



staff report

Agenda Item No.

To: City of Imperial Planning Commission
From: Lisa Tylenda, Planner
Date: September 26, 2018
Subject: Raspalandia/La Careta- Maria & Laura Cortez & Don Euhus
Similar Land Use Determination: Food Trailer Kiosk/Mobile Food Facility ≈ Outdoor Food Kiosk
Conditional Use Permit Request CUP (18-06)
228 South Imperial Ave; Imperial, CA 92251

Title: CONTINUED PUBLIC HEARING – CONDITIONAL USE PERMIT AND SIMILAR LAND USE DETERMINATION TO FIND A FOOD TRAILER KIOSK/MOBILE FOOD FACILITY SIMILAR TO AN OUTDOOR FOOD KIOSK LOCATED 228 S IMPERIAL AVENUE.

Case File No.: CUP (18-06)

Location: 228 S IMPERIAL AVENUE

Assessor’s Parcel Nos.: 064-105-004

Applicant: LARRY & PATRICIA ROSE/ MARY & LAURA CORTEZ

Zoning designation: VILLAGE COMMERCIAL (V-C)

Adjacent land use / zoning:

North: VILLAGE COMMERCIAL (V-C)

East: COMMERCIAL NEIGHBORHOOD (C-1)

South: COMMERCIAL NEIGHBORHOOD (C-1)

West: VILLAGE COMMERCIAL (V-C)

Environmental Review: EXEMPT AS PER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.

Staff recommendation: ATTACHED.

Application History:

Conditional Use Permit (CUP 18-06) was brought to the Planning Commission on August 8, 2018 for the first time, during which a Public Hearing was conducted. During the Public Hearing portion of the item, there were not any comments made by the public verbally or written against the project. The item was tabled during this meeting pending further information requested by Planning Commission members, which consisted of the following questions:

- Options for mobility and/or movability for the business (dates & times).

Applicant purposes moving the Food Facility every three (3) months for the duration of two (2) days during a weekend (Saturday & Sunday) and also purposes to move food facility during the “Market Day” Events.

Business hours shall be limited from 5:00AM to 12:00 PM & 5:00PM to 10:00 PM, Monday through Sunday.

- Parking Requirements for the Village Commercial Zoning District.

Per City Ordinance, Businesses within the Village Commercial Zoning District, only have to meet 50% of parking requirement standards per City ordinance section (24.13- Off-Street Parking) and both “On-Street and Off-Street” parking may be counted towards parking requirements. “La Careta” would only have to provide 2.5 parking spots. “La Careta” does meet the parking requirement.

- Special Event details/schedule.

The applicants no longer plan on holding special events at location. “La Careta” will only participate at the City of Imperial scheduled “Market Days” Events.

The item was also tabled the following dates after the initial hearing (8/8/2018): 8/22/2018 and 9/12/2018.

Background:

The “La Careta” mobile food facility has been operating from the “Raspalandia” Businesses parking lot approximately the last two years. During May 2018, the “La Careta” mobile food facility was moved behind the “Raspalandia” business. Movement of the business triggered City enforcement regarding City Development and Use standards. The owners of the food truck and the property owners were informed that the operation of a mobile food facility was not a permitted use at the location. The City of Imperial’s General Plan has not been updated since 1992 and does not address nor set regulation standards or uses regarding “Mobile Food Facilities” and the zoning ordinance for the City of Imperial’s Village Commercial District does not make reference to “Mobile Food Facilities” in that zoning district. However, the Village Commercial zoning district does allow for outdoor kiosks with issuance of a Conditional Use Permit. Community Development Staff is asking the Planning Commission to make the determination if a “Food Trailer Kiosk/Mobile Food Facility” is similar to an “Outdoor Food Kiosk”.

Similarities between the uses/operations:

- Both are small in size.
- Both are transportable.
- Both uses promote pedestrian traffic and activity.
- Both are small businesses.

Definition of a Kiosk:

- Any kind of an open booth that distributes information or sells something.

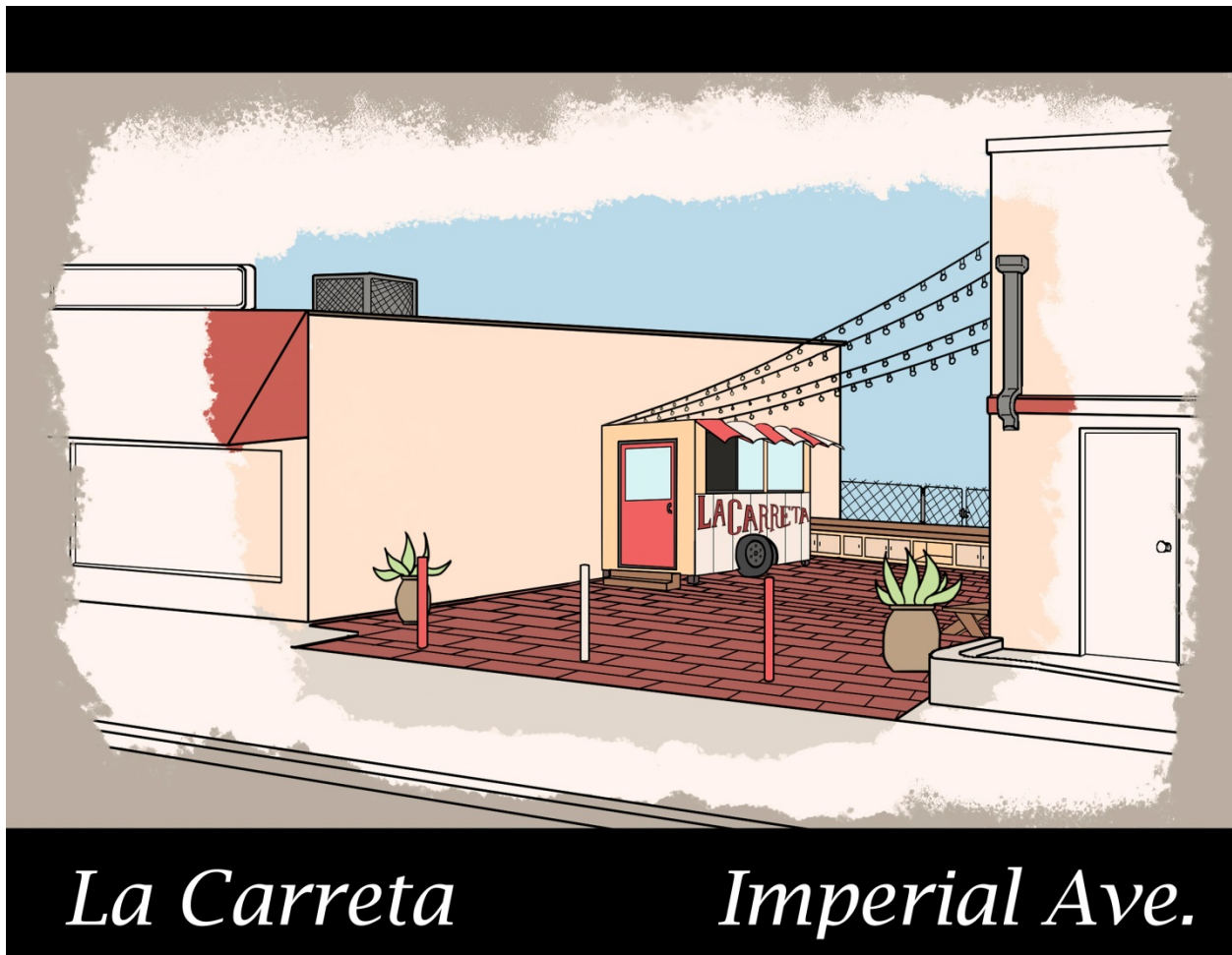
California State Legislature

California Assembly Bill No. 626 defines “Mobile Food Facilities” as “Retail Food Facility”.

California Fire Code 2016:

Categorizes and Defines Mobile Food Facilities as follows: Food processing establishments and commercial kitchens not associated with restaurants, cafeterias, and similar dining facilities not more than 2500 square-feet as part of the Business Group B.

This is the beautification plan for the Food Trailer Kiosk/Mobile Food Facility business “La Careta” location. The applicants will have 6 months to beautify the location where the Food Kiosk/Mobile Food Facility location and the applicants will be bound by the conditions of approval set forth by the Planning Commission.



Evaluation:

The Zoning Ordinance provides flexibility in the regulation of uses to ensure that unusual characteristics of certain uses are properly addressed in furtherance of the Imperial Zoning Ordinance. Section 24.19.340 of the City of Imperial Zoning Ordinance requires that the Commission make specific findings be made when reviewing a CUP.

1. That the proposed location, size, design, and operating characteristics of the proposed use is in accord with the Title and Purpose of this Ordinance, the Purpose of the zone in which the site is located, the Imperial General Plan, and the development policies and standard of the City.

The proposed project site is located within the V-C Village Commercial zone which, amongst other things, is intended as the social heart of the City. Land uses within this zone are intended to be less intensive than those in other commercial zones.

2. That the proposed location, size, design, and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

The “La Careta” Mobile Food Facility has been operating in the front parking of “Raspalandia” for approximately the last two years, which is located in the Village Commercial Zone and has been in operation for past 4 years. Through mitigation measures and conditions of approval for the outdoor food kiosk/mobile food facility the use/operations shall not be detrimental to the surrounding community or businesses.

3. That the proposed Conditional Use will comply with each of the applicable provisions of the Zoning Ordinance, except for any approved via Variance.

The proposed facility shall comply with all provisions of the Zoning Ordinance.

4. The proposed project is compatible with the City of Imperials General Plan “Land Use Element” and “Downtown Imperial Redevelopment Master Plan”:

Land Use Element-Central Downtown Character Area:

As the Downtown Imperial Master Plan is implemented, the Downtown is becoming the civic, social and commercial center of the City. The pedestrian-friendly Downtown will offer a mix of locally-owned retail and restaurants, provide unique cultural experiences, and support higher density mixed use developments. The vision for the Downtown Character Area is intended to follow the vision set forth in the Imperial Downtown Plan as follows:

- Create strong sense of place and provide unique cultural experiences.
- Support higher density mixed use development.
- Include a multi-use trail along Hwy 86 and enhanced pedestrian crossing at Barioni Boulevard.
- Provide a mixture of housing options and shopping opportunities.

Downtown Imperial Redevelopment Master Plan:

- **Developing a Pedestrian-Friendly Downtown:**
Downtown Imperial is designed as a pedestrian-friendly village. Creating a comfortable environment through the use of key design elements such as, landscaping, street furniture, and lighting is what makes Downtown a great place to be.
- **Spurring Economic Development:**
Retaining and attracting businesses is a priority. Integrating restaurants, cafes, coffee shops, retail, offices, and services allows for a diverse, vibrant atmosphere.
- **Maintaining a Small Town Atmosphere:**
Downtown Imperial continues the history of Imperial as a small town. Residential, retail, service, and dining are integrated to make Downtown Imperial a truly walkable place where community members regularly socialize.
- **Creating a Center for Activity:**
Downtown Imperial is the heart of the City. Events, festivals, concerts, parades, and other family-oriented activities are held in Downtown Imperial and key civic buildings are a source of community pride.
- **Ensuring a Comfortable and Attractive Environment:**
Downtown architecture draws upon the past for inspiration, while still reflecting a contemporary, up-to-date style. Aesthetics and comfort for the pedestrian are key attributes of what makes Downtown unique.
- **Promote Shared Parking:**
To maximize the efficiency of Downtown's parking resources and to limit the number of curb cuts, encourage formalized shared parking among uses with alternate hours of operation. Additionally, property owners and merchants are encouraged to consolidate parking lots and share egress and ingress.
- **Encourage Infill of Vacant Lots with Mixed-Use:**
In addition to the old Worthington Building site, there are a number of vacant parcels within Downtown with the potential for new infill development (Exhibit II-12). Incentives to encourage public art, plazas and paseos, and other amenities should be developed to enhance the contribution of new projects to Downtown.

Environmental Compliance:

- Does not trigger CEQA review.

Recommendation:

Staff recommends the Planning Commission conduct a public hearing to receive comments for and against the project. Unless sufficient evidence to the contrary is presented at the public hearing, Staff recommends approval of **Resolution PC2018-10** approving the Similar Land Use Determination to find that a Mobile Food Facility is Similar to an Outdoor Food Kiosk and to approve the Conditional Use Permit (CUP 18-06) to allow the mobile food facility/food kiosk to operate at the said location: 228 S Imperial Avenue; Imperial, CA 92251 which are subject to Conditions of Approval outline in **Resolution PC2018-10**.

- Location Map:



- Project Timeline:

Phases:

Initial Phase involves initial meeting to obtain guidelines for project. Submit appropriate paperwork.

Phase two get estimates for the three proposed projects. Process will take about a month.

Phase three implementation of approved project estimated time is six to eight months.

Timeline:

June 2018 meeting to obtain guidelines for beautification project

July 2018 obtain the budget and expenses for the project

August 2018 obtain materials for project

September 2018 implement approved project until completion process may take several months.

Project speculated to be finalized January 2019

Attachments:

- Project Plan
- Resolution PC 2018-08
- Conditions of Approval

Raspalandia
260 S. Imperial Ave
Imperial Ca 92251

September 6, 2018

City Development Commission
Concerns Addressed
Imperial

Imperial Ca 92251

Dear City Development Commission:

Concerns regarding the approval of the food unit for the beautification project were addressed. Among were the concerns that were addressed were that if approved more trucks and units would just pop up without consent or proper permits. Raspalandia opened the mobile unit without following guidelines.

In response to question one: In order for Raspalandia to continue to function approval needs to take place for beautification project. For approval an application for conditional use permit was submitted and it is placed within the grounds of the business. It is not on the street and it would stay in a designated area and designated times. If approved the precedent that it sets is that food units need to be in a preapproved lot, have a beautification plan and acquire the approval of the development commission and city standards. Along with the standards set in the Health Department. Which the unit Raspalandia has is preapproved to function in Imperial County.

In response to question two: Raspalandia acquired the food unit through a grant from IID and purchased with the knowledge and consent of City Officials at the time of inauguration dated back to three years past. Verbal agreement to place in parking lot was arranged. Raspalandia was not aware that privileges and rights through said agreement would be lost upon moving the unit to a different parcel of same owner. Upon knowledge of said stipulations Raspalandia has had meeting and counseling to follow guidelines.

Sincerely,

Raspalandia

ENCLOSURE

Table of Contents

Raspalandia Beatification Project

Business and venue	1
Business History	1,2
Culture Impact	2
Food Cart and Pop Culture.....	3,4
Beatification Project	4,5
Phases	5
Timeline	5,6

Raspalandia Beautification Project

Business and Business Venue:

As a food unit facility business can offer two forms of service through the mobile food kitchen. It has been originally included to expand the services provided to clients. It has been proposed for it to be viewed as an extension to the "brick and mortar" building that currently operates Monday through Sunday from 10am to 9pm.

Projected it would be able to function from 5am to 12pm as breakfast and lunch stop. With potential to offer night life with a second shift from 5pm to 11pm. During which time would be utilized for dinner and appetizers. Thursday to Saturday reason being to cater to citizens and night life that may stem from the local breweries.

Venue for which night life has potential for community events. Projected properly serves great opportunity for mini markets among other community events that attract customers from surrounding cities.

Business History:

In 2010 Raspalandia was purchased under the Cuchis Franchise. The venture was sought out more to provide bread and butter than to pursue a dream. Due to an unforeseen illness in the family the only way to provide bread and butter was to create income.

During the following years it was made clear that in order to keep providing quality service menu options needed to expand.

A petition for a grant to purchase a mobile food truck was authorized. This allowed for a more economic expansion for the business. Originally the grant was

petitioned for \$80,000 in order to install an indoor kitchen that met with all the health department standards. Out of pocket the owners made arrangements to leave two installations for two medium size ovens to get the ball rolling. However when funds were released only \$35,000 were released. This left two options either start the phase and be unable to terminate or seek another form of investment. The option to purchase a mobile food unit was brought up and there was one on the market for exactly \$35,000 ready for use and in compliance with the health code standards. Before purchasing the business spoke with the city to acquire permission to operate mobile food unit within the boundaries of the establishment. George Galvan gave verbal agreement for the operation of the mobile food unit at Raspalandia location.

Since it was first inaugurated the city has shown support to build a business relationship with Raspalandia and "La Carreta" hiring it for two catered events one at the city's parking lot as a gratitude for city employees and the second at a park inauguration.

Since the mobile food unit has been in operation and it has provided income to two other families in the community and sustenance to members in the community that seek high quality food at a convenient price range.

Due to unknown and un-clarified regulations the business was not aware that upon moving the food unit was to relinquish verbal agreement. In order to comply with regulations the business has made arrangements to comply. Meetings and paperwork have been submitted as requested and a willingness to make changes has been put into effect.

The business has established roots not only with the city but with the community by opening its doors to serve the community in a way they can. The business has served the community by providing social services to students with disabilities, providing them with a place and opportunity to practice their social and coping skills.

The business has also aided in providing "bread and butter" for other families in the community as well and with the potential the food truck facility offers much more room for job opportunities in the future. Opportunities that are not limited to serving only at the establishment but in catered events, market days, and night life.

Culture Impact:

When Considering a trip or an outing usually the first thing is to Google the destination and popular attractions. In example a trip to San Diego would involve a stop at Inko-Pak if you are into nature hikes and history. A stop at Acorns if you seek the adrenaline of the slots. If you are a foodie a stop at Descanso Junction Restaurant for fresh baked Julian apple pies or Pine Valley for a take you back to childhood ice cream.

If the memories created around those events are great you keep coming back for more.

The cultural impact of mobile food units is pretty strong and growing. The charm is that it's a quick stop on your way to work or school. Food is made in advance to keep the line moving and you keep going. It's a quick meeting place where the attendant knows you and what you like and almost reads your mind. It's a little piece of home away from home. It's a unique flavor since it provides an extension to your own back yard or kitchen.

Hot dogs remind you of the last 4th of July you spent at the park with your family. The cubano reminds you of the home you left to pursue your dreams. The burritos remind you of your mom hustling in the kitchen getting dad's lunch ready for work along with yours for school.

Food Cart and Pop Culture:

Food booths have provided convenience to consumers since early of times and the trend has rapidly been growing to what we now know as convenience food facilities, more commonly known as food trucks.

Food trucks have become one of the most popular pop culture trends in this generation. Movies have added to the increasing demand of creating memories around getting local cuisine while walking on a first date. Or the sense of feeling

that you are in a community that everybody knows your name. The feeling of stopping everyday on your way to work or school at the exact same time and your potato and egg with a large iced tea is ready for you.

Food trucks provide more than a variety of food at moderate prices. They provide memories and topics of conversation. They provide sustenance to families both physically and economically. Due to the recession in 2007 cities saw a boom in food trucks to provide for families both for consumers and providers. In addition the National Restaurant Association estimated that by 2017 food trucks would provide 2.7 billion in revenue.

In addition the project meets village commercial vision. The heart of downtown is beaming with potential to create accessibility and walkability. The vision calls for walk trails and outdoor cafe type restaurants. It calls out for a community time capsule through a contemporary museum. It is open to the idea and vision of food units to create charms and charisma. All outlined items in village commercial, II character zones.

Beautification Project:

The proposed project is to work alongside the city development commission to bring the vision of downtown to life.

The vision is to integrate the mobile food unit. The advantages of placing the food unit in the north portion of the parcel is due to the attraction the walking trail brings.

The space offers ample opportunities to place patio furniture or tables and an information booth to supply the needs of a growing city.

The vision the city proposes is to bring nostalgia with a modern twist. The history of Imperial started in the early 1900's so now just imagine bringing the city the ability to step into a small time machine for a brief moment in time. Inspired in the vision the business has come up with a beautification project that meets with the vision the developing commission has for the village commercial district.

Vision:

Third option is to move the food unit to the side parallel to the beauty salon wall on the south wall. A 25 sq foot perimeter is to be leveled and cemented and gated. The gate is to provide privacy during use and opened for removal of food unit. The north wall of Raspalandia will provide a museum wall. Community events are opportunities to build relationships and community togetherness. Pictures of said events will be printed on sepia toned canvases in 8x10 pictures to create a community museum. Along the structure of the back fence rustic removable benches will be placed to create a patio environment for customers that await or wish to rest. The entrance will have medium sized pots with succulents to create a welcoming environment. The food unit will be painted in dessert color schemes. The color scheme is tan and brick. The unit will be painted in tan with the sign "La Carreta" in brick western writing directly on the trailer. A barbershop canopy in brick and tan will provide shade and decoration to the front facade of the food unit. A 3ft rustic table will be placed at the entrance, along with a chalkboard sign with "La Carreta" on it. The ambience will be created with removable furniture to able to keep the unit movable but with an attractive patio for when not in use.



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Maintenance Plan

Raspalandia has made arrangements for a maintenance plan in preparation of approval of beautification project.

Arrangements for patio to be kept in shape are to sweep out thoroughly patio every day after closing to leave it ready for following business day. Freshen up and scent throw pillows on benches to keep them crisp and clean. Pledge out furniture.

Once a month take down pictures and lights to give them maintenance. Clean out canvas and replace string of Christmas lights if need be.

Food unit will be removed once a week to keep it maintenance, and deep cleaning. Once a month the exterior will be washed.

Daily maintenance includes placing trash bins at entrance and next to mobile food unit. Decorative trash receptacles will be used. As customary trash is removed upon full container and at closing bags renewed for following business day.

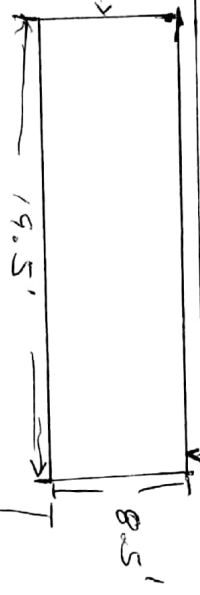
Succulents were chosen since they require the least maintenance. Every week the status of the plants will be checked and replaced those that need to be. Proper watering care will be provided following the guidelines for said plants.

N

Beatty Salon

Side Walk

W



Rastrelaudia

E

ODD
&
End

S