

ORDINANCE NUMBER O- 20357 (NEW SERIES)

DATE OF FINAL PASSAGE APR 03 2014

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 4, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 54.0122; AMENDING CHAPTER 12, ARTICLE 3, BY ADDING NEW DIVISION 6, TITLED "MOBILE FOOD TRUCK PERMIT," SECTIONS 123.0601, 123.0602, 123.0603, 123.0604, 123.0605 AND 123.0606; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222, TABLE 131-02B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322, TABLE 131-03B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422, TABLE 131-04B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522, TABLE 131-05B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622, TABLE 131-06B; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY ADDING SECTION 141.0612; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTIONS 156.0302 AND 156.0308, TABLE 156-0308-A; AMENDING CHAPTER 15, ARTICLE 7, DIVISION 3 BY AMENDING SECTION 157.0304, ALL RELATING TO REGULATION OF MOBILE FOOD TRUCKS.

WHEREAS, mobile food trucks are currently prohibited from operating on private property throughout most of the City of San Diego; and

WHEREAS, the City has seen an increasing number of mobile food truck operations; and

WHEREAS, the City intends to regulate mobile food trucks in a manner that protects the public health, safety, and welfare, while also accommodating mobile food truck activity that promotes an active and social pedestrian environment; and

WHEREAS, this ordinance provides that mobile food truck operators may operate within the public right-of-way without a permit as long as they comply with certain regulations; and

WHEREAS, this ordinance provides that on private property, mobile food trucks are allowed by right in Industrial zones, allowed as a limited use in some Open Space, Agricultural, Residential, and Commercial zones, and allowed with a neighborhood use permit in the RM-2 Residential-Multiple Unit zone; and

WHEREAS, this ordinance provides that neighborhood use permits may be requested in any zone to allow deviations from certain regulations; and

WHEREAS, within Industrial zones, in particular, the City has less congested areas, including those that are underserved by restaurants and food service uses, and which would benefit from increased mobile food service; and

WHEREAS, mobile food trucks are subject to some regulation in commercial areas because of the following characteristics: high pedestrian and vehicle activity in commercial parking lots; a concentration of restaurants and entertainment uses; pedestrians crowding sidewalks and streets while patrons wait for entry or service; limited on-street and off-street parking; delivery truck loading and unloading; obstacles to traffic flow caused by vehicles and other modes of travel; door swings from parked vehicles; curb ramps and the need to maintain street and sidewalk access for disabled persons; numerous private and public utility infrastructure elements that may require repair; and encroachments such as street furniture, café tables and chairs, display merchandise, kiosks, and newsracks; and

WHEREAS, mobile food trucks are prohibited in the Gaslamp Quarter Planned District in the Downtown Community Plan, an approximately 8-block area that runs north-south along 5th Avenue, because of the following characteristics: it is densely developed; it has significant historic cultural resources and serves as a destination for tourists, Petco Park stadium visitors, and convention center visitors as well as residents; 5th Avenue is a one-way, two-lane street that

has extremely high levels of pedestrian and vehicular activity, including regular delivery truck activity to serve existing businesses; all of the on-street spaces are limited by curb markings, signage or parking meters; it has pedicabs and bicycles sharing the street with pedestrians and vehicles; it has numerous entertainment venues, nightclubs, and restaurants with customer lines that queue onto the sidewalk; and it is designed with many features, including bulb-out curbs, to facilitate safe and active pedestrian traffic past the street trees, sidewalk cafes, benches, sandwich board signs, newsracks, trash receptacles, bicycle racks, and other objects in the public right-of-way; and

WHEREAS, mobile food trucks are prohibited in the NC zone within the Little Italy neighborhood of the Downtown Community Plan, an approximately 6-block area that runs north-south along India Street, because of the following characteristics: it is densely developed; it has been designated a Preserve America Community with significant historic resources and serves as a destination for tourists as well as residents; India Street is a one-way, two-lane street that has extremely high levels of pedestrian, bicycle, and vehicular activity, including regular delivery truck activity to serve existing businesses; all of the on-street parking, including angled parking, is limited by curb markings, signage or parking meters; it has numerous entertainment and restaurant venues with customer lines that queue onto the sidewalk; and the congested sidewalks have been designed with many features such as bulb-out curbs to facilitate safe and active pedestrian traffic past the street trees, sidewalk cafes, benches, sandwich board signs, newsracks, trash receptacles, bicycle racks, and other objects within the public right-of-way; and

WHEREAS, mobile food trucks are prohibited from on-street operations in the beach impact areas (Map C-731) of the Parking Impact Overlay zone because of the following characteristics: high parking demand with limited on-street parking, including angled parking;

constrained sidewalks including street trees, sidewalk cafes, benches, sandwich board signs, newsracks, trash receptacles, bicycle racks, and other objects in the public right-of-way causing congestion and heightened interaction between pedestrians and vehicles; and beach areas with children playing, pedestrians walking with surfboards and other beach-related equipment; and persons running, biking, and skateboarding; and

WHEREAS, mobile food trucks are prohibited from on-street operations in neighborhoods immediately surrounding San Diego State University, University of California San Diego, and University of San Diego (the campus impact areas of the Parking Impact Overlay zone as shown on Map C-795), because of the following characteristics: high volumes of pedestrian, bicycle, and vehicle traffic; limited on-street parking that is desirable for residents and their guests in proximity to their residences; and university student, faculty, and visitor parking in proximity to the university campuses; and NOW THEREFORE,

BE IT ORDAINED, by the City Council of the City of San Diego as follows:

Section 1. That Chapter 5, Article 4, Division 1, of the San Diego Municipal Code is amended by amending section 54.0122, to read as follows:

§54.0122 Prohibitions and Regulations Applicable to the Sale or Distribution of Merchandise or Services from Vehicles

- (a) Purpose and Intent. The City Council hereby finds and declares that the unrestricted sale or distribution or the offering for sale or distribution of merchandise or services from vehicles within or upon public streets, sidewalks and rights of way, public property or in the vicinity of school buildings, under certain circumstances, constitutes a danger to public safety because of the likelihood of injury to pedestrians thereby exposed to hazards from other vehicular traffic in the vicinity.

The City Council further finds that the unauthorized use of public property for private commercial activity constitutes a misuse of public property and tax money and that similar activity on private property when not in conformity with health, safety, zoning and land use regulation is contrary to the public welfare.

(b) **Definitions**

(1) through (2) [No change in text.]

(c) **Prohibitions.** No merchandise or services shall be sold or distributed or offered for sale or distribution from a vehicle on a street or highway unless the vehicle is first lawfully parked or stopped and then remains for no longer a period of time than is necessary to complete the immediate sale. An operator is considered to be engaged in an “immediate sale” when there are patrons waiting in line for service.

Operators of such vehicles shall maintain a minimum clear space of (10) feet both in front of and behind the vehicle to allow for pedestrian safety and safe sight distance for approaching motorists. No sales or distribution shall be made when the designated minimum clear space of ten (10) feet does not exist.

(d) No merchandise or services shall be sold or distributed or offered for sale or distribution, whether from a vehicle or otherwise, upon public property without the authorization of the public entity.

(e) No merchandise or services shall be sold or distributed or offered for sale or distribution from a vehicle on private property without the express

consent of the owner or lessee of the property and except in conformity with health, safety, zoning and land use regulations or permits pertaining to the site from which the sale or distribution is conducted.

- (f) No merchandise or services shall be sold or distributed or offered for sale or distribution from a vehicle in the public right-of-way within 500 feet from any kindergarten-twelfth grade school, measured in a straight line to the nearest point of the school measured in a straight line to the nearest point of the school building, between 7:00 a.m. and 4:00 p.m. on regular school days, except in a designated commercial loading zone.
- (g) In addition to enforcing applicable federal, state and local laws, the City intends to strictly enforce any violations of the California Penal Code regarding the sale, distribution, or display of BB devices and Imitation Firearms.
- (h) Construction with other laws. Nothing in this section shall be deemed to excuse compliance with any law or regulation pertaining to health, zoning, public safety or land use under applicable state law or the municipal code, including the issuance of any permits thereunder.

Section 2. That Chapter 12, Article 3 of the San Diego Municipal Code is amended by adding Division 6 "Mobile Food Truck Permit" by adding sections 123.0601, 123.0602, 123.0603, 123.0604, 123.0605 and 123.0606, to read as follows:

§123.0601 Purpose of Mobile Food Truck Permit Procedures

The purpose of these procedures is to regulate mobile food trucks in a manner that protects the public health, safety, and welfare, while also accommodating mobile

food truck activity that promotes an active and social pedestrian environment within appropriate areas of the City. This Division describes the permitting procedures for mobile food trucks and is intended to operate in conjunction with those regulations contained in Chapters 13, 14 and 15, which set forth the zoning regulations and operating requirements for mobile food trucks.

§123.0602 When a Mobile Food Truck Permit Is Required

- (a) A mobile food truck permit is required for mobile food truck operations on private property, except where specifically exempted by Section 141.0612(f). A mobile food truck permit is not required for mobile food truck operations in the *public right-of-way*.
- (b) A property owner shall obtain a mobile food truck permit for all mobile food truck operations on their *premises*. One permit shall cover multiple mobile food trucks.
- (c) A *permit holder* shall ensure that all mobile food truck operations on their *premises* comply with Section 141.0612.

§123.0603 How to Apply for a Mobile Food Truck Permit

- (a) An *applicant* shall apply for a mobile food truck permit in accordance with Section 112.0102.
- (b) The application shall include a site plan including details sufficient to demonstrate compliance with Section 141.0612(d)(4)-(5).

§123.0604 Approval and Issuance of a Mobile Food Truck Permit

- (a) A decision on an application for a mobile food truck permit shall be made in accordance with Process One.
- (b) The Director of Development Services, or his or her designee, shall approve and issue a mobile food truck permit if:
 - (i) the required permit fees have been paid; and
 - (ii) no notices of violation, as that term is defined in section 11.0210, are pending on the property.
- (c) A permit is effective upon approval by the Director of Development Services, or his or her designee.
- (d) A permit allows mobile food truck operations to occur on the *premises*, and requires *permit holders* to ensure compliance with the regulations in Section 141.0612.

§123.0605 Suspension or Revocation of a Mobile Food Truck Permit

- (a) If the Director of Development Services, or his or her designee, determines that there has been a violation of the permit or the mobile food truck regulations, he or she may provide the *permit holder* with a notice of intent to revoke the permit.
- (b) The notice of intent to revoke shall describe the violation, require the *permit holder* to immediately correct the violation or cause the violation to be corrected, and shall be provided to the *permit holder* by personal service, mail, or posting, as described in section 11.0301(a).

- (c) If the *permit holder* fails to immediately correct the violation or cause the violation to be corrected, the Director of Development Services shall schedule a hearing to revoke or modify the permit in accordance with Sections 121.0314 and 121.0315.

§123.0606 Expiration of a Mobile Food Truck Permit

Each mobile food truck permit shall expire one year from the date of issuance.

Section 3. That Chapter 13, Article 1, Division 2, of the San Diego Municipal Code is amended by amending section 131.0222, Table 131-02B, to read as follows:

§131.0222 Use Regulations Table for Open Space Zones

The uses allowed in the open space zones are shown in Table 131-02B.

Legend for Table 131-02B

[No change in text.]

**Table 131-02B
Use Regulations Table of Open Space Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones					
	1st & 2nd >>		OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹¹⁾ -
	3rd >>		1-	2-	1-	1-	1-	
	4th >>		1	1	1	1	2	1
Open Space through Retail Sales , Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]	[No change in text.]							
Commercial Services, Building Services through Visitor Accommodations [No change in text.]	[No change in text.]							
Separately Regulated Commercial Services Uses , Adult Entertainment Establishments through <i>Medical Marijuana Consumer Cooperatives</i> [No change in text.]	[No change in text.]							
Mobile Food Trucks	L ⁽²⁾	L ⁽²⁾	-	-	-	-	-	
Nightclubs & Bars over 5,000 square feet in size through	[No change in text.]							

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹¹⁾ -
	3rd >>	1-	2-	1-	1-		1-
	4th >>	1	1	1	1	2	1
Zoological Parks [No change in text.]							
Offices through <i>Signs</i> , Theater <i>Marquees</i> [No change in text.]		[No change in text.]					

Footnotes for Table 131-02B

- 1 [No change in text.]
- 2 This use is permitted only if consistent with an approved park general development plan or master plan and is subject to any requirements identified in the plan. Vending in certain public places must comply with the provisions of sections 63.0102(b)(13) and (14) and 63.20.20.
- 3 through 11 [No change in text.]

Section 4. That Chapter 13, Article 1, Division 3, of the San Diego Municipal Code is amended by amending section 131.0322, Table 131-03B, to read as follows:

§131.0322 Use Regulations Table for Agricultural Zones

The uses allowed in the agricultural zones are shown in Table 131-03B.

Legend for Table 131-03B

[No change in text.]

Table 131-03B
Use Regulations Table of Agricultural Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Retail Sales, Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]		[No change in text.]			
Commercial Services, Building Services through Visitor Accommodations [No change in text.]		[No change in text.]			
Separately Regulated Commercial Services Uses, Adult Entertainment Establishments through <i>Medical Marijuana Consumer Cooperatives</i> [No change in text.]		[No change in text.]			
Mobile Food Trucks		-	L ⁽¹²⁾		
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]		[No change in text.]			
Offices through <i>Signs</i>, Theater <i>Marquees</i> [No change in text.]		[No change in text.]			

Footnotes for Table 131-03B

1 through 11 [No change in text.]

12 This use is permitted by right on the property of a *school*, university, hospital, religious facility, or construction site, and is permitted as a limited use where accessory to commercial *development*, and designed and operated in compliance with Section 141.0612.

Section 5. That Chapter 13, Article 1, Division 4, of the San Diego Municipal Code is amended by amending section 131.0422, Table 131-04B, to read as follows:

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the Table 131-04B.

Legend for Table 131-04B

[No change in text.]

Table 131-04B
Use Regulations Table of Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																					
	1st & 2nd >>	RE-	RS-												RX-		RT-						
	3rd >>	1-	1-												1-		1-						
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3
Open Space through Retail Sales , Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]	[No change in text.]																						
Commercial Services, Building Services through Visitor Accommodations [No change in text.]	[No change in text.]																						
Separately Regulated Commercial Services Uses , Adult Entertainment Establishments through <i>Medical Marijuana Consumer Cooperatives</i> [No change in text.]	[No change in text.]																						
Mobile Food Trucks	-	-												-	-								
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]	[No change in text.]																						
Offices through <i>Signs</i> , Theater <i>Marquees</i> [No change in text.]	[No change in text.]																						

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones												
	1st & 2nd >>	RM-												
	3rd >>	1-			2-			3-			4-		5-	
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	
Open Space through Retail Sales , Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]	[No change in text.]													
Commercial Services, Building Services through Visitor Accommodations [No change in text.]	[No change in text.]													
Separately Regulated Commercial Services Uses , Adult Entertainment Establishments through <i>Medical Marijuana Consumer Cooperatives</i> [No change in text.]	[No change in text.]													
Mobile Food Trucks	-			N			L ⁽¹²⁾			L ⁽¹²⁾		L ⁽¹²⁾		
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]	[No change in text.]													
Offices through <i>Signs</i> , Theater <i>Marquees</i> [No change in text.]	[No change in text.]													

Footnotes for Table 131-04B

(1) through (11) [No change in text.]

(12) This use is permitted by right on the property of a *school*, university, hospital, religious facility, or construction site. It is permitted as a limited use only in association with a multiple dwelling unit *development* with at least 16 *dwelling units* and only if the commercial service is limited to the residents and their guests, and the use is designed and operated in compliance with Section 141.0612.

Section 6. That Chapter 13, Article 1, Division 5, of the San Diego Municipal Code is amended by amending section 131.0522, Table 131-05B, to read as follows:

§131.0522 Use Regulations Table of Commercial Zones

The uses allowed in the commercial zones are shown in Table 131-05B.

Legend for Table 131-05B

[No change in text.]

Table 131-05B
Use Regulations Table for Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones										
	1st & 2nd >>		CN ⁽¹⁾ -			CR-		CO-		CV-		CP-	
	3rd >>		1-	1-	2-	1-		1-		1-			
	4th >>		1	2	3	1	1	1	2	1	2	1	
Open Space through Retail Sales , Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]	[No change in text.]												
Commercial Services, Building Services through Visitor Accommodations [No change in text.]	[No change in text.]												
Separately Regulated Commercial Services Uses , Adult Entertainment Establishments through <i>Medical Marijuana Consumer Cooperatives</i> [No change in text.]	[No change in text.]												
Mobile Food Trucks	L ⁽¹⁵⁾	L ⁽¹⁵⁾	L ⁽¹⁵⁾	P		L ⁽¹⁵⁾		L ⁽¹⁵⁾					
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]	[No change in text.]												
Offices through <i>Signs</i> , Theater <i>Marquees</i> [No change in text.]	[No change in text.]												

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																
	1st & 2nd >>	CC-																
	3rd >>	1-	2-	3-	4-	5-												
	4th >>	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4
Open Space through Retail Sales , Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]	[No change in text.]																	
Commercial Services, Building Services through Visitor Accommodations [No change in text.]	[No change in text.]																	
Separately Regulated Commercial Services Uses , Adult Entertainment Establishments through <i>Medical Marijuana Consumer Cooperatives</i> [No change in text.]	[No change in text.]																	
Mobile Food Trucks	L ⁽¹⁵⁾	L ⁽¹⁵⁾	L ⁽¹⁵⁾	L ⁽¹⁵⁾	L ⁽¹⁵⁾													
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]	[No change in text.]																	
Offices through <i>Signs</i> , Theater <i>Marquees</i> [No change in text.]	[No change in text.]																	

Footnotes for Table 131-05B

(1) through (14) [No change in text.]

(15) This use is permitted as a limited use subject to a mobile food truck permit in accordance with Section 123.0603 and the limited use regulations in Section 141.0612.

Section 7. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code is amended by amending section 131.0622, Table 131-06B, to read as follows:

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B.

Legend for Table 131-06B

[No change in text.]

Table 131-06B

Use Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones							
	1st & 2nd >	IP-		IL-			IH-		IS-
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-
	4th >>	1	1	1	1	1	1	1	1
Open Space through Retail Sales , Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]	[No change in text.]								
Commercial Services, Building Services through Visitor Accommodations [No change in text.]	[No change in text.]								
Separately Regulated Commercial Services Uses , Adult Entertainment Establishments through <i>Medical Marijuana Consumer Cooperatives</i> [No change in text.]	[No change in text.]								
Mobile Food Trucks	P	P	P	P	P	P	P	P	
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]	[No change in text.]								
Offices through <i>Signs</i> , Theater <i>Marquees</i> [No change in text.]	[No change in text.]								

Footnotes for Table 131-06B [No change in text.]

Section 8. That Chapter 14, Article 1, Division 6 of the San Diego Municipal Code is amended by adding section 141.0612, to read as follows:

§141.0612 Mobile Food Trucks

Mobile food trucks are motorized vehicles that function as transportable retail food and beverage facilities. This use category includes mobile food trucks that provide sales to the general public of food and beverage (pre-packaged or prepared and served from the vehicle or an attached trailer) for consumption on or off of the *premises*. They are health regulated businesses subject to Chapter 4, Article 2, Division 1. This use category does not include pushcarts as described in

Section 141.0619, farmers' markets as described in Section 141.0503, or off-site food and beverage delivery services.

(a) Zoning Regulations.

- (1) In the zones indicated with a "P" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), mobile food trucks are permitted by right and are not required to obtain a permit or comply with Section 141.0612.
- (2) In the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), mobile food trucks are permitted as a limited use, subject to Section 141.0612.
- (3) In zones indicated with an "N" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), mobile food trucks may be permitted with a Neighborhood Use Permit, and are subject to Section 141.0612.

(b) General Regulations.

Mobile food truck operators shall comply with all of the following:

- (1) maintenance of a valid business tax certificate from the City of San Diego to operate within the City;
- (2) maintenance of a valid County of San Diego Health permit and operation in conformance with all applicable health standards;
- (3) posting, in public view and without obstruction, on both the front right windshield and the back left bumper of the mobile food truck, the following items: the County of San Diego Health permit

certification stickers; and a notice with at least 3-inch font providing "To report a violation, call City of San Diego Code Enforcement at 619-236-5500";

- (4) selling only food and beverage items regulated under the California Retail Food Code (California Health and Safety Code Division 104, Part 7, Section 113700 et. seq., as it currently exists or may be amended);
- (5) no verbal solicitation of business from pedestrians or persons in vehicles, and no sale to persons in vehicles;
- (6) no amplified sound or loudspeakers, and compliance with the noise limits in section 59.5.0401;
- (7) no lighting, except localized lighting that is used on or in the mobile food trucks for the purpose of inside food preparation and menu illumination;
- (8) no *signs* other than those exhibited on or in the mobile food truck;
- (9) no selling or serving alcohol;
- (10) provision of one trash receptacle and one recycling receptacle for use by patrons and in a convenient location that does not impede pedestrian or vehicular traffic;
- (11) collection and removal of all litter or debris generated within a minimum 25-foot radius of the food truck;

- (12) containment of all associated equipment and operations within the mobile food truck, except for the trash and recycling receptacles required by Section 141.0612(b)(10);
- (13) no furniture, umbrellas, generators, objects or *structures* outside of the vehicle;
- (14) where located within 300 feet of a *dwelling unit*, operation only between 6 a.m. and 10 p.m. Sunday through Thursday and between 6 a.m. and 11 p.m. Friday and Saturday;
- (15) no obstruction or interference with the free flow of pedestrian or vehicular traffic, including but not limited to access to or from any business, public building, or *dwelling unit*; and
- (16) no restriction of *visibility area* sight distance at any driveway or intersection.

(c) Mobile food trucks in the *Public Right-of-Way*.

Mobile food truck operators shall comply with all of the following:

- (1) maintenance of liability insurance policy of at least \$1,000,000 that names the City as an additional insured;
- (2) the mobile food truck shall be legally parked;
- (3) mobile food trucks shall not operate in the *public right-of-way* within 500 feet from any kindergarten-twelfth grade *school*, between 7:00 a.m. and 4:00 p.m. on regular *school days*;
- (4) mobile food trucks that constitute oversized vehicles, as defined in section 81.010, shall comply with the distance requirements of

section 86.0139. Mobile food trucks that do not constitute oversized vehicles shall not be parked within 25 feet from a street intersection with a crosswalk, traffic light, or stop sign, or within 25 feet from a bus stop or trolley stop;

- (5) mobile food trucks shall not occupy more than two on-street parking spaces in the *public right-of-way* in commercial zones;
- (6) mobile food truck operators shall organize customer queuing in a manner that does not interfere with or obstruct the free passage of pedestrians;
- (7) mobile food truck operators shall limit food and beverage service to that side of the mobile food truck facing away from the *street*;
- (8) mobile food trucks shall not encroach onto a public sidewalk with any part of the vehicle or any other equipment or furniture related to the operation of the business, except for required trash and recycling receptacles or any attached *sign* or awning. The operator shall provide an 8-foot vertical clearance for pedestrian access under any *sign* or awning;
- (9) mobile food truck operators shall control smoke and odors caused by food preparation to avoid a public nuisance;
- (10) mobile food trucks are not permitted in the *public right-of-way* within the Parking Impact Overlay Zone as described in Section 132.0802; and

- (11) a mobile food truck shall not operate in the *public right-of-way* within 500 feet of a permitted Special Event on public property while such event is in progress unless the mobile food truck has either (i) written authorization from the Event Organizer or (ii) a Special Event Permit as defined in section 22.4003.

(d) Mobile Food Trucks on Private Property.

Property owners and *permit holders* shall comply with all of the following:

- (1) obtain an approved mobile food truck permit in accordance with Section 123.0602, unless exempted by Section 141.0612(f);
- (2) ensure that a mobile food truck operator operates only at the location designated on the permit;
- (3) ensure that a mobile food truck operator displays a copy of the approved mobile food truck permit in a prominent and visible place within each mobile food truck, together with a letter of permission from the *permit holder* consenting to mobile food truck operations on the site in accordance with the approved permit;
- (4) mobile food truck operations shall not occupy more than 25 percent of the area of the *premises*; and
- (5) mobile food trucks shall operate as follows:
 - (A) within a paved, level parking area, where it can be demonstrated that any off-street parking spaces located in that area are not otherwise reserved, encumbered, or

designated to satisfy the off-street parking requirement of a business or activity that is operating at the same time as the mobile food truck;

(B) one mobile food truck may operate on the site for every 525 square foot paved area of at least 35 feet by 15 feet in dimension. Mobile food trucks greater than 27 feet in length require a space at least 70 feet by 15 feet; and

(C) operations shall not impede pedestrian or vehicular ingress or egress through the remainder of the parking area or adjacent *public right-of-way*.

(e) Neighborhood Use Permit.

A Process Two Neighborhood Use Permit may be requested in accordance with Section 126.0203 to deviate from Section 141.0612 on private property or to operate a mobile food truck in an RM-2 zone.

(f) Exemptions from Mobile Food Truck Permits.

The following types of mobile food truck operations are exempt from the requirement to obtain a mobile food truck permit:

- (1) operations in the zones indicated with a "P" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones);
- (2) operations on the property of a *school*, university, hospital, or religious facility with the written consent of the property owner or authorized school official;

- (3) operations in RM zones where permitted as a limited use and with the written consent of the property owner or authorized leasing office;
- (4) private catering events that comply with the following requirements:
 - (i) the mobile food truck is parked entirely on private property;
 - (ii) service is limited to private guests of the catering host; and
 - (iii) payment occurs directly between the catering event host and the mobile food truck operator. No payment transactions shall occur for individual orders; and
- (5) construction sites that comply with the following requirements:
 - (i) the site is actively under construction pursuant to a valid building permit or grading permit; and
 - (ii) the mobile food truck does not vend to the general public during the stop.

Section 9. That Chapter 15, Article 6, Division 3, of the San Diego Municipal Code is amended by amending sections 156.0302 and 156.0308, Table 156-0308-A, to read as follows:

§156.0302 Definitions

The following definitions apply to this Article. Where not otherwise specified, the definitions found in Chapter 11, Article 3, Division 1 of the Land Development Code shall apply. Each word or phrase that is defined in this Division or in

Chapter 11, Article 3, Division 1 of the Land Development Code appears in the text in italicized letters.

Active commercial uses through *Mixed-use development* [No change in text.]

Mobile food trucks are motorized vehicles that function as transportable retail food and beverage facilities, as described in Section 141.0612. *Mobile food trucks* do not include *pushcarts* as defined in Section 141.0619.

Outdoor Activities through *Urban open space* [No change in text.]

§156.0308 Base District Use Regulations

(a) through (b) [No change in text.]

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS																
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay																
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays	
Public Park/ Plaza/Open Space through Retail Sales [No change in text.]	[No change in text.]															
Commercial Services	[No change in text.]															
Animal Grooming & Veterinary Offices through Business Support [No change in text.]	[No change in text.]															
Eating & Drinking Establishments	[No change in text.]															

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS																
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay																
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays	
<i>Bona Fide Eating Establishments through With Live Entertainment & Dancing</i> [No change in text.]	[No change in text.]															
<i>Mobile Food Trucks</i>	L	L ¹¹	L	L	L	L	L	L	L	L	L	L	L	L	[No change in text.]	
<i>Financial Institutions through Visitor Accommodations, Hotels and Motels</i> [No change in text.]	[No change in text.]															
<i>Separately Regulated Commercial Service Uses through Other Use Requirements, Outdoor Activities</i> [No change in text.]	[No change in text.]															

Footnotes for Table 156-0308-A

1 through 10 [No change in text.]

11 Not permitted in the NC Zone in the Little Italy Neighborhood of the Downtown Community Plan Area.

Section 10. That Chapter 15, Article 7, Division 3, of the San Diego Municipal Code is amended by amending section 157.0304, to read as follows:

§157.0304 Permitted Uses

Notwithstanding the uses allowed in Chapter 15, Article 1, Divisions 1 and 4, no building or improvement or portion thereof shall be used except as permitted by this Division. Permitted ground floor uses in the Gaslamp Quarter Planned District are limited to active commercial uses such as restaurants and retail of consumer goods and services. No single user or business shall occupy more than 10,000 square feet on the ground floor of a building except as provided in Section 157.0305(d).

(a) through (c) [No change in text.]

(d) Prohibited Uses

The following uses shall be prohibited in the entire District as both *primary* and *accessory uses*:

(1) through (2) [No change in text.]

(3) drive-through businesses;

(4) mobile food trucks as described in Section 141.0612; and

(5) pushcarts in the *public right-of-way*.

(e) through (f) [No change in text.]

Section 11. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the Council and the public prior to the day of its passage.

Section 12. This ordinance shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this ordinance applicable inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City

of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 13. That prior to becoming effective, this ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

Section 14. That if the SDCRAA finds this ordinance consistent with the Airport Land Use Compatibility Plans (ALUCPs) for the San Diego International Airport, Brown Field Airport, Montgomery Field, Gillespie Field, and Marine Corps Air Station (Airports), this ordinance shall take effect and be in force as of the date of the finding of consistency by SDCRAA, provided that and not until at least thirty days have passed from the date of passage. The provisions of this ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 15. That if the SDCRAA determines that this ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the ordinance shall be submitted to the City Council for reconsideration.

Section 16. That if the SDCRAA determines that this ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this ordinance to accept the proposed modifications, and this ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San

Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

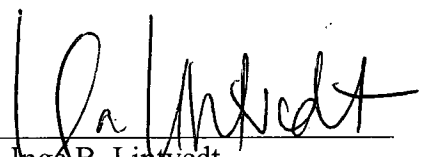
Section 17. That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. The City Council shall hold a second hearing not less than forty-five days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

Section 18. That if the City Council makes a final decision to overrule a determination of inconsistency, this ordinance shall take effect and be in force on the thirtieth day from and after that final decision, except that the provisions of this ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 19. That if Ordinance No. O-20312, which is available for review at the Office of the City Clerk, which amended the San Diego Municipal Code relating to the Barrio Logan Community Plan Update, and which will be suspended at the time of this ordinance's anticipated effective date, is made effective upon a vote of the People at the Citywide Primary Election to be held on June 3, 2014, those amendments shall prevail over the provisions of this Ordinance;

where the two conflict. In addition, if Ordinance No. O-20312 is approved, mobile food trucks shall be shown as not permitted in zone RT-1-5, and as a limited use for zones CN-1-4, CO-2-1, CO-2-1, CC-3-6, CC-4-6, and CC-5-6.

APPROVED: JAN I. GOLDSMITH, City Attorney

By: 
Inga B. Lintvedt
Deputy City Attorney

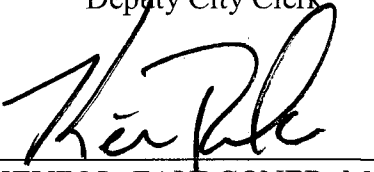
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02/25/14
02/26/14 Cor. Copy
02/28/14 Cor. Copy 1
03/04/14 Rev. Copy
Or.Dept:DSD
Doc. No. 733723_4

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAR 18 2014.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 4/2/14
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: STRIKEOUT
NEW LANGUAGE: UNDERLINE

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 4, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 54.0122; AMENDING CHAPTER 12, ARTICLE 3, BY ADDING NEW DIVISION 6, TITLED "MOBILE FOOD TRUCK PERMIT," SECTIONS 123.0601, 123.0602, 123.0603, 123.0604, 123.0605 AND 123.0606; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222, TABLE 131-02B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322, TABLE 131-03B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422, TABLE 131-04B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522, TABLE 131-05B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622, TABLE 131-06B; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY ADDING SECTION 141.0612; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTIONS 156.0302 AND 156.0308, TABLE 156-0308-A; AMENDING CHAPTER 15, ARTICLE 7, DIVISION 3 BY AMENDING SECTION 157.0304, ALL RELATING TO REGULATION OF MOBILE FOOD TRUCKS.

§54.0122 Prohibitions and Regulations Applicable to the Sale or Distribution of ~~Foods, Beverages, Merchandise or Services from Vehicles and Mobile Food Units~~

- (a) Purpose and Intent. The City Council hereby finds and declares that the unrestricted sale or distribution or the offering for sale or distribution of ~~food, beverages, merchandise or services from vehicles, or mobile food units~~ within or upon public streets, sidewalks and rights of way, public

property or in the vicinity of school buildings, under certain circumstances, constitutes a danger to public safety because of the likelihood of injury to pedestrians thereby exposed to hazards from other vehicular traffic in the vicinity.

~~The City Council further finds that it is in the interest of the health, safety and welfare of the community that sales of products from mobile food units be limited to food items subject to regulation under the California Retail Food Code.~~ The City Council further finds that the unauthorized use of public property for private commercial activity constitutes a misuse of public property and tax money and that similar activity on private property when not in conformity with health, safety, zoning and land use regulation is contrary to the public welfare.

(b) **Definitions**

(1) through (2) [No change in text.]

(3) ~~The term "mobile food unit" is any non self propelled or nonmotorized vehicle or similar vending device defined in Section 42.0160 of this Code.~~

(4) ~~"Public school" shall refer to any public elementary school, middle school, junior high school or high school as defined in the Education Code of California.~~

(c) **Prohibitions.** No food, beverage, merchandise or services shall be sold or distributed or offered for sale or distribution from a vehicle on a street or highway unless the vehicle is first lawfully parked or stopped and then

remains for no longer a period of time than is necessary to complete the immediate sale. An operator is considered to be engaged in an "immediate sale" when there are patrons waiting in line for service.

Operators of such vehicles shall maintain a minimum clear space of (10) feet both in front of and behind the vehicle to allow for pedestrian safety and safe sight distance for approaching motorists. No sales or distribution shall be made when the designated minimum clear space of ten (10) feet does not exist.

~~(d)~~ No food or beverage shall be sold or distributed or offered for sale or distribution from a mobile food unit on a street or highway, on public property or upon a sidewalk without a permit from the City Manager or designee authorizing such sale or distribution pursuant to Section 42.0166 of this Code.

~~(e)~~(d) No food, beverage, merchandise or services shall be sold or distributed or offered for sale or distribution, whether from a vehicle or otherwise, upon public property without the authorization of the public entity.

~~(f)~~(e) No food, beverage, merchandise or services shall be sold or distributed or offered for sale or distribution from a vehicle or mobile food unit on private property without the express consent of the owner or lessee of the property and except in conformity with health, safety, zoning and land use regulations or permits pertaining to the site from which the sale or distribution is conducted.

- ~~(g)~~ (f) No food, beverage, merchandise or services shall be sold or distributed or offered for sale or distribution from a vehicle in the public right-of-way within ~~five hundred (500)~~ feet from any public kindergarten-twelfth grade school building, measured in a straight line to the nearest point of the school building, between 7:00 a.m. and 4:00 p.m. on regular school days, except in a designated commercial loading zone ~~in conformity with applicable restrictions thereto or except on private property with the express consent of the owner or lessee of the property and in conformity with health, safety, zoning and land use regulations and permits pertaining to the site from which the sale or distribution is conducted.~~
- ~~(h)~~ Mobile food unit operations ~~are limited to the sale of food items regulated under the California Retail Food Code. The sale or distribution of any other items is prohibited.~~
- ~~(i)~~ (g) In addition to enforcing applicable federal, state and local laws, the City intends to strictly enforce any violations of the California Penal Code regarding the sale, distribution, or display of BB devices and Imitation Firearms. ~~Violations of mobile food unit sections may be pursued as both a regulatory and a criminal violation.~~
- ~~(j)~~ (h) Construction with other laws. Nothing in this section shall be deemed to excuse compliance with any law or regulation pertaining to health, zoning, public safety or land use under applicable state law or the municipal code, including the issuance of any permits thereunder.

§123.0601 Purpose of Mobile Food Truck Permit Procedures

The purpose of these procedures is to regulate mobile food trucks in a manner that protects the public health, safety, and welfare, while also accommodating mobile food truck activity that promotes an active and social pedestrian environment within appropriate areas of the City. This Division describes the permitting procedures for mobile food trucks and is intended to operate in conjunction with those regulations contained in Chapters 13, 14 and 15, which set forth the zoning regulations and operating requirements for mobile food trucks.

§123.0602 When a Mobile Food Truck Permit Is Required

- (a) A mobile food truck permit is required for mobile food truck operations on private property, except where specifically exempted by Section 141.0612(f). A mobile food truck permit is not required for mobile food truck operations in the *public right-of-way*.
- (b) A property owner shall obtain a mobile food truck permit for all mobile food truck operations on their *premises*. One permit shall cover multiple mobile food trucks.
- (c) A *permit holder* shall ensure that all mobile food truck operations on their *premises* comply with Section 141.0612.

§123.0603 How to Apply for a Mobile Food Truck Permit

- (a) An *applicant* shall apply for a mobile food truck permit in accordance with Section 112.0102.
- (b) The application shall include a site plan including details sufficient to demonstrate compliance with Section 141.0612(d)(4)-(5).

§123.0604 **Approval and Issuance of a Mobile Food Truck Permit**

- (a) A decision on an application for a mobile food truck permit shall be made in accordance with Process One.
- (b) The Director of Development Services, or his or her designee, shall approve and issue a mobile food truck permit if:
 - (i) the required permit fees have been paid; and
 - (ii) no notices of violation, as that term is defined in section 11.0210, are pending on the property.
- (c) A permit is effective upon approval by the Director of Development Services, or his or her designee.
- (d) A permit allows mobile food truck operations to occur on the *premises*, and requires *permit holders* to ensure compliance with the regulations in Section 141.0612.

§123.0605 **Suspension or Revocation of a Mobile Food Truck Permit**

- (a) If the Director of Development Services, or his or her designee, determines that there has been a violation of the permit or the mobile food truck regulations, he or she may provide the *permit holder* with a notice of intent to revoke the permit.
- (b) The notice of intent to revoke shall describe the violation, require the *permit holder* to immediately correct the violation or cause the violation to be corrected, and shall be provided to the *permit holder* by personal service, mail, or posting, as described in section 11.0301(a).

(c) If the permit holder fails to immediately correct the violation or cause the violation to be corrected, the Director of Development Services shall schedule a hearing to revoke or modify the permit in accordance with Sections 121.0314 and 121.0315.

§123.0606 Expiration of a Mobile Food Truck Permit

Each mobile food truck permit shall expire one year from the date of issuance.

§131.0222 Use Regulations Table for Open Space Zones

The uses allowed in the open space zones are shown in Table 131-02B.

Legend for Table 131-02B

[No change in text.]

**Table 131-02B
Use Regulations Table of Open Space Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones					
	1st & 2nd >>		OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹¹⁾ -
	3rd >>		1-	2-	1-	1-	1-	
	4th >>		1	1	1	1	2	1
Open Space through Retail Sales , Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]	[No change in text.]							
Commercial Services, Building Services through Visitor Accommodations [No change in text.]	[No change in text.]							
Separately Regulated Commercial Services Uses , Adult Entertainment Establishments through <i>Medical Marijuana Consumer Cooperatives</i> [No change in text.]	[No change in text.]							
<u>Mobile Food Trucks</u>	<u>L⁽²⁾</u>	<u>L⁽²⁾</u>	=	=	=			
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]	[No change in text.]							
Offices through Signs , Theater <i>Marquees</i> [No change in text.]	[No change in text.]							

Footnotes for Table 131-02B

1 [No change in text.]

2 This use is permitted only if consistent with an approved park general development plan or master plan and is subject to any requirements identified in the plan. Vending in certain public places must comply with the provisions of sections 63.0102(b)(13) and (14) and 63.20.20.

3 through 11 [No change in text.]

§131.0322 Use Regulations Table for Agricultural Zones

The uses allowed in the agricultural zones are shown in Table 131-03B.

Legend for Table 131-03B

[No change in text.]

**Table 131-03B
Use Regulations Table of Agricultural Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG	AR		
3rd >>	1-	1-			
4th >>	1	2	1	2	
Open Space through Retail Sales, Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]	[No change in text.]				
Commercial Services, Building Services through Visitor Accommodations [No change in text.]	[No change in text.]				
Separately Regulated Commercial Services Uses, Adult Entertainment Establishments through <i>Medical Marijuana Consumer Cooperatives</i> [No change in text.]	[No change in text.]				
<u>Mobile Food Trucks</u>	=	<u>L⁽¹²⁾</u>			
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]	[No change in text.]				
Offices through <i>Signs</i>, Theater <i>Marquees</i> [No change in text.]	[No change in text.]				

Footnotes for Table 131-03B

1 through 11 [No change in text.]

12 This use is permitted by right on the property of a school, university, hospital, religious facility, or construction site, and is permitted as a limited use where accessory to commercial development, and designed and operated in compliance with Section 141.0612.

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the Table 131-04B.

Legend for Table 131-04B

[No change in text.]

**Table 131-04B
Use Regulations Table of Residential Zones**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones																					
	1st & 2nd >>	RE-	RS-										RX-		RT-									
	3rd >>	1-	1-										1-		1-									
	4th >>		1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3
Open Space through Retail Sales , Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]	[No change in text.]																							
Commercial Services, Building Services through Visitor Accommodations [No change in text.]	[No change in text.]																							
Separately Regulated Commercial Services Uses , Adult Entertainment Establishments through <i>Medical Marijuana Consumer Cooperatives</i> [No change in text.]	[No change in text.]																							
<u>Mobile Food Trucks</u>	≡	≡										≡	≡											
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]	[No change in text.]																							
Offices through <i>Signs</i> , Theater <i>Marquees</i> [No change in text.]	[No change in text.]																							

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones												
	1st & 2nd >>	RM-												
	3rd >>	1-			2-			3-			4-		5-	
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	
Open Space through Retail Sales , Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]	[No change in text.]													
Commercial Services, Building Services through Visitor Accommodations [No change in text.]	[No change in text.]													
Separately Regulated Commercial Services Uses , Adult Entertainment Establishments through <i>Medical Marijuana Consumer Cooperatives</i> [No change in text.]	[No change in text.]													
<u>Mobile Food Trucks</u>	=	<u>N</u>			<u>L⁽¹²⁾</u>			<u>L⁽¹²⁾</u>		<u>L⁽¹²⁾</u>				
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]	[No change in text.]													
Offices through <i>Signs</i> , Theater <i>Marquees</i> [No change in text.]	[No change in text.]													

Footnotes for Table 131-04B

(1) through (11) [No change in text.]

(12) This use is permitted by right on the property of a school, university, hospital, religious facility, or construction site. It is permitted as a limited use only in association with a multiple dwelling unit development with at least 16 dwelling units and only if the commercial service is limited to the residents and their guests, and the use is designed and operated in compliance with Section 141.0612.

§131.0522 Use Regulations Table of Commercial Zones

The uses allowed in the commercial zones are shown in Table 131-05B.

Legend for Table 131-05B

[No change in text.]

Table 131-05B
Use Regulations Table for Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones										
	1st & 2nd >>	CN ⁽¹⁾ -			CR-		CO-		CV-		CP-	
	3rd >>	1-			1-	2-	1-		1-		1-	
	4th >>	1	2	3	1	1	1	2	1	2	1	
Open Space through Retail Sales , Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]	[No change in text.]											
Commercial Services, Building Services through Visitor Accommodations [No change in text.]	[No change in text.]											
Separately Regulated Commercial Services Uses , Adult Entertainment Establishments through <i>Medical Marijuana Consumer Cooperatives</i> [No change in text.]	[No change in text.]											
<u>Mobile Food Trucks</u>	<u>L⁽¹⁵⁾</u>			<u>L⁽¹⁵⁾</u>	<u>L⁽¹⁵⁾</u>	<u>P</u>		<u>L⁽¹⁵⁾</u>	<u>L⁽¹⁵⁾</u>			
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]	[No change in text.]											
Offices through <i>Signs</i> , Theater <i>Marquees</i> [No change in text.]	[No change in text.]											

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																
	1st & 2nd >>	CC-																
	3rd >>	1-	2-	3-	4-	5-												
	4th >>	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4
Open Space through Retail Sales, Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]	[No change in text.]																	
Commercial Services, Building Services through Visitor Accommodations [No change in text.]	[No change in text.]																	
Separately Regulated Commercial Services Uses, Adult Entertainment Establishments through <i>Medical Marijuana Consumer Cooperatives</i> [No change in text.]	[No change in text.]																	
<u>Mobile Food Trucks</u>	<u>L⁽¹⁵⁾</u>	<u>L⁽¹⁵⁾</u>	<u>L⁽¹⁵⁾</u>	<u>L⁽¹⁵⁾</u>	<u>L⁽¹⁵⁾</u>													
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]	[No change in text.]																	
Offices through <i>Signs</i> , Theater <i>Marquees</i> [No change in text.]	[No change in text.]																	

Footnotes for Table 131-05B

(1) through (14) [No change in text.]

(15) This use is permitted as a limited use subject to a mobile food truck permit in accordance with Section 123.0603 and the limited use regulations in Section 141.0612.

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B.

Legend for Table 131-06B

[No change in text.]

Table 131-06B
Use Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones								
	1st & 2nd >	IP-		IL-			IH-		IS-	
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-	
	4th >>	1	1	1	1	1	1	1	1	
Open Space through Retail Sales , Swap Meets & Other Large Outdoor Retail Facilities [No change in text.]	[No change in text.]									
Commercial Services, Building Services through Visitor Accommodations [No change in text.]	[No change in text.]									
Separately Regulated Commercial Services Uses , Adult Entertainment Establishments through <i>Medical Marijuana Consumer Cooperatives</i> [No change in text.]	[No change in text.]									
<u>Mobile Food Trucks</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Nightclubs & Bars over 5,000 square feet in size through Zoological Parks [No change in text.]	[No change in text.]									
Offices through <i>Signs</i> , Theater <i>Marquees</i> [No change in text.]	[No change in text.]									

Footnotes for Table 131-06B [No change in text.]

§141.0612 **Mobile Food Trucks**

Mobile food trucks are motorized vehicles that function as transportable retail food and beverage facilities. This use category includes mobile food trucks that provide sales to the general public of food and beverage (pre-packaged or prepared and served from the vehicle or an attached trailer) for consumption on or off of the premises. They are health regulated businesses subject to Chapter 4, Article 2, Division 1. This use category does not include pushcarts as described in Section 141.0619, farmers' markets as described in Section 141.0503, or off-site food and beverage delivery services.

(a) Zoning Regulations.

- (1) In the zones indicated with a "P" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), mobile food trucks are permitted by right and are not required to obtain a permit or comply with Section 141.0612.
- (2) In the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), mobile food trucks are permitted as a limited use, subject to Section 141.0612.
- (3) In zones indicated with an "N" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), mobile food trucks may be permitted with a Neighborhood Use Permit, and are subject to Section 141.0612.

(b) General Regulations.

Mobile food truck operators shall comply with all of the following:

- (1) maintenance of a valid business tax certificate from the City of San Diego to operate within the City;
- (2) maintenance of a valid County of San Diego Health permit and operation in conformance with all applicable health standards;
- (3) posting, in public view and without obstruction, on both the front right windshield and the back left bumper of the mobile food truck, the following items: the County of San Diego Health permit certification stickers; and a notice with at least 3-inch font providing "To report a violation, call City of San Diego Code Enforcement at 619-236-5500";

- (4) selling only food and beverage items regulated under the California Retail Food Code (California Health and Safety Code Division 104, Part 7, Section 113700 et. seq., as it currently exists or may be amended);
- (5) no verbal solicitation of business from pedestrians or persons in vehicles, and no sale to persons in vehicles;
- (6) no amplified sound or loudspeakers, and compliance with the noise limits in section 59.5.0401;
- (7) no lighting, except localized lighting that is used on or in the mobile food trucks for the purpose of inside food preparation and menu illumination;
- (8) no signs other than those exhibited on or in the mobile food truck;
- (9) no selling or serving alcohol;
- (10) provision of one trash receptacle and one recycling receptacle for use by patrons and in a convenient location that does not impede pedestrian or vehicular traffic;
- (11) collection and removal of all litter or debris generated within a minimum 25-foot radius of the food truck;
- (12) containment of all associated equipment and operations within the mobile food truck, except for the trash and recycling receptacles required by Section 141.0612(b)(10);
- (13) no furniture, umbrellas, generators, objects or structures outside of the vehicle;

- (14) where located within 300 feet of a *dwelling unit*, operation only between 6 a.m. and 10 p.m. Sunday through Thursday and between 6 a.m. and 11 p.m. Friday and Saturday;
- (15) no obstruction or interference with the free flow of pedestrian or vehicular traffic, including but not limited to access to or from any business, public building, or *dwelling unit*; and
- (16) no restriction of *visibility area* sight distance at any driveway or intersection.

(c) *Mobile food trucks in the Public Right-of-Way.*

Mobile food truck operators shall comply with all of the following:

- (1) maintenance of liability insurance policy of at least \$1,000,000 that names the City as an additional insured;
- (2) the mobile food truck shall be legally parked;
- (3) mobile food trucks shall not operate in the *public right-of-way* within 500 feet from any kindergarten-twelfth grade *school*, between 7:00 a.m. and 4:00 p.m. on regular *school* days;
- (4) mobile food trucks that constitute oversized vehicles, as defined in section 81.010, shall comply with the distance requirements of section 86.0139. Mobile food trucks that do not constitute oversized vehicles shall not be parked within 25 feet from a street intersection with a crosswalk, traffic light, or stop sign, or within 25 feet from a bus stop or trolley stop;

- (5) mobile food trucks shall not occupy more than two on-street parking spaces in the *public right-of-way* in commercial zones;
- (6) mobile food truck operators shall organize customer queuing in a manner that does not interfere with or obstruct the free passage of pedestrians;
- (7) mobile food truck operators shall limit food and beverage service to that side of the mobile food truck facing away from the *street*;
- (8) mobile food trucks shall not encroach onto a public sidewalk with any part of the vehicle or any other equipment or furniture related to the operation of the business, except for required trash and recycling receptacles or any attached *sign* or awning. The operator shall provide an 8-foot vertical clearance for pedestrian access under any *sign* or awning;
- (9) mobile food truck operators shall control smoke and odors caused by food preparation to avoid a public nuisance;
- (10) mobile food trucks are not permitted in the *public right-of-way* within the Parking Impact Overlay Zone as described in Section 132.0802; and
- (11) a mobile food truck shall not operate in the *public right-of-way* within 500 feet of a permitted Special Event on public property while such event is in progress unless the mobile food truck has either (i) written authorization from the Event Organizer or (ii) a Special Event Permit as defined in section 22.4003.

(d) Mobile Food Trucks on Private Property.

Property owners and permit holders shall comply with all of the following:

- (1) obtain an approved mobile food truck permit in accordance with Section 123.0602, unless exempted by Section 141.0612(f);
- (2) ensure that a mobile food truck operator operates only at the location designated on the permit;
- (3) ensure that a mobile food truck operator displays a copy of the approved mobile food truck permit in a prominent and visible place within each mobile food truck, together with a letter of permission from the permit holder consenting to mobile food truck operations on the site in accordance with the approved permit;
- (4) mobile food truck operations shall not occupy more than 25 percent of the area of the premises; and
- (5) mobile food trucks shall operate as follows:
 - (A) within a paved, level parking area, where it can be demonstrated that any off-street parking spaces located in that area are not otherwise reserved, encumbered, or designated to satisfy the off-street parking requirement of a business or activity that is operating at the same time as the mobile food truck;
 - (B) one mobile food truck may operate on the site for every 525 square foot paved area of at least 35 feet by 15 feet in

dimension. Mobile food trucks greater than 27 feet in length require a space at least 70 feet by 15 feet; and

(C) operations shall not impede pedestrian or vehicular ingress or egress through the remainder of the parking area or adjacent public right-of-way.

(e) Neighborhood Use Permit.

A Process Two Neighborhood Use Permit may be requested in accordance with Section 126.0203 to deviate from Section 141.0612 on private property or to operate a mobile food truck in an RM-2 zone.

(f) Exemptions from Mobile Food Truck Permits.

The following types of mobile food truck operations are exempt from the requirement to obtain a mobile food truck permit:

- (1) operations in the zones indicated with a "P" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones);
- (2) operations on the property of a school, university, hospital, or religious facility with the written consent of the property owner or authorized school official;
- (3) operations in RM zones where permitted as a limited use and with the written consent of the property owner or authorized leasing office;
- (4) private catering events that comply with the following requirements:

- (i) the mobile food truck is parked entirely on private property;
 - (ii) service is limited to private guests of the catering host; and
 - (iii) payment occurs directly between the catering event host and the mobile food truck operator. No payment transactions shall occur for individual orders; and
- (5) construction sites that comply with the following requirements:
- (i) the site is actively under construction pursuant to a valid building permit or grading permit; and
 - (ii) the mobile food truck does not vend to the general public during the stop.

§156.0302 Definitions

The following definitions apply to this Article. Where not otherwise specified, the definitions found in Chapter 11, Article 3, Division 1 of the Land Development Code shall apply. Each word or phrase that is defined in this Division or in Chapter 11, Article 3, Division 1 of the Land Development Code appears in the text in italicized letters.

Active commercial uses through Mixed-use development [No change in text.]

~~*Mobile Food Facilities* are motorized vehicles from which food or drink (prepared on-site or pre-packaged) is sold or served to the general public, whether consumed on-site or elsewhere.~~ *Mobile food trucks* are motorized vehicles that function as transportable retail food and beverage facilities, as described in

Section 141.0612, Mobile Food Facilities Mobile food trucks do not include *pushcarts* as defined in Section 141.0619.

Outdoor Activities through *Urban open space* [No change in text.]

§156.0308 Base District Use Regulations

(a) through (b) [No change in text.]

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Public Park/ Plaza/Open Space through Retail Sales [No change in text.]	[No change in text.]														
Commercial Services	[No change in text.]														
Animal Grooming & Veterinary Offices through Business Support [No change in text.]	[No change in text.]														
Eating & Drinking Establishments	[No change in text.]														
<i>Bona Fide Eating Establishments</i> through With Live Entertainment & Dancing [No change in text.]	[No change in text.]														
<i>Mobile Food Facilities Trucks</i>	C	C	C	C	C	C	C	--	--	C	C	C	--	[No change in text.]	

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Financial Institutions through Visitor Accommodations, <i>Hotels and Motels</i> [No change in text.]	[No change in text.]														
Separately Regulated Commercial Service Uses through Other Use Requirements , <i>Outdoor Activities</i> [No change in text.]	[No change in text.]														

Footnotes for Table 156-0308-A

1 through 10 [No change in text.]

11 Not permitted in the NC Zone in the Little Italy Neighborhood of the Downtown Community Plan Area.

§157.0304 Permitted Uses

Notwithstanding the uses allowed in Chapter 15, Article 1, Divisions 1 and 4, no building or improvement or portion thereof shall be used except as permitted by this Division. Permitted ground floor uses in the Gaslamp Quarter Planned District are limited to active commercial uses such as restaurants and retail of consumer goods and services. No single user or business shall occupy more than 10,000 square feet on the ground floor of a building except as provided in Section 157.0305(d).

(a) through (c) [No change in text.]

(d) Prohibited Uses

The following uses shall be prohibited in the entire District as both
primary and *accessory* uses:

(1) through (2) [No change in text.]

(3) drive-through businesses; ~~and~~

(4) mobile food trucks as described in Section 141.0612; and

~~(4)~~(5) pushcarts in the *public right-of-way*.

(e) through (f) [No change in text.]

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03/04/14 Rev. Copy
Or.Dept:DSD
Doc. No.: 733133_4

Passed by the Council of The City of San Diego on MAR 18 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 2 (Vacant)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 03 2014

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Karen Crewshaw, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAR 03 2014

APR 03 2014

, and on _____

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Karen Crewshaw, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20357