

## **CDD 12-05 Food Truck Location and Operation Requirements**

**Lead Department** Community Development

**History**                    **1 year ago** None            **2 years ago** None

### **1. What are the key elements of the issue? What precipitated it?**

Although food trucks have been a presence in the community for years, there has been a surge in popularity by consumers. These trucks have typically served employees at their workplace, either on private property or from the public street. There has been an increase in the number of food trucks found in commercial areas of the City, such as on El Camino Real and Moffett Park, where the clientele includes workers from the area, as well as passer-bys. Some food truck companies advertise a calendar of their future locations and expected menus on those days. In some cities, there are food truck events, where several different food trucks meet at a location in a prepared-food type of farmers market.

There have been recent court cases from which certain guidelines can be construed regarding the legality of these food trucks. The City has had issues with food trucks that park along a commercial street and open for business in front of retail properties, particularly when there is a restaurant. In the past, food trucks would drive into an area, serve food within ten minutes and move on to the next location. The trend is for food trucks to stay in one location on a public street most of the day. The City has received complaints from existing businesses that these trucks negatively impact their operations, and have asked the City for assistance in dealing with the food truck operators. The businesses are complaining that the food trucks have an "unfair" advantage as the truck operators do not have to pay monthly rent for the space they occupy.

This study would include the review of recent legal decisions, review of other cities' approaches, and consideration of approaches for both private property and public right-of-way located food trucks. It would also review the impact the food trucks have on existing brick and mortar businesses.

### **2. How does this relate to the General Plan or existing City Policy?**

#### **Policy LT-4.2**

Require new development to be compatible with the neighborhood, adjacent land uses, and the transportation system.

#### **Policy LT-4.3**

Support a full spectrum of conveniently located commercial, public, and quasi-public uses that add to the positive image of the City.

#### **GOAL LT-6 Supportive Economic Development Environment**

Sustain a strong local economy that contributes fiscal support for desired City Services and provides a mix of jobs and commercial opportunities.

#### **Policy LT-6.1**

Maintain a diversity of commercial enterprises and industrial uses to sustain and bolster the local economy.

#### **Policy LT-7.3**

Maintain an attractive business community.

#### **Policy LT-5.2**

Integrate the use of land and the transportation system.

**3. Origin of issue**

City Staff Planning

**4. Staff effort required to conduct study** Moderate

**Briefly explain the level of staff effort required**

Background research of other cities' approach and legal issues; public outreach to the general public, businesses, property owners, and food truck operators, preparation of reports; and, public hearings.

**5. Multiple Year Project?** No **Planned Completion Year** 2012

**6. Expected participation involved in the study issue process?**

**Does Council need to approve a work plan?** No

**Does this issue require review by a Board/Commission?** Yes

**If so, which?** Planning Commission

**Is a Council Study Session anticipated?** No

**7. Briefly explain if a budget modification will be required to study this issue**

**Amount of budget modification required**

**Explanation**

**8. Briefly explain potential costs of implementing study results, note estimated capital and operating costs, as well as estimated revenue/savings, include dollar amounts**

**Are there costs of implementation?** No

**Explanation**

**9. Staff Recommendation**

**Staff Recommendation** Support

**If 'Support', 'Drop' or 'Defer', explain**

The food truck business has evolved over the past many years. In the past, they have been used to provide food for workers in an area. Recently, they have become an alternative to restaurants, and a source of fine dining. The current City codes and regulations are not sufficient to address current demand, nor recent court case decisions. This study would address recent changes, and develop regulations for private and public placement of food trucks.

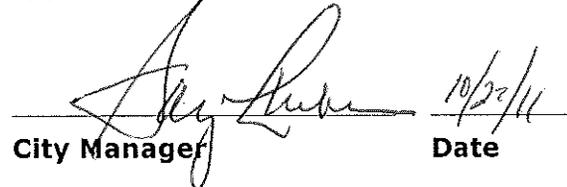
**Reviewed by**

  
Department Director

10/26/11

Date

**Approved by**

  
City Manager

10/27/11

Date