

MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

May 2, 2012

Stinson Beach Village Association Board
P.O. Box 706
Stinson Beach, CA. 94970

Dear Members of the Board,

We are responding to your April 26, 2012 letter requesting that Marin County establish a policy to regulate permits to mobile commissaries (a.k.a “mobile food facilities” or “food trucks”) and create a “no vend zone” for such activities within Stinson Beach.

We have begun to research the applicable rules for this situation, and would like to share what we have found even as we pursue additional information. We will first discuss specific existing rules, and later address the larger question of the “no vend zone.”

A few jurisdictions around the state have specific policies, procedures and permits for such food trucks. While Marin County does not, the location and operation of such food trucks fall under certain existing authorities:

1. Zoning, where the operation will occur on private land,
2. Encroachment affecting public road right-of-way under the authority of the Department of Public Works or Caltrans.
3. Health: separate permits required for the operation of a “Mobile Food Facility” and a “Commissary.”

Zoning

The central commercial/visitor core of Stinson Beach is zoned Coastal Village Commercial Residential (C-VC-R). As mentioned above, the County has not yet included food trucks or mobile food facilities as a specific permitted or prohibited use in this zone or other sections of the County’s Development Code. For the time being, however, staff considers these types of facilities to be similar to and presently allowed as “take-out food establishments” subject to a Use Permit in the C-VCR zone.

22.57.123I Conditional Uses. The following uses are permitted in all C-VCR districts, subject to the securing of a use permit in each case:...

8. Drive-in restaurants and take-out food establishments;

In addition, the Zoning also specifies:

22.57.125I Performance Standards. All uses, whether permitted or authorized by use permit, shall conform to the following performance standards:

1. All uses, except outdoor dining areas, agricultural uses, parks and playgrounds, new and used car sales, shall be conducted entirely within buildings or be enclosed by solid screen fences.
2. No use shall produce or create any external evidence of interior operations such as dust, odor, noise or vibration except for signs and advertising displays authorized by Section 22.69.030I.
3. All new uses and structures shall be subject to design review, as provided by Chapter 22.82I.

As a “take-out food establishment,” food trucks on private property require a Use Permit, and in turn would need to be found consistent with the Stinson Beach Community Plan to be approved. Any such proposed use would also need to demonstrate compliance with the performance standards of section 22.57.125I.

Other portions of Stinson Beach are zoned for Coastal Residential uses, and these districts appear to not allow food trucks at all.

Encroachment Permits for vehicles parked on public streets

According to Chris Bartunek of the Marin County Public Works Department Land Use Division, DPW is not presently issuing encroachment permits for food trucks (except ice cream trucks). If one is observed parked on a public County Road, or causing the blockage of a public sidewalk, DPW should be notified (415-473-6350).

We are working to find the appropriate contact at Caltrans to determine what requirements they have for such activities on Highway 1 and under what conditions they would permit the operation of food trucks.

Environmental Health Services

EHS requires two categories of permits:

"Mobile food facility" means any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. (partial definition)

"Commissary" means a food facility that services mobile food facilities, mobile support units, or vending machines where any of the following occur:

- Food, containers, or supplies are stored.
- Food is prepared or prepackaged for sale or service at other locations.
- Utensils are cleaned.
- Liquid and solid wastes are disposed, or potable water is obtained.

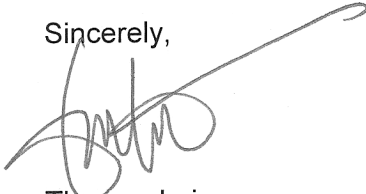
However, while EHS has authority over how a food truck operates, it does not control where a food truck operates.

“No Vend Zone”

As you know, the County is in the process of developing Amendments to its existing Local Coastal Program. The Board of Supervisors will be considering Community Specific Policies at its September 18 public hearing. We will be providing your letter to the Board prior to that, and at that hearing you may wish to testify to the Board to advocate specific provisions be added to the Local Coastal Program Amendment to respond to your concerns. Please be aware, however, that these Amendments must be approved by the Coastal Commission after the Board acts, and that may take a

significant amount of time. To date, staff has not developed a position on how to refine the county's regulations for food trucks in the coastal zone and other unincorporated areas of Marin. The proposition of prohibiting food trucks is new to the LCP amendment process and regulating food trucks has not been a major issue in the unincorporated county when compared to a number of other zoning amendments our staff has been working on over the past couple of years. However, we are beginning to consider how best to accommodate this element of our food culture that appears to be growing in popularity and number while avoiding or minimizing problems on surrounding communities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Lai', with a long, sweeping flourish extending to the right.

Thomas Lai
Assistant Director

Cc: Members of the Board of Supervisors