deposited by the applicant with the affected department(s) at least 30 days before the scheduled occurrence of the Food Truck Event.~~
- ~~(b) Bonding and insurance. The applicant may be required to provide sufficient liability insurance naming the County as an additional named insured. The insurance shall be sufficient to protect, defend, and indemnify the County, its agents, employees, officers, servants, and volunteers from and against any claim, damage, injury, liability, and loss of any nature arising out of, or in any way connected to, the Food Truck Event. The amount, quality, and type of the insurance shall be determined in compliance with the policy established by the Risk Management Department. The County may require a bond to be posted before the Food Truck Event to ensure that all conditions are met, including the cleanup and restoration of landscape.~~

~~— Adopted Ordinance 4170 (2012)~~

~~85.19.060 Request for Law Enforcement Services~~

~~An applicant may request law enforcement services to preserve the peace at a Food Truck Event. The request shall be made in compliance with County Code Section 85.16.030(j).~~

~~Adopted Ordinance 4170 (2012)
85.19.070 Application Review Process~~

- ~~(a) Upon receipt of a completed application, site plan, and all related fees, the Department shall consult with all applicable County, state, and federal agencies, which may include one or more of the departments or agencies described in County Code Section 85.16.030(a)(4) as well as any other relevant agency.~~
- ~~(b) The Food Truck Event shall comply with the California Environmental Quality Act (CEQA). A review will determine whether the categorical exemptions in Sections 15301 and 15304 of the CEQA Guidelines are applicable. If the Food Truck Event has the potential to cause adverse environmental impacts, an environmental review of the proposed event shall be conducted in compliance with the County Code and CEQA, and an additional environmental review fee will be required.~~
- ~~(c) After an environmental determination has been made, or if one is not required, the Director:
 - ~~(1) May approve or deny the application; and/or~~
 - ~~(2) May refer the application directly to the Planning Commission for consideration; and/or~~
 - ~~(3) May require a Conditional Use Permit or other appropriate land use permit and approval where the magnitude or longevity of the use requires the permit and/or approval; and/or~~
 - ~~(4) Shall notify the applicant of the Sheriff's determination, if the Sheriff has determined in compliance with Section 85.19.080 below, that no permit should be issued or should only be issued upon compliance with certain requirements or conditions; and/or~~
 - ~~(5) May elevate the application for a Minor Food Truck Event to an application for a Major Food Truck Event because of the scope or other circumstances of the event.~~~~

~~Adopted Ordinance 4170 (2012)
85.19.080 Review by Sheriff~~

~~If the Director refers an application to the Sheriff's Department, the Sheriff's Department shall make a recommendation for the approval, disapproval, and/or necessary conditions for the approval of an application for a Food Truck Event permit, based on the criteria set forth in County Code Section 85.16.030(i).~~

~~— Adopted Ordinance 4170 (2012)~~

~~85.19.090 — Decision on Application~~

~~The decision to approve, to approve upon the compliance with certain additional requirements or conditions, or to deny an application, shall be based on the criteria set forth in County Code Subsections 85.16.030(h), (i), and (m).~~

~~— Adopted Ordinance 4170 (2012)~~

~~85.19.100 — Expiration and Non-Transferability of Permit~~

~~A Food Truck Event permit shall expire in compliance with the terms of the permit. A Food Truck Event permit shall not be transferable to any other date, organization, person, place, or time.~~

~~85.19.110 — Complaints~~

~~Any person may file a complaint with the Department or the Sheriff regarding a Food Truck Event or may petition for a suspension or revocation of any Food Truck Event permit.~~

~~— Adopted Ordinance 4170 (2012)~~

~~85.19.120 — Suspension or Revocation of Permit~~

~~A permit may be suspended or revoked on any ground set forth in County Code Subsections 85.16.030(h), (i), or (m), and in compliance with the applicable procedures set forth in County Code subsections 85.16.030(m), (n), and (o), and in this Chapter.~~

~~— Adopted Ordinance 4170 (2012)~~

~~85.19.130 — Other Prohibited Activities~~

~~It shall be unlawful for any person to do any of the activities described in County Code Subsection 85.16.030(p) in conjunction with a Food Truck Event.~~

~~— Adopted Ordinance 4170 (2012)~~

~~85.19.140 — Post-Decision Procedures~~

~~In addition to the provisions specified in this Chapter, the procedures and requirements in Chapter 86.06 (Time Limitations), and those related to appeals and revocation in Division 6 (Development Code Administration), shall apply following a decision on an application for a Food Truck Event Permit or on a decision to suspend or revoke a Food Truck Event Permit or on any other decision or determination regarding a violation of this Chapter. The Board of Supervisors shall not make any decision on an~~

~~application for a permit or a suspension or revocation of a permit or on any related appeal. In the case of a conflict, the provisions of this Chapter shall prevail.~~

~~— Adopted Ordinance 4170 (2012)~~

~~85.19.150 — Clean-Up and Performance Security~~

- ~~(a) Each site occupied by a Food Truck Event shall be cleaned of debris, litter, or other evidence of the event on completion of the event, and shall thereafter be used in compliance with the provisions of this Development Code.~~
- ~~(b) Performance security may be required before initiation of a Food Truck Event to ensure cleanup after the activity is finished, in compliance with Section 86.06.050 (Performance Guarantees).~~

~~— Adopted Ordinance 4170 (2012)~~