



## Legislation Text

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Report regarding consideration of a Minor Use Permit for a Food Truck Facility and Food Market at 151 Mitchell Avenue in the Business Commercial (BC) Zoning District and determination that the project is categorically exempt from CEQA. (*Christy Usher, Consultant Planner*)

### **RECOMMENDATION**

**Staff recommends that the Zoning Administrator approve a Minor Use Permit for a Food Truck Facility and Food Market at 151 Mitchell Avenue, based on the attached Draft Findings and subject to the attached Draft Conditions of Approval, and determine that the Project is categorically exempt from CEQA.**

### **BACKGROUND**

#### *Site and Project Overview*

The project site is located at 151 Mitchell Avenue in the Business Commercial (BC) Zoning District. The project site is 45,620 square feet (sf), or 1.04 acres. An existing commercial building totaling approximately 18,980 sf occupies the project site. The existing building is divided into two tenant spaces. Tenant Space "A" occupies approximately 10,907 sf, and Tenant Space "B" occupies approximately 8,073 sf.

The applicant for the Minor Use Permit (MUP18-0073) proposes to occupy Tenant Space "A" with a business license application for two new uses at the site—a Food Truck Facility and a retail Food Market. The proposed Food Truck Facility provides areas for the preparation of food for the trucks, truck stocking and preparation, plus truck parking, and general operations. The proposed Food Market will be open to the public. Exterior building, parking lot, and landscaping improvements are proposed for the existing commercial building and project site. Interior tenant improvements are also proposed for Tenant Space "A". As discussed below, a total of 23 parking spaces are required and 29 spaces are proposed.

### **DISCUSSION**

#### *Proposed Uses*

The two new proposed uses for Tenant Space "A" include a Food Truck Facility which includes the preparation of food for the trucks, truck preparation, truck parking, and general operations. A Food Market is also proposed. The proposed Food Market will be open to the general public.

The floor plans for Tenant Space "A" include kitchen, baking, retail, and warehouse areas, as well as, space for walk-in freezers and refrigerators.

According to the applicant's Statement of Operations (Attachment 3), the Food Market with retail sales will be open to the general public from 7:00am to 9:00pm. Two employees will be on site related to the Food Market. The Food Truck Facility will be open to truck operators from 4:00am to 10:00pm. Eight employees are anticipated for the food truck facility operations. Most food trucks will park on-site for an average of two to three hours during early hours of the day to prep and supply their trucks before leaving on their daily routes and will return late at night. Food truck access will be controlled by securing the gate after hours by key pad access only. The access gate will be opened at 7:00am and closed at 9:00pm daily. There will be supply deliveries

several times a week, during business days, between 2:00pm and 3:00pm. Most deliveries will be arriving via commercial vans or medium sized trucks. No large trucks are expected on-site.

The surrounding area includes uses such as warehousing, storage, auto-repair, printing, and commercial and construction suppliers.

### ZONING CONSISTENCY ANALYSIS

#### *Request for Substitution of a Non-Conforming Use*

The site is located in the Business Commercial (BC) Zoning District. The proposed exterior modifications, site improvements, and interior tenant improvements comply with design and development standards for the BC Zoning District, which are discussed in more detail below.

The entitlement application includes the request to replace an existing non-conforming Warehouse use with a proposed Food Truck Facility and Food Market. Under the nonconforming section of the City's ordinance (SSFMC §20.320.005), there is a provision that allows the Chief Planner to approve a substitution of a non-conforming use with another non-conforming use with approval of a Minor Use Permit. Approval of a Minor Use Permit must be based on the following eight findings, as summarized below and detailed in the Findings of Approval (Attachment 1):

- 1) *The existing nonconforming use was legally established;*  
Here, a business license for the existing non-conforming Warehouse use was previously issued in 2006. Warehousing is a nonconforming use because it is not a permitted use in the Business Commercial (BC) zoning district.
- 2) *The proposed new use would not be detrimental to public health, safety, or welfare;*  
The site is surrounded by a mix of office, industrial, and commercial uses, and the conditions of approval will ensure that the facility complies with the approved plans and the regulations set forth in the Municipal Code to avoid adverse impacts on the surrounding area.
- 3) *The proposed new use would not preclude or interfere with implementation of the General Plan or any applicable adopted specific, area, or community plan;*  
The project site is designated Business Commercial (BC) in the City's General Plan and the proposed Food Truck Facility and Food Market uses are commercial uses that are compatible with intended uses in the area. The BC land use designation is intended for business and professional offices, and visitor service establishments, and retail. Permitted uses provide for administrative, financial, business, professional, medical and public offices, research and development facilities, and visitor-oriented and regional commercial activities.
- 4) *The proposed new use will not depress the value of nearby properties or create conditions that would impede their redevelopment or use in compliance with the General Plan;*  
The proposed project includes building and site improvements that will improve the overall look of the property and nearby properties. Substituting the existing nonconforming use with the proposed nonconforming use will enhance the appearance of the building, project site, and streetscape. It will not depress the value of nearby properties because it enhance the streetscape and visual impacts without increasing density, floor area, or height of the existing commercial building.
- 5) *The proposed new uses will be no less compatible with the purposes of the district and surrounding uses that comply with the requirements of this Ordinance than the nonconforming use it replaces;*

The proposed new uses will enhance the existing building site and streetscape, the proposed food trucks and food market will provide commercial serving uses, amenities, and goods to businesses and employees in the project vicinity that the nonconforming warehouse use it replaces did not.

- 6) *The proposed new use will not result in an average daily trip increase of more than five percent of the current use based on the Institute of Traffic Engineers (ITE) trip generation rates, or the unique operational characteristics;*

The proposed new use will not result in an overall decrease of trips generated by the proposed Food Truck Facility/Food Market and the substitution of the existing legal non-conforming use (Warehousing) with the proposed non-conforming (Food Truck Facility/Food Market). The average rate of trip generation per employee for the existing legally established non-conforming Warehousing use is 3.89. According to the ITE manual, the proposed non-conforming use (Food Truck Facility/Food Market) is categorized as General Light industrial with an average trip generation rate of 3.02 per employee.

- 7) *The proposed new use will not be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the surrounding area or be detrimental or injurious to property and improvements of adjacent properties, the surrounding area, or the neighborhood because of noise, odors, dust, glare, vibrations, or other effects; and*

A “Statement of Operations” submitted by the applicant has been incorporated into the project conditions of approval and outlines the parameters within which the proposed Food Truck Facility/Food Market uses will operate. There is no indication that the proposed non-conforming uses will be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the surrounding area.

- 8) *The proposed new use will comply with all applicable standards of the district and Citywide standards, there are special circumstances peculiar to the property and its relation to surrounding uses or to the district itself that would justify modification to applicable standards, or the impacts of the new use will be mitigated.*

The proposed exterior modifications, site improvements, and interior tenant improvements related to the proposed uses (Food Truck Facility/Food Market) comply with design and development standards for the Business Commercial (BC) Zoning District, including but not limited to the City’s parking standards and regulations.

### *Design Analysis*

The proposed exterior modifications include façade improvements to mark the entrance and façade to Tenant Space “A” and change the overall appearance of the front elevation of the entire commercial building and site. Exterior improvements include adding more glass at the entry doors, introducing brick as an accent at the entrance and constructing a new awning over the entrance to Tenant Space “A”. These improvements are consistent with and match the existing entrance to Tenant Space “B”.

New colors are proposed for the existing commercial building including the building walls, horizontal and vertical accent trim, and entry awning which further enhance the building’s appearance. (See Attachment 4 for Material and Color Board) The existing building walls are a “pebble dash concrete finish.” These wall panels are to remain but are to be painted a “Dove” white color. A “Chile” red color is proposed for the vertical bands on the building which are currently gray. A gold color is proposed for the horizontal trim along roofline at the top of the building walls around the entire perimeter of the building. The proposed awning over the entry will be gray. New brick is proposed for Tenant Space “A” to match the existing brick at Tenant Space “B”. The

brick for both tenant entries will be painted gray to match the other accent details on the façade.

These façade improvements create a more welcoming entry, provide more visual interest on the façade, and better demark the entrance to Tenant Space “A” and are consistent with the design standards of the zoning ordinance.

The proposed site improvements include but are not limited to parking lot restriping and landscaping improvements. The landscape plan, sheet PL1 of the Project Plans (Attachment 2) indicates over 250 new trees, shrubs, grasses, perennials and groundcover to be planted predominately around the perimeter of the site.

The commercial building contains a variety of existing and proposed uses. Required parking for the project is based on a combination of required parking spaces per square footage of each use. The existing and proposed uses in the commercial building include office, retail, food prep and warehouse space. The cover sheet of the Project Plans (P001) includes a detailed breakdown of the square footage of each use based on the floor plans. In summary, 23 parking spaces are required and 29 spaces are proposed.

Any proposed signage for the site will be applied for under separate permits.

#### GENERAL PLAN CONSISTENCY ANALYSIS

The proposed project is consistent with the City’s General Plan, which designates the site as Business Commercial (BC). This land use designation is intended for manufacturing, industrial processing, general service, warehousing, storage and distribution, and service commercial uses. The use is consistent with the land use designation in that it is a commercial use that can be accommodated by a developed site that is integrated within an urban environment serving business commercial, mixed industrial, and employment uses. The proposed food trucks and food market will provide commercial serving uses, amenities, and goods to businesses and employees in the project vicinity that the nonconforming warehouse use it replaces does not currently provide.

#### ENVIRONMENTAL REVIEW

The proposed project has been determined to be categorically exempt under the provisions of CEQA, Class 1, Section 15301, Existing Facilities.

#### CONCLUSION

The proposed use is consistent with the applicable zoning regulations as discussed regarding the proposed substitution use; therefore, staff recommends that the Zoning Administrator approve a Minor Use Permit to allow a Food Truck Facility and Food Market at 151 Mitchell Avenue, subject to the draft findings and conditions of approval.

#### Attachments:

1. Draft Findings for Approval and Conditions of Approval
2. Project Plans
3. Applicant’s Statement of Operations
4. Material and Color Board