



MEMORANDUM

TO: Planning Commission
FROM: Steve Regner, Associate Planner
DATE: October 26, 2016
SUBJECT: TA2016-0006 Food Carts and Temporary Uses Revised Text Proposal

Staff has made changes to the proposed Food Cart and Temporary Uses Text Amendment since the staff report was published on October 19, 2016. It has come to the attention of staff that there is a lack of clarity in the city's regulations that require Temporary Mobile Sales Uses to be removed from the approved site after seven hours of operation. While this has always been staff's interpretation of the regulations, a closer reading of the code reveals that there is some vagueness in the language. This memo describes the modifications to the proposed text amendment intended to provide clear, explicit language requiring the removal of the Temporary Mobiles Sales use after seven hours of operation into the existing Text Amendment proposal submitted to Planning Commission.

Previously, staff has consistently communicated to Temporary Mobile Sales applicants that they must remove their Temporary Mobile Sales Use, most commonly food trucks, from the site after seven hours of operation. Staff has cited a standard Condition of Approval, found in Section 40.80.15.1.E.8, which reads:

"8. Products for sale shall be removed at the end of each business day."

This interpretation is supported by a 2009 staff memo prepared for the previous Text Amendment addressing Temporary Uses, casefile TA009-0003. The memo (Exhibit 1.6) explains that staff proposed to increase the duration of a time a Temporary Mobile Sales Use is allowed at any one site, from four hours to seven hours. The memo specifically describes the seven hour period to accommodate six hours of operation and one hour for both set-up and clean-up.

Revised Text: Staff has revised the proposed text to modify the above referenced standard Condition of Approval to more clearly state that the Temporary Mobile Sales Use itself must be removed from the site at the end of each business day. The proposed text reads:

"8. All products for sale, structures, and vehicles associated with the Temporary Mobile Use shall be removed daily at the end of the approved time period."

Staff already has the ability to include more specific Conditions of Approval on a case-by-case basis, but as this condition would be included in every Temporary Mobile Sales Uses permit moving forward, it is most practical to modify the code to clearly convey the intent of the Temporary Mobile Sales Uses permit.

A revised copy of the proposed text changes, along with a clean copy of the proposed text changes are attached with this memo, Exhibits 1.4 and 1.5.

Staff Recommendation: Based on the facts and findings presented in the October 19, 2016 Staff Report in addition to the facts presented herein, staff concludes that the proposed text amendment to the Development Code is consistent with applicable Text Amendment approval criteria of Section 40.85.15.I.C. 1-7. Therefore, staff offers the following recommendation for the conduct of the October 26, 2016 public hearing for TA2016-0006 (Food Cart and Temporary Uses Text Amendment):

A. Conduct the public hearing and receive all public testimony relating to the proposal.

B. Consider the public testimony and the facts and findings presented in the staff report, deliberate on policy issues and other issues identified by the Commission or the public.

C. Recommend APPROVAL of text amendment application TA2016-0006 (Food Cart and Temporary Uses Text Amendment), as revised in Exhibits 1.4 and 1.5, to the City Council.

Exhibits

Exhibit 1.4 Revised of Text of Proposed Changes, October 26, 2016

Exhibit 1.5 Revised Clean Copy of Proposed Changes, October 26, 2016

Exhibit 1.6 Excerpt from Memo - Continued Public Hearing on TA2009-0003 - Text Amendments to Section 40.80.15.1 & 2 of the Development Code, Temporary Use - Mobile Sales.