

RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID	Requested Response Time	DSD Assigned RID # 113
Customer RID	24 hours	
Internal Staff RID	10 working days	
	As time available	

1. Project Name: Cruising Kitchens

2. Project Number:

(Plat #, Zoning Case #, etc.)

3. Project Street Address: 14732 Bulverde Road

(If not available nearest intersection of two public streets)

4. Applicant Name: Patrick W. Christensen

5. Applicant Address: 1800 W. Commerce, Suite 1; San Antonio, TX 78207

6. Applicant Telephone #: 210-320-2540

7. Applicant e-mail Address: pwc@christensenpc.com

8. Rule in Question: Section 35-A101 (b) Definitions and Table 311-2 of the Unified Development Code

(Section and/or policy of UDC, Sign Code, etc)

9. Applicant's Position:

(Including date position presented and name of city staff point of contact)

Date: 9-20-12 **Contact:** Patrick W. Christensen **Contact Telephone #:** 210-320-2540

Add the following definition:

Service, restoration of mobile food establishments. A "restoration of mobile food establishments" business restores and/or refurbishes a "mobile food establishment" which includes a self contained unit, either motorized or in a trailer on wheels, and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. This restoration and/or refurbishing use includes the remodel of the interior of the unit for cooking purposes and any mechanical repair work associated with the vehicle to upgrade the components to conform to the current City codes or State Law for operation as a motor vehicle/trailer and mobile food establishment.

Update Table 311-2 to include:

Service, mobile food establishment restoration as a permitted use in the C-3, L, I-1 and I-2 zoning districts.

10. Staff Finding:

(Including date of finding and name of city staff person formulating finding)

Date: 9-10-12 **Contact:** Andrew Spurgin **Contact Telephone #:** 207-8229

The rise of mobile food vending has been a prominent 21st century trend in urban land use and is one ingredient in successful place-making and urban regeneration. Responding to this trend, the City of San Antonio established requirements for mobile food vendors and mobile food courts on May 17, 2012 (Ord. No. 2012-05-17-0355). The vendors must adhere to a number of Health Code requirements to promote sanitary conditions for food preparation and waste disposal.

The market has responded to the food truck trend by offering different types of food concepts from a variety of mobile vendors. To allow vendors to adapt to changing tastes and to comply with the Health Code requirements it is therefore reasonable that mobile food truck establishments will need to refurbish and/or alter the interior of food trucks to meet these needs. The Unified Development Code is currently silent on this type of activity.

To respond to this well publicized recent trend - and to promote avenues to comply with City Codes – a rule interpretation is needed to assist staff and customers. The Development Services Director is authorized to interpret the UDC permitted use matrix in accordance with Section 35-311 (b):

(b) Uses Not Mentioned.

(1) Uses Not Permitted Unless Specifically Enumerated. *No building permit shall be issued for a use not specifically mentioned or described by category in the Use Matrix. Evaluation of these uses shall be as set forth in subsection (3), below.*

* * * * *

(3) Interpretation - Materially Similar Uses. *The director of development services shall make a determination if a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described. Interpretations may be ratified by the city council upon recommendation by the zoning commission at a regularly scheduled meeting. It is the intent of this article to group similar or compatible land uses into specific zoning districts, either as permitted uses or as uses authorized by a specific use permit. Uses not listed as a permitted or specific use permit shall be presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed in the Use Matrix, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the director of*

development services shall determine whether a materially similar use exists in this section. Should the director of development services determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the director's decision shall be recorded in writing. Should the director of planning and development services determine that a materially similar use does not exist, the matter may be referred to the zoning commission for consideration for amendment to this chapter to establish a specific listing for the use in question. Unless an appeal is timely filed pursuant to section 35-481 of this chapter, a decision of the director of development services pursuant to this section is deemed to be valid. If, when seeking periodic ratification of interpretations, the director's interpretation is reversed, then decisions made in reliance on the director's interpretation shall be deemed to be nonconforming uses.

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: 9-10-12 **Contact:** Andrew Spurgin **Contact Telephone #:** 207-8229

Staff does not believe that adding a new entry into the use for “Service, restoration of mobile food establishments” is necessary and the Director is authorized to identify materially similar uses.

The position of staff is that interior restoration of a mobile food unit, including refurbishing, remodeling and mechanical work to be materially similar to the “Auto and Light Truck Repair” use contained in Table 311-2 which is permitted (P) in the following zoning districts: C-3 and L.

Any work on a mobile food unit that would include exterior body work, such as cutting of windows or replacement of vehicle body parts is materially similar to “Auto Paint and Body” which is permitted by Specific Use Authorization (S) in the C-3 district and permitted by right (P) in the L and I-1 districts.

12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director)

Date of policy/action: 9-10-12

Effective Date of policy/action: immediate

Concurs with staff position.



Roderick Sanchez, AICP, C.B.O
Director



Date

P.W. CHRISTENSEN, P.C.

Patrick W. Christensen
Attorney at Law

RECEIVED
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August 20, 2012

VIA HAND DELIVERY

Mr. Roderick J. Sanchez, AICP, C.B.O.
Director of Development Services
Cliff Morton Development & Business Services Center
1901 South Alamo
San Antonio, Texas 78204

Re: RID – Restoration of Mobile Food Establishments

Dear Mr. Sanchez:

The purpose of this correspondence is to formally request that the City of San Antonio consider the attached RID to add a definition to the UDC for the "Restoration of Mobile Food Establishments" and include this use in the Non-Residential Use Matrix. After preliminary discussions with City staff, we agree that the interior restoration of a food truck, with no paint or body work, is less intense than an "Auto Paint and Body" use as listed in the UDC. This definition clarifies the intent that this use would be less intense than "Auto Paint and Body" while still permitting the necessary repair work to upgrade the mobile food establishments. Listed below, please find the proposed definition.

Service, restoration of mobile food establishments. A "restoration of mobile food establishments" business restores and/or refurbishes a "mobile food establishment" which includes a self contained unit, either motorized or in a trailer on wheels, and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. This restoration and/or refurbishing use includes the remodel of the interior of the unit and any mechanical repair work associated with the vehicle to upgrade the components to conform to the current City codes or State Law for operation as a motor vehicle/trailer and mobile food establishment.

Other communities with ordinances that permit mobile food establishments do not currently have definitions that address the restoration or repair of such establishments. They have provisions that separate the repair aspect of the use. Use categories are broken in to major and minor automotive repair or they include an automotive repair category and an auto paint and body category. The restoration of a mobile food establishment would fall under the less intense automotive repair category in most situations.

Thank you for your time and consideration of this matter and please do not hesitate to contact me if you have any questions.

Sincerely,

P.W. CHRISTENSEN, P.C.

BY: 
Patrick W. Christensen

Enclosures: As Stated