



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Tell and Members of the City Council

THROUGH: David N. Carmany, City Manager

FROM: Roxanne Diaz, City Attorney
Richard Thompson, Director of Community Development
Eric Haaland, Associate Planner

DATE: February 7, 2012

SUBJECT: Adoption of Ordinance No. 2156 Amending the Manhattan Beach Zoning Code and Establishing Regulations for the Operation of Food Trucks on Private Property

RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance No. 2156, an Ordinance of the City of Manhattan Beach Establishing Regulations for the Operation of Food Trucks on Private Property

FISCAL IMPLICATION:

There are no fiscal implications associated with the recommended action.

DISCUSSION:

The City Council, at its regular meeting of January 17, 2012, introduced a proposed Zoning Code Amendment pertaining to regulations for food trucks on private property. The Planning Commission had approved (5-0 vote) Resolution No. PC 11-15 recommending that food truck events generally located outside of the beach area be allowed subject to temporary use permit approval and a variety of criteria. The Commission's recommendation was incorporated into the attached Ordinance No. 2156, which was approved by the City Council at its January 17th public hearing.

Ordinance No. 2156 would become effective 30 days after its adoption. Ordinance No. 2157, pertaining to food truck regulation on city streets is now included in a separate City Council agenda item since that ordinance was not introduced at the same time.

Attachments:

A. Ordinance No. 2156

C: Food Truck Association
Downtown Business Association
Chamber of Commerce

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ORDINANCE NO. 2156

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH
ESTABLISHING REGULATIONS FOR THE OPERATION OF FOOD
TRUCKS ON PRIVATE PROPERTY AND AMENDING THE
MANHATTAN BEACH MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY
ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council finds and determines as follows:

- A. At regular meetings on October 26 and December 14, 2011, the Planning Commission held duly noticed public hearings and considered a proposed amendment to the City's Zoning Code regarding the operation of food trucks on private property.
- B. At the December 14, 2011 meeting, the Planning Commission reviewed amendments to Title 10 and approved Resolution PC 11-15 and recommended that the City Council adopt the zoning text amendments therein.
- C. In accordance with state law, all of the public hearings before the Planning Commission were noticed in *The Beach Reporter*, a newspaper of general circulation in Manhattan Beach.
- D. The City Council held a duly noticed public hearing on the matter at the January 17, 2012 City Council meetings. Evidence, both written and oral, was presented during the hearing.
- E. The City Council finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this Ordinance may have a significant effect on the environment, since it merely clarifies procedures for approving intermittent food truck operations within existing non-residential developments. The Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act pursuant to Section 15061(b) (3) of Title 14 of the California Code of Regulations.
- F. The proposed amendments to Title 10 (Planning and Zoning) of the Manhattan Beach Municipal Code are consistent with and will advance the following goals and policies of the Manhattan Beach General Plan:

Goal LU-3: Achieve a strong, positive community aesthetic.

Policy LU-6-3: Recognize the need for a variety of commercial development types and designate areas appropriate for each. Encourage development proposals that meet the intent of these designations.

EXHIBIT A
CC MTG 2-7-12

Section 2. Section 10.08.080 (Temporary use classifications) of Chapter 10.08 (Use classifications) of Part I (General Provisions) of Title 10 (Planning and Zoning) of the Manhattan Beach Municipal Code is hereby amended to add the following as an additional temporary use classification:

“J. Food Truck Sales. Sales of prepared food (including food that is displayed, offered for sale, bartered, exchanged or otherwise given) from vehicles in a non-residential parking area for no more than 30 days per calendar year.

Section 3. The “Temporary Uses” portion of the table in Section 10.16.020 (CL, CC, CG, CD, and CNE Districts: Land Use Regulations) of Chapter 10.16 (C Commercial Districts) of Part II (Base District Regulations) of Title 10 (Planning and Zoning) of the Manhattan Beach Municipal Code is hereby amended to read as follows:

	CL	CC	CG	CD	CNE	Additional Regulations
Temporary Uses						(G)
Animal Shows	-	-	U	-	-	
Christmas Tree Sales/Pumpkin Sales	P	P	P	P	P	
Circuses and Carnivals	-	U	-	U	U	
Commercial Filming, Limited	-	U	U	U	U	
<u>Food Truck Sales</u>	-	<u>U</u>	<u>U</u>	-	-	
New Year’s Eve	U	U	U	U	U	
Real Estate Sales	P	P	P	P	P	
Retail Sales, Outdoor	P	P	P	P	P	
Street Fairs	U	U	U	U	U	
Trade Fairs	-	U	U	-	-	

Section 4. The “Temporary Uses” portion of the table in Section 10.20.020 (IP District: Land Use Regulations) of Chapter 10.20 (I Industrial Districts) of Part II (Base District Regulations) of Title 10 (Planning and Zoning) of the Manhattan Beach Municipal Code is hereby amended to read as follows:

	IP	Additional Regulations
Temporary Uses		
<u>Food Truck Sales</u>	<u>U</u>	(E)
Real Estate Sales	P	
Trade Fairs	U	(E)

Section 5. The “Temporary Uses” portion of the table in Section 10.28.030 (Land use regulations) of Chapter 10.28 (PS Public and Semipublic District) of Part II (Base District

Regulations) of Title 10 (Planning and Zoning) of the Manhattan Beach Municipal Code is hereby amended to read as follows:

	PS	Additional Regulations
Temporary Uses		(A)
Animal Shows	U	
Christmas Tree/Pumpkin Sales	P	
Circuses and Carnivals	U	
Commercial Filming, Limited	U	
<u>Food Truck Sales</u>	<u>U</u>	
Trade Fairs	U	

Section 6. Section 10.84.110 (Temporary use permits) of Chapter 10.84 (Use Permits, Variances and Minor Exceptions) of Part V (Administrative Regulations) of Title 10 (Planning and Zoning) of the Manhattan Beach Municipal Code is hereby amended to read as follows:

“A temporary use permit authorizing certain temporary use classifications, as defined in Chapter 10.08 of this title and as listed in the land-use regulations for the base districts in which the use will be located, shall be subject to the following provisions:

- A. **Application and Fee.** A completed application form and the required fee shall be submitted to the Community Development Director. The Community Development Director may request any other plans and materials necessary to assess the potential impacts of the proposed temporary use.
- B. **Duties of the Community Development Director.** The Community Development Director shall approve, approve with conditions, or deny a 1complete application within a reasonable time. Such approval shall consider and incorporate comments from Police, Fire, Public Works, and other relevant reviewing bodies. No notice or public hearing shall be required.
- C. **Required Findings.** The application shall be approved as submitted, or in modified form, if the Community Development Director finds:
 - 1. That the proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of this title; and
 - 2. That approval of the application will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare.
- D. **Conditions of Approval.** In approving a temporary use permit, the Community Development Director may impose reasonable conditions necessary to:
 - 1. Achieve the general purposes of this title and the specific purposes of the zoning district in which the temporary use will be located, or to be consistent with the General Plan;
 - 2. Protect the public health, safety, and general welfare; or
 - 3. Ensure operation and maintenance of the temporary use in a manner compatible with existing uses on adjoining properties and in the surrounding area.
- E. **Effective Date—Duration—Appeals.** An approved temporary use permit shall be effective on the date specified in its approval; a disapproved permit may be appealed by the applicant, as provided in Chapter 10.100 of this title. The permit shall be valid for a specified time period not to exceed thirty (30) days. A temporary use permit shall lapse if not used within the dates approved and may be revoked by the Community Development Director effective immediately upon verbal or written notice for violation of the terms of the permit. Verbal notice shall be confirmed by written notice mailed to the permit holder within a reasonable time. The Community Development Director may approve changes in a temporary use permit.
 - 1. **Exceptions:**

- a) A Christmas tree/pumpkin sales temporary use permit may exceed thirty (30) days but shall be valid only during the time period in which the activity is taking place.
- b) New Year's Eve hours of operation extensions shall only be valid until 1:00 a.m. for the one (1) time/day requested. The applicant may apply annually for a temporary use permit to request extended New Year's hours.
- c) Food Truck Sales may not operate more than three days per week on any single property.”

- F. **Standards for Food Truck Sales.** No temporary use permit shall be issued for Food Truck Sales unless the Community Development Director determines that the following standards or requirements have been met:
1. Food trucks may not operate more than three days per week on any single property.
 2. Food Truck Sales shall occur only within the hours of 10:00 a.m. and 9:00 p.m. of the same day.
 3. Food trucks (including those operated at events on public school property) shall maintain a valid Los Angeles County Department of Health permit and a valid City business license.
 4. Maintenance of a clearly designated waste receptacles in the immediate vicinity of the Food Truck Sales.
 5. If Food Truck Sales occur for more than one hour at the location, provision of a letter or other written documentation verifying that employees and customers of the food truck have permission to use a readily available toilet and hand washing facility that is located within two hundred feet travel distance from the location where the vehicle engaged in Food Truck Sales is parked and otherwise complies the California Health Code standards.
 6. Plans or other documents satisfactory to the Community Development Director that depict proposed vehicle and pedestrian circulation at the site for both the temporary Food Truck Sale use and existing uses, the proposed parking plan, the proposed lighting plan and how noise will be controlled at the site. In addition to the findings set forth in paragraph C, the Community Development Director shall make a finding that the proposed Food Truck Sales will not be located, operated or maintained in a manner that impedes vehicular and pedestrian circulation at the proposed site.

Section 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Chapter, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 8. The City Clerk shall cause a summary of this Ordinance to be published in accordance with Section 36933 of the Government Code, and shall certify to the adoption of this Ordinance.

Section 9. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED, APPROVED AND ADOPTED this ____ of _____, 2012.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor Nicholas W. Tell, Jr.
City of Manhattan Beach, California

ATTEST:

Liza Tamura
City Clerk

APPROVED AS TO FORM:

Roxanne M. Diaz
City Attorney