



**Environmental
Planning
Commission**

**Agenda Number: 06
Project Number: 1001620
Case Number: 15EPC-40001
March 12, 2015**

Staff Report

Agent City of Albuquerque Planning Department

Applicant City of Albuquerque Planning City Council Services

Adding a new Section 14-16-3-25 to the Zoning Code, amending Sections 14-16-1-5(B), Definitions; correspondingly amending Sections 14-16-2-15 (O-1 zone), 14-16-2-16 (C-1 zone), 14-16-2-17 (C-2 zone), 14-16-2-19 (IP zone), [and amending the Traffic Code, Section 8-5-1-42, to permit and regulate mobile food units.*]

Location City-wide

Staff Recommendation

That a recommendation of *CONDITIONAL APPROVAL* of 15EPC-40007 be forwarded to the City Council based on the Findings beginning on Page 14, and subject to the Conditions for Recommendation of Approval beginning on Page 16.

Staff Planner

Catalina Lehner, AICP-Senior Planner

Summary of Analysis

This request is for a recommendation to City Council to establish regulations and a definition for Mobile Food Units, often known as "food trucks." Bill No. O-15-36 was introduced at City Council on January 5, 2015 and referred to the Planning Department. The EPC is a recommending body, the City Council will make the final decision.

The request would add a new Zoning Code section, §14-16-3-25 ROA 1994, amend §14-16-1-5(B), Definitions, and correspondingly amend Sections 14-16-2-15 (O-1 zone), 14-16-2-16 (C-1 zone), 14-16-2-17 (C-2 zone), 14-16-2-19 (IP zone) to regulate mobile food units on private property, which is the purview of the EPC. The City's Traffic Code, Section 8-5-1-42, would also be amended to permit and regulate mobile food units in the public right-of-way (ROW). However, the EPC will not make a recommendation to Council regarding the Traffic Code because the Traffic Code is not the purview of the EPC*.

The intent is to recognize and promote the Mobile Food Unit industry as an economic generator while preserving equity with the site-built restaurant industry, and to establish Mobile Food Units as a use. Mobile Food Units would be permitted on private property in all zones, except residential zones, provided the operator has written permission from the property owner. Mobile Food Units could not occupy parking spaces needed to meet minimum parking requirements or obstruct access, and would have to comply with noise regulations.

The proposed text amendments do not generally raise enforcement concerns. Mobile Food Units need to be recognized as a distinct use in the Zoning Code. Revisions would improve consistency with Zoning practice and help avoid potential internal inconsistencies. Staff recommends that a recommendation of conditional approval be forwarded to the City Council.

City Departments and other interested agencies reviewed this application from 2/2/2015 to 2/13/2015. Agency comments used in the preparation of this report begin on Page 18.

I. INTRODUCTION

Request

This request is for a recommendation to City Council regarding the following text amendments to the City's Comprehensive Zoning Code: adding a new section, §14-16-3-25 ROA 1994, amending §14-16-1-5(B) ROA 1994, Definitions, and correspondingly amending Sections §14-16-2-15 (O-1 zone), §14-16-2-16 (C-1 zone), §14-16-2-17 (C-2 zone), §14-16-2-19 (IP zone), to allow and establish regulations regarding the operation of Mobile Food Units.

The Traffic Code (Section §8-5-1-42) is also proposed to be amended by adding a new section, though the Traffic Code is not the purview of the EPC and therefore will not be a part of the EPC recommendation. Council Services Staff has coordinated with Department of Municipal Development (DMD) Staff.

The proposed text amendments are found in draft legislation authored by Council Services, known as Bill No. O-15-36 (see attachment). O-15-36 was introduced at City Council on January 5, 2015 and subsequently referred to the Planning Department for review.

Scope

The proposed text amendments would create a new section of the Zoning Code, amend the Definitions section, correspondingly amend certain zones (O-1, C-1, C-2 and IP), and amend the City's Traffic Code, which are ordinances of general application. The proposed text amendments would apply City-wide.

Environmental Planning Commission (EPC) Role

The task of the Environmental Planning Commission (EPC) is to make a recommendation to the City Council. The EPC is advisory to the City Council regarding proposed text amendments to the Zoning Code.

In this case, the EPC's review is limited to only the proposed text amendments to the Zoning Code. The proposed text amendments to the Traffic Code are the purview of the DMD. The City Council is the City's Zoning Authority and will make the final decision regarding the Zoning Code and the Traffic Code. The EPC is a recommending body with review authority. This is a legislative matter.

II. OVERVIEW

Purpose

The purpose of the proposed text amendments is to ease and clarify zoning requirements for Mobile Food Units (often known as "food trucks") on private property, while placing reasonable limitations on Mobile Food Units used on public streets. The idea is to accommodate Mobile Food Units and promote them as an economic generator, while helping preserve equity with the site-built restaurant industry.

The proposed text amendments would allow Mobile Food Units and establish regulations to govern their operation with respect to location and land use. The term "Mobile Food Unit" would be defined in the Zoning Code. Mobile Food Units would be established as a use distinct from the

category “outdoor activity” in which they are presently grouped in the Zoning Code. Mobile Food Units are intended to be a permissive use in all zones except for residential zones and zones in which the predominant use is residential (see Section II of this report).

Background

The reason for the proposed text amendments is because, as Mobile Food Units (food trucks) have become increasingly popular, it’s become apparent that they are not defined in the Zoning Code and that there are no regulations pertaining to them. The Zoning Code currently contains limitations on “outdoor storage or activity”, which is the existing use category that Mobile Food Units fall under (see also Section III of this report). Mobile Food Units are limited the same way that other outdoor activities (ex. vehicle storage) are, even though they are a different use.

Also, representatives of the on-site restaurant industry have expressed concern that Mobile Food Units often set-up in the public right-of-way (ROW) in close proximity to their businesses, and there is a desire to promote Mobile Food Units as an economic generator while at the same time finding a way to provide parity with the City’s site-built restaurant industry (see the Whereas portion of the proposed text amendments).

Research

Over time, the presence of Mobile Food Units has increased. More recently, Mobile Food Units have become known for providing gourmet foods and a wide variety of food options. They have also been associated with the growth of the brew pub industry. For these reasons, Mobile Food Units are considered a small-scale economic generator.

Quick internet research attests to the popularity of Mobile Food Units. A website called “Food Trucks in Albuquerque” http://www.foodtrucksin.com/city/albuquerque_nm lists approximately 45 Mobile Food Units that call Albuquerque home, the type of food they serve, and their websites (if available). Many also advertise using social media, such as Facebook and/or Twitter. The Albuquerque Convention and Visitors Bureau also has a page about food trucks <http://www.visitalbuquerque.org/listings/ABQ-Food-Trucks/8296/> and refers readers to the Facebook page of a co-op that represents 25 of Albuquerque’s food trucks. Brew pubs, such as the Marble Brewery, partner with a variety of food trucks at certain times, as listed on their web page: <http://www.marblebrewery.com/food-trucks/>.

There is also the Street Food Institute (SFI), a nonprofit organization focusing on creating small business growth through hands-on entrepreneurial training. The culinary program allows select culinary students, overseen by faculty, to gain experience working as a street food vendor. The SFI is part of an evolving food culture that seeks to provide a variety of nourishing, affordable food options that also build community and sometimes even use local ingredients. <http://www.streetfoodinstitute.org/>.

Applicable Regulations

Mobile Food Units are regulated by the City’s Food Sanitation Ordinance. Section 9-6-5-1 et seq. pertains to Mobile Food Units. It was part of the 1974 Code of Ordinances and was amended in 1969, 1999 and 2001.

Food sanitation regulations are enforced by the Environmental Health Department's Consumer Health Protection Division (CHPD). The brochure *Mobile Food: A Guide to Permitting in Albuquerque*, available at <http://www.cabq.gov/environmentalhealth/food-safety>, describes what you need to know to permit and operate a mobile food unit in Albuquerque.

Mobile food units are required to have a business registration with the City and a health permit, which certifies that the unit has passed an inspection by CHPD staff. Hand-wash sinks are required. Mobile Food Units, which includes push-carts and trucks that sell food but don't have a full kitchen, are required to report to a commissary daily. The commissary acts as the base of operations for the mobile food unit and provides services such as storage of food and supplies, and a place to dispose of garbage and grease.

III. ZONING

Definitions

The term "Mobile Food Unit" does not exist in the Zoning Code and needs to be defined for the sake of clarity, consistency, and enforcement purposes. The proposed definition was borrowed from the Health, Safety & Sanitation Code (Chapter 9), Article 6, Part 5- Food & Beverages, which discusses Mobile Food Units (see attachment).

The following, existing definitions in §14-16-1-5 are relevant to the proposed text amendments:

PUBLIC RIGHT-OF-WAY. The total area of land deeded, reserved by plat, or otherwise acquired by the city, the county, or the state, primarily for the use of the public for the movement of people, goods, and vehicles.

ZONE, RESIDENTIAL. The RO-1, RO-20, R-1, MH, R-T, R-LT, RG, R-2, R-3, RA-1, RA-2, RC, and RD zones; and the segments of the SU-1, SU-2, and SU-3 zones where the predominant use allowed in a subarea is residential.

Zoning

Currently, Mobile Food Units are not called out in the Zoning Code as a use; rather, they are considered to fall under the existing use category "outdoor storage and activity." The use "outdoor storage or activity" is first listed as a conditional use in the C-1 Neighborhood Commercial Zone [§14-16-2-16(B)(13)], and is also listed as a conditional use in the C-2 Community Commercial Zone [§14-16-2-17(B)(13)]. Therefore, currently, in order to operate a Mobile Food Unit on private property in these zones, a conditional use permit is needed.

The C-3 zone refers to the C-2 zone, so Mobile Food Units are a conditional use in the C-3 zone. However, with respect to conditional uses, the M-1 zone does not refer to the C-3 zone, so "outdoor storage or activity" (including Mobile Food units) are not allowed in the M-1 zone. It would make sense to allow "outdoor storage or activity" in the more intense zones such as M-1; this is probably a consequence of the nested manner in which the Zone Code is written and applied, rather than an intention to keep Mobile Food Units out of industrial zones.

For the sake of clarification, it is important to call-out Mobile Food Units as a use and to list them in the various zones in which they are intended to be allowed. If not listed as permissive or conditional in a given zone, a use is prohibited [see Zoning Code 14-16-1-3(B), Intent]. This is also important because most sector development plans reference underlying zones in the Zoning Code.

Mobile Food Units are proposed to be listed, in alphabetical order, as a use in the following zones with subsequent uses re-numbered:

<u>Zone</u>	<u>Location</u>	<u>Use Type</u>
O-1 Office and Institutional Zone	§14-16-2-15(A)(10)	Permissive
C-1 Neighborhood Commercial Zone	§14-16-2-16(A)(3)	Permissive
C-2 Community Commercial Zone	§14-16-2-17(A)(5)	Permissive
IP Industrial Park Zone	§14-16-2-19(A)(13)	Permissive

IV. ANALYSIS OF APPLICABLE LAWS, ORDINANCES & PLANS

Applicable ordinances, plans, and policies are in regular text followed by Staff analysis in ***bold italics***.

Charter of the City of Albuquerque

The Citizens of Albuquerque adopted the City Charter in 1971. Applicable articles include:

Article I, Incorporation and Powers

“The municipal corporation now existing and known as the City of Albuquerque shall remain and continue to be a body corporate and may exercise all legislative powers and perform all functions not expressly denied by general law or charter. Unless otherwise provided in this Charter, the power of the city to legislate is permissive and not mandatory. If the city does not legislate, it may nevertheless act in the manner provided by law. The purpose of this Charter is to provide for maximum local self government. A liberal construction shall be given to the powers granted by this Charter.” (emphasis added)

Article IX, Environmental Protection

“The Council (City Commission) in the interest of the public in general shall protect and preserve environmental features such as water, air and other natural endowments, ensure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment. To affect these ends the Council shall take whatever action is necessary and shall enact ordinances and shall establish appropriate Commissions, Boards or Committees with jurisdiction, authority and staff sufficient to effectively administer city policy in this area.”

Adding provisions to the ROA 1994 to establish a definition for Mobile Food Units and requirements pertaining to them is an exercise in local self government (City Charter, Article I). Amending the Comprehensive Zoning Code to define and regulate Mobile Food Units generally expresses the Council’s desire to ensure the proper use and development of land, and to generally promote and maintain a humane urban environment (City Charter, Article IX).

Comprehensive City Zoning Code

Authority and Purpose (summarized): The Zoning Code is Article 16 within Chapter 14 of the Revised Code of Ordinances of Albuquerque, New Mexico, 1994 (often cited as ROA 1994). The administration and enforcement of the Zoning Code is within the City's general police power authority for the purposes of promoting the health, safety, and general welfare of the public. As such, the Zoning Code is a regulatory instrument for controlling land use activities for general public benefit.

Role of Land Use Boards (aka Amendment Procedure, summarized): The City Council is the zoning authority for the City of Albuquerque and has sole authority to amend the Zoning Code. Through the City Charter, the City Council has delegated broad planning and zoning authorities to the Environmental Planning Commission (EPC). The EPC is advisory to the City Council regarding proposed text amendments to the Zoning Code.

The application for proposed text amendments to Zoning Code §14-16-1-5 ROA 1994, Definitions and addition of a new section, §14-16-3-25, and correspondingly amending certain associated zones, was filed in accordance with Zoning Code requirements. The proposed text amendments generally further the Zoning Code goal of promoting the health, safety and welfare of the citizens. Defining Mobile Food Units and establishing regulations pertaining to them would positively impact the overall health and welfare of the City and the built environment. However, as the zoning authority for the City of Albuquerque, the City Council will make the final determination.

Albuquerque/Bernalillo County Comprehensive Plan

The Comprehensive Plan, the Rank I planning document for the City, contains goals and policies that provide a framework for development and service provision. The Plan's goals and policies serve as a means to evaluate development proposals and text amendments requests. Applicable goals and policies include:

B. Land Use Policies-Developing & Established Urban Areas

Section II.B.5- Developing and Established Urban Areas Goal: The Goal is "to create a quality urban environment, which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment."

The proposed text amendments would establish regulations for Mobile Food Units on private property and on public streets. Doing so would generally help create a quality urban environment in which Mobile Food Units are allowed to operate, within certain parameters, in non-residential zones. Mobile Food Units help offer a greater variety of services and choices to people in areas throughout the City, and help support work areas and life styles that support these micro-enterprises. The request generally furthers the Developing and Established Urban Areas Goal.

Policy II.B.5i: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

The proposed text amendments would clarify that Mobile Food Units, meaning food trucks, are not allowed to operate in residential zones, which is intended to protect neighborhoods from the adverse effects of noise, lighting, pollution and traffic. When operating, the Mobile Food Units would be in non-residential zones and would be subject to new regulations regarding not taking up required parking, blocking ingress or egress, and complying with noise standards. The request furthers Policy II.B.5i-employment/service use location.

D. Community Resource Management-

D.6. Economic Development Goal: The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

The proposed text amendments would generally achieve diversified and balanced economic development. This is because they would promote and accommodate the Mobile Food Unit industry, while at the same time establish regulations to create balance with the environs the Mobile Food Units operate in. Also, the proposed text amendments would help create parity with the site-built restaurant industry, thus helping to mitigate adverse economic impacts to it due to the expansion of the food truck industry. The request furthers the Economic Development Goal.

Policy II.D.6b: Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

The proposed text amendments would generally support the development of local business enterprises, from food trucks with varied menus to small push-cart operators with a single offering, while establishing regulations to make them more compatible with the environs in which they operate. The request generally furthers Economic Development Policy II.D.6b-development of business enterprises.

Policy II.D.6c: Opportunities for improvement in occupational skills and advancement shall be encouraged.

The proposed text amendments would generally help support micro-enterprises, and in particular those of the Street Food Institute, which provide training in food service and entrepreneurship. The request generally furthers Economic Development Policy II.D.6c-opportunity/occupational skills.

V. IMPLEMENTATION

Implementation issues warrant further discussion and can be divided into two topics: Code Enforcement and Unintended Consequences. Staff met with the Code Compliance Manager (CCM, also referred to as the Zoning Enforcement Official or ZEO).

Code Enforcement

As written, the CCM considers that the proposed text amendments would not be problematic for Code Enforcement Staff, and that the proposed regulations would generally be enforceable. Recall that they pertain to maintaining parking, ingress and egress, permission from the property owner and compliance with noise restrictions.

Staff points out that it would be relatively easy to determine if parking is not being maintained or if ingress-egress is being obstructed. Also, permission from the property owner must be in writing and should not be difficult to verify. Also, if needed, the Field Inspector could ask the property owner in cases where the documentation appears to be questionable.

However, it may be more difficult to determine if the Mobile Food Unit is complying with applicable noise regulations. Code Enforcement Staff are not charged with evaluating compliance with the City's Noise Ordinance (Chapter 9, Article 9 ROA 1994). Rather, this is the task of the Environmental Health Department (EHD), which has the proper equipment (noise meters) for measuring sound levels.

EHD also issues noise permits for temporary exceedances of the Noise Ordinance. See <http://www.cabq.gov/environmentalhealth/noise-mold/noise-permit/> for more information. However, the proposed text amendments only reference §9-9-12 General Noise, which contains a table of General Sound Level Limits (see attachment). §9-9-13, Temporary Permits (Amplified Sound/Construction Noise) is not included, so it appears that a Mobile Food Unit would not be allowed to obtain a noise permit.

The proposed text amendments do not establish an administrative process for the Code Enforcement Division to deal with Mobile Food Units, but this should not be an issue since Mobile Food Units are tracked through business registrations and through permits issued by the EHD. Although the proposed text amendments would present some additional responsibilities for the Code Enforcement Division, they would also provide clarity and parameters regarding specifically what land use matters (ex. parking, ingress/egress, owner permission) would be enforced upon.

Unintended Consequences

Staff is aware of an unintended consequence of the proposed text amendments as written. All Mobile Food Units would be prohibited from operating in residential zones. Although in the Traffic Code and the EPC does not have jurisdiction, this is worth mentioning for the sake of clarification as the proposed legislation works its way through the process. Also, Staff is concerned that there's no cross-referencing between the three different Chapters of ROA 1994 that address Mobile Food Units.

Types of Mobile Food Units

A Staff member from the EHD's Consumer Protection Division commented regarding the portion of the proposed text amendments that states "No Mobile Food Unit shall operate from any street frontage immediately abutting a single-family residence" (p. 3, lines 30-31). Police Department Staff made a similar comment on this language, and expressed concern that food trucks (the restaurant on wheels types) in residential areas could adversely affect residents' safety and security.

The proposed legislation, however, would not allow food trucks of this type to operate in residential zones or zones that are primarily residential (see definition of Zone, Residential in Section III of this report).

EHD Staff is concerned that the proposed language would prohibit ice-cream trucks, paleta push carts, and frozen food delivery trucks (ex. Schwann's), which are popular in neighborhoods, from doing business. These are all included in the proposed definition of Mobile Food Unit, which mirrors the definition found in the EHD's booklet "Mobile Food: A Guide to Permitting in Albuquerque". Please see <http://www.cabq.gov/environmentalhealth/documents/MOBILEFOODAGuidetoPermittinginAlbuquerque.pdf>.

The legislative intent is not to prohibit ice cream trucks, paleta push carts and frozen food delivery trucks from serving their customers. These types of Mobile Food Units are fundamentally different than food trucks; for the latter, food is prepared, cooked and sold. The idea is to keep these larger "restaurant on wheels" types of Mobile Food Units from operating in residential neighborhoods and encourage them to operate in non-residential zones.

The definition of Mobile Food Unit is used by EHD and is found in Chapter 9 ROA 1994, Health, Safety & Sanitation (see below). Staff does not suggest changing it. Rather, clarifying language can be added to the proposed text amendments to state that ice-cream trucks, paleta push carts and frozen food delivery trucks are allowed to operate in residential zones, provided they comply with applicable regulations. Staff will coordinate with Council Services Staff on this matter.

References to Mobile Food Units

Mobile Food Units are mentioned in three separate locations in the Code of Ordinances ROA 1994: Chapter 8, Traffic Code; Chapter 9, Health, Safety & Sanitation; and Chapter 14, Zoning, Planning & Building. When reading one Chapter, it's not readily obvious that there are two related Chapters elsewhere.

Staff suggests that cross-referencing be added to each Chapter. A good example of how to do this is §9-9-15, Cross References, in the Noise Ordinance. This Part lists the locations of other, relevant regulations: the Traffic Code (Chapter 8) and the Criminal Code (Chapter 12) are mentioned to alert the reader of the additional information. Again, Staff will coordinate this with Council Services Staff.

Cross-referencing could help prevent inconsistencies in administering the regulations. For instance, a reader of the Mobile Food Unit regulations in the Traffic Code (Chapter 8) would be aware that a minimum distance of 100 feet from any publicly accessible building is required, but would still need to know that Mobile Food Units are prohibited from operating within 900 feet of schools (Chapter 9). It's important for a reader of the Zoning Code to be aware that these additional limitations apply.

VI. ANALYSIS- PROPOSED TEXT AMENDMENTS & DISCUSSION

The proposed legislation would add a new section, §14-16-3-25 ROA 1994 and amend §14-16-1-5(B), Definitions, of the Zoning Code. The following zones will need to be correspondingly amended for internal consistency: the O-1 Office and Institution Zone (§14-16-2-15); the C-1 Neighborhood Commercial Zone (§14-16-2-16); the C-2 Community Commercial Zone (§14-16-2-17), and the IP Industrial Park Zone (§14-16-2-19).

New language is [underlined and bracketed]. Deleted language is ~~[underlined, bracketed and struck through]~~. Planning Staff's suggested changes to the originally drafted legislation are in grey highlighting (deletions and re-wording are not greyed). Explanations are in *bold italics*. Page references are to the proposed legislation (see attachment).

A) Recommended Revisions to the Proposed Legislation:

Note: These recommendations pertain to Sections 1 and 2, which are the purview of the EPC and are intended to become conditions for recommendation of approval.

1. Insert on Page 1, at Line 2:

AMENDING THE ZONING CODE TO PERMIT [AND REGULATE] MOBILE FOOD UNITS [ON PRIVATE PROPERTY]; AND AMENDING THE PARKING CODE TO REGULATE MOBILE FOOD UNITS IN PUBLIC RIGHTS OF WAY [RIGHTS-OF-WAY.]

This is to specify the reason the Zoning Code is proposed to be amended, and to make the language read consistently with the language regarding amending the Parking Code.

2. Page 2, Line 6:

SECTION 1. Section ~~14-16-1-1~~ [14-16-1-5(B)] is amended to add the following definition:

This is to correct and specify the reference to the Definitions section of the Zoning Code.

B) Zoning Code Cross-Referencing:

Albuquerque Code of Ordinances, Chapter 14- Zoning, Planning & Building, Article 16- Zoning Code:

§14-16-2-15(A)(10), the O-1 Office and Institution Zone

§14-16-2-16(A)(3), the C-1 Neighborhood Commercial Zone

§14-16-2-17(A)(5), the C-2 Community Commercial Zone, and

§14-16-2-19(A)(13), the IP Industrial Park Zone.

C-3 Heavy Commercial Zone (§14-16-2-18)- refers to C-2 zone (so no need to specify in C-3).

M-1 Light Manufacturing Zone (§14-16-2-20)- refers to C-3 zone (so no need to specify in M-1).

M-2 Heavy Manufacturing Zone (§14-16-2-21)-refers to M-1 zone (so no need to specify in M-2).

Note: The same proposed language applies to all four zones listed above and is intended to be inserted in the locations in the Zoning Code as specified above. Subsequent re-numbering of the sections will be needed.

3. Insert in the Zoning Code at the locations specified above in B:

[Mobile Food Unit.]

The C-1 and C-2 zones both list "outdoor storage or activity" as a conditional use in (B)(13). Mobile Food Units are presently grouped into this use category. The O-1 and IP zones do not list "outdoor storage or activity", which means that the use is prohibited. For the sake of clarity, and consistency with the practice of listing allowed uses, it's important to list Mobile Food Unit as a use. It's also important because most sector development plans refer to underlying zones in the Zoning Code.

C) New Text Additions to the Proposed Legislation:

4. Insert at Page 4, Line 28 (with renumbering of subsequent sections):

SECTION 4. The following shall be inserted as the last item in Zoning Code 14-16-3-25, Mobile Food Unit; Traffic Code 8-5-1-42, Mobile Food Units on Public Streets; and Health, Safety & Sanitation Code 9-9-15 as a new (F) and (G), respectively:

Zoning Code

[(B) Cross References]

(1) Mobile food unit: Traffic Code (Chapter 8, Article 5, Part 1, Section 42)

(2) Mobile food unit: Health, Safety & Sanitation Code (Chapter 9, Article 6, Part 5)]

*Traffic Code**

[(C) Cross References]

(1) Mobile food unit: Health, Safety & Sanitation Code (Chapter 9, Article 6, Part 5)

(2) Mobile food unit: Zoning Code (Chapter 14, Article 16, Part 3, Section 25)]

*Health, Safety & Sanitation Code**

[(F) Mobile food unit: Traffic Code (Chapter 8, Article 5, Part 1, Section 42)

[(G) Mobile food unit: Zoning Code (Chapter 14, Article 16, Part 3, Section 25)]

An asterisk () indicates not the purview of the EPC (see below).*

D) Recommended Revisions to the Proposed Legislation:

Note: Some recommendations pertain to a portion of the proposed text amendments, or other portion of the COA 1994, which is not the purview of the EPC. These are denoted with an asterisk ().*

Though they will not become part of the EPC conditions for recommendation of approval, Staff is including this analysis in the body of the Staff report so it will be transmitted to City Council, in coordination with Council Services Staff.

5. Insert at Page 2, Line 25 and at Page 4, Line 10* (with subsequent re-lettering of sub-sections), respectively:

[(c) The mobile food unit shall be situated so that an ADA accessible pathway can be provided from the public right-of-way, and/or any existing handicapped spaces, to the mobile food unit.]

***[(E)The mobile food unit shall be situated so that an ADA accessible pathway can be provided from the public right-of-way, and/or any existing handicapped spaces, to the mobile food unit.]**

The proposed language addressed a comment from Transportation Staff, who want to ensure that ADA access is provided.

6. Page 3, Line 26*:

provisions of the ~~[this]~~ Traffic Code

This is for correction of a typo.

7. Insert at Page 3, Line 30*:

(B) No mobile food unit [, except for ice-cream trucks, paleta push carts, and frozen food delivery trucks,] shall operate from any street frontage immediately abutting a single family residence. However, when only one side of a street abuts a single family residence, nothing in this section shall be construed as prohibiting a mobile food unit from operating from the opposite side of the street, provided that all other relevant requirements and 1 restrictions are met.

Staff believes that it's important to clarify the legislative intent to allow these types of Mobile Food Units to operate in residential zones, and to address the comment from EHD Staff (see attachment).

8. Insert at Page 4, Lines 23 and 24*:

(F) Every mobile food unit shall maintain a distance of [at least] 10' [10] feet from the [any vehicular and pedestrian] egress/ingress points to adjacent properties and from intersections.

The revised language suggested in the second line is to address Transportation Staff's comment to clarify which egress/ingress points are meant. Staff thinks that the distance

should be at least 10 feet, and not exactly 10 feet, and that it's clearer to write "10 feet" rather than use the symbol.

9. Insert at Page 4, Lines 11, 14, 16 and 21*:

100 [500] feet from any publicly accessible building ingress or egress for any site-
100', [500 feet.] a copy of which is kept at the mobile food unit and made available for
For purposes of this section, the 100' [500 foot] separation
Way, the 100' [500 foot] separation requirement is measured so to include the width of

Staff suggests that the minimum distance between a Mobile Food Unit and a site-built restaurant be increased, since the legislative intent is to not harm the site-built restaurant industry by allowing Mobile Food Units too close to them. 100 feet may not be sufficient distance to achieve this intent. Also, it's clearer to just say "feet" of "foot" rather than use the symbol.

VII. COMMENTS

Concerns of Reviewing Agencies

Transportation Staff commented that Mobile Food Units will need to be situated so that an ADA-accessible pathway can be provided, that the service for the mobile unit shall face away from the street and toward the public sidewalk. Transportation Staff is also requesting clarification of what is meant by the 10-foot separation and how it is measured. Staff notes that the second transportation comment is addressed in Section (3)(D) of the proposed text amendments. NM DOT Staff commented that no commercial vending will be allowed on state-owned and state-designated roadways.

Environmental Health Department Staff stated that they don't believe ice-cream trucks, paleta push carts, and frozen food delivery trucks should be prohibited from operating in residential areas. These are included in the definition of Mobile Food Unit. Police Department Staff suggest that Mobile Food Units not be allowed to operate on street frontages immediately abutting single family residences, even if the residences are on one side of the street. Doing so could adversely affect the safety and security of residents, particularly during the late operating hours (see Section V of this report).

Since they are part of the Staff report, agency comments pertaining to the Traffic Code portion of the proposed text amendments will become part of the record and be transmitted to City Council for consideration. Agency comments begin on p. 18 of this report.

Neighborhood & Other Concerns

The proposed text amendments were posted on the Planning Department's main web page and announced in the February/March 2015 issue of the Neighborhood News (NN) (see attachments). Staff sent a brief article to Office of Neighborhood Coordination (ONC) Staff for inclusion in the NN (see attachment). As of this writing, Staff has not received any comments.

VIII. CONCLUSION

The request is for a recommendation to City Council regarding text amendments to the City's Zoning Code to regulate Mobile Food Units, commonly referred to as "food trucks", by establishing a definition and regulations, and amending corresponding zones to permissively allow them as a use. Bill No. O-15-36 was introduced at City Council on January 5, 2015 and referred to the Planning Department for review. The EPC is a recommending body; the City Council will make the final decision.

The proposed text amendments would add a new section, §14-16-3-25 ROA 1994, amend §14-16-1-5(B), Definitions and correspondingly amend the following zones: O-1 Office and Institution Zone (§14-16-2-15); C-1 Neighborhood Commercial Zone (§14-16-2-16); C-2 Community Commercial Zone (§14-16-2-17), and IP Industrial Park Zone (§14-16-2-19).

The Traffic Code, Section 8-5-1-42, would also be amended to address Mobile Food Units, but this is not the purview of the EPC. The EPC's recommendation is limited to the portion of the proposed text amendments dealing with the Zoning Code. Though it will not become part of the EPC conditions, Staff is including an analysis of the Traffic Code portion of the text amendments in the Staff report. The Staff report, including suggestions and agency comments, will become part of the record and be transmitted to City Council for consideration.

The proposed text amendments were announced in the Neighborhood News and posted to the Planning Department's main web page. Staff has not received any comments as of this writing.

Staff finds that the proposed text amendments generally further applicable Goals and policies. The legislation is considered to be enforceable, although some clarification is needed and certain zones need to be amended to list Mobile Food Units as a permissive use. Staff recommends that an approval recommendation, with conditions, be forwarded to the City Council.

RECOMMENDED FINDINGS- 15EPC-40007, March 12, 2015- Zoning Code Text Amendments

1. The request is for a recommendation to City Council regarding text amendments to the City's Comprehensive Zoning Code to add a new section, §14-16-3-25 ROA 1994, and to amend §14-16-1-5(B), Definitions. The following zones should be correspondingly amended for internal consistency: the O-1 Office and Institution Zone (§14-16-2-15); the C-1 Neighborhood Commercial Zone (§14-16-2-16); the C-2 Community Commercial Zone (§14-16-2-17), and the IP Industrial Park Zone (§14-16-2-19).
2. The proposed text amendments are found in legislation authored by Council Services Staff and known as Bill No. O-15-36. O-15-36 was introduced at City Council on January 5, 2015 and subsequently referred to the Planning Department for review. The EPC's task is to make a recommendation to the City Council regarding the proposed text amendments to the Zoning Code. As the City's Zoning Authority, the City Council will make the final decision.
3. The purpose of the proposed legislation is to recognize and promote the mobile food unit industry as an economic generator while preserving equity with the site-built restaurant industry, and to establish mobile food units as a use distinct from the category "outdoor activity" in the Zoning Code.
4. Mobile Food Units would be permitted on private property in all zones, except residential zones, provided the operator has permission from the property owner. Mobile Food Units would not be allowed to occupy parking spaces needed to meet minimum parking requirements or obstruct ingress and/or egress from a site. They would also have to comply with noise regulations.
5. The City's Traffic Code, Section §8-5-1-42, would also be amended to permit and regulate Mobile Food Units in the public right-of-way (ROW). The Traffic Code is the purview of the Department of Municipal Development, specifically the Parking Management Division. Environmental Planning Commission (EPC) review is limited to the Zoning Code portion of the proposed text amendments only, and does not include the Traffic Code portion.
6. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Comprehensive Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. Intent of the City Charter:
Adding provisions to the ROA 1994 to establish a definition for Mobile Food Units, and requirements pertaining to them, is an exercise in local self-government (City Charter, Article 1). Amending the Comprehensive Zoning Code to define and regulate Mobile Food Units generally expresses the Council's desire to ensure the proper use and development of land, and to generally promote and maintain a humane urban environment (City Charter, Article IX).

8. Intent of the Zoning Code (§14-16-1-3):

The application for proposed text amendments to Zoning Code §14-16-1-5 ROA 1994, Definitions and addition of a new section, §14-16-3-25, and correspondingly amending certain associated zones, was filed in accordance with Zoning Code requirements. The proposed text amendments generally further the Zoning Code goal of promoting the health, safety and welfare of the citizens. Defining Mobile Food Units and establishing regulations pertaining to them would positively impact the overall health and welfare of the City and the built environment. However, as the zoning authority for the City of Albuquerque, the City Council will make the final determination.

9. The request generally furthers the following, applicable Comprehensive Plan Goals:

- A. Developing & Established Urban Goal: The proposed text amendments would establish regulations for Mobile Food Units on private property and on public streets. Doing so would generally help create a quality urban environment in which Mobile Food Units are allowed to operate, within certain parameters, in non-residential zones. Mobile Food Units help offer a greater variety of services and choices to people in areas throughout the City, and help support work areas and life styles that support these micro-enterprises.
- B. Economic Development Goal: The proposed text amendments would generally achieve diversified and balanced economic development. This is because they would promote and accommodate the Mobile Food Unit industry, while at the same time establish regulations to create balance with the environs the Mobile Food Units operate in. Also, the proposed text amendments would help create parity with the site-built restaurant industry, thus helping to mitigate adverse economic impacts to it due to the expansion of the food truck industry.

10. The request furthers the following, applicable Comprehensive Plan policies:

- A. Policy II.B.5i-employment/service use location. The proposed text amendments would clarify that Mobile Food Units, meaning food trucks, are not allowed to operate in residential zones, which is intended to protect neighborhoods from the adverse effects of noise, lighting, pollution and traffic. When operating, the Mobile Food Units would be in non-residential zones and would be subject to new regulations regarding not taking up required parking, blocking ingress or egress, and complying with noise standards.
- B. Policy II.D.6b-development of business enterprises. The proposed text amendments would generally support the development of local business enterprises, from food trucks with varied menus to small push-cart operators with a single offering, while establishing regulations to make them more compatible with the environs in which they operate.
- C. Policy II.D.6c-opportunity/occupational skills. The proposed text amendments would generally help support micro-enterprises, and in particular those of the Street Food Institute, which provide training in food service and entrepreneurship.

11. The proposed legislation is not likely to be problematic from a Code Enforcement perspective. Code Enforcement Staff has expressed concern about this and recommends the addition of a Fees section and a Review section in order to implement the proposed legislation.
12. As written, the proposed legislation could result in the unintended consequence of prohibiting ice-cream trucks, paleta push carts, and frozen food trucks from serving their customers in residential areas. A condition for recommendation of approval is provided to address this.
13. Conditions for recommendation of approval are needed to provide clarification, list Mobile Food Units as a permissive use, and address agency comments that pertain to the Zoning Code. The suggested conditions pertain to the Zoning Code portion of the proposed text amendments only. Staff suggestions regarding the proposed revisions to the Traffic Code, and cross-referencing in ROA 1994, are not the purview of the EPC but are available in this Staff report should Council Services Staff wish to consider them.
14. The proposed text amendments were posted on the Planning Department's main web page and were announced in the February/March 2015 issue of the Neighborhood News, published by the Office of Neighborhood Coordination (ONC). As of this writing, Staff has not received any comments and is not aware of any opposition.

RECOMMENDATION

That a recommendation of APPROVAL of Text Amendments to add a new section to the Zoning Code, §14-16-3-25 ROA 1994; amend §14-16-1-5(B), Definitions; and correspondingly amend the O-1 Office and Institution Zone (§14-16-2-15); the C-1 Neighborhood Commercial Zone (§14-16-2-16); the C-2 Community Commercial Zone (§14-16-2-17), and the IP Industrial Park Zone (§14-16-2-19), be forwarded to the City Council based on the preceding Findings and subject to the following Conditions for Recommendation of Approval.

CONDITIONS FOR RECOMMENDATION OF APPROVAL- 15EPC-40007, March 12, 2015- Zoning Code Text Amendments

Note: New language is [+underlined and bracketed+]. Deleted language is [underlined, bracketed and struck through]. Planning Staff's suggested additions and deletions are indicated by grey highlighting.

Recommended Revisions to the Proposed Legislation:

1. Insert on Page 1, at Line 2:

AMENDING THE ZONING CODE TO PERMIT [AND REGULATE] MOBILE FOOD
UNITS [ON PRIVATE PROPERTY]; AND
AMENDING THE PARKING CODE TO REGULATE MOBILE FOOD UNITS IN PUBLIC
RIGHTS-OF-WAY [RIGHTS-OF-WAY.]

2. Page 2, Line 6:

SECTION 1. Section ~~14-16-1-1~~ **[14-16-1-5(B)]** is amended to add the following definition:

Zoning Code Cross-Referencing:

3. Insert in the Zoning Code at the following locations:

[Mobile Food Unit.]

§14-16-2-15(A)(10), the O-1 Office and Institution Zone
§14-16-2-16(A)(3), the C-1 Neighborhood Commercial Zone
§14-16-2-17(A)(5), the C-2 Community Commercial Zone, and
§14-16-2-19(A)(13), the IP Industrial Park Zone.

New Text Additions to the Proposed Legislation:

4. Insert at Page 4, Line 28 (with renumbering of subsequent sections):

SECTION 4. The following shall be inserted as the last item in Zoning Code 14-16-3-25, Mobile Food Unit; Traffic Code 8-5-1-42, Mobile Food Units on Public Streets; and Health, Safety & Sanitation Code 9-9-15 as a new (F) and (G), respectively:

Zoning Code

[(B) Cross References:

(1) Mobile food unit: Traffic Code (Chapter 8, Article 5, Part 1, Section 42)

(2) Mobile food unit: Health, Safety & Sanitation Code (Chapter 9, Article 6, Part 5)]

Recommended Revisions to the Proposed Legislation:

5. Insert at Page 2, Line 25 (with re-lettering of subsequent sub-sections):

[(c) The mobile food unit shall be situated so that an ADA accessible pathway can be provided from the public right-of-way, and/or any existing handicapped spaces, to the mobile food unit.]

Catalina Lehner

**Catalina Lehner, AICP
Senior Planner**

cc: City of Albuquerque, City Council, Attn: Andrew Webb, P.O. Box 1293, Abq. NM 87102
City of Albuquerque, Planning Department, P.O. Box 1293, Abq. NM 87102

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Code Enforcement

Office of Neighborhood Coordination (ONC)

Citywide. 2/2/15 – Article for NA/HOA/Coalition notification on Text Amendment – siw

Long Range Planning

CITY ENGINEER

City Engineer/Transportation Development

- For both mobile units on the street and within private property, the mobile food unit shall be situated in such a way that an ADA-accessible pathway can physically be provided from the public right-of-way or existing handicapped space to the mobile unit. Such an ADA-accessible pathway shall include a minimum 4-foot wide paved surface with a cross-slope that is not greater than 2%.
- For the safety of those users accessing a mobile unit in the public right-of-way, the service for the mobile unit shall be facing away from the street and toward the public sidewalk.
- Clarify what is meant by the 10-foot separation in Section 3(F). Is this 10-foot separation the horizontal distance measured from the ingress/egress points for vehicular access ways or pedestrian ways? Also, does this statement cover the requirement to keep mobile units outside of a main access way within a parking lot?

Hydrology

- No adverse comments.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

- No objection to the request.

Traffic Engineering Operations (Department of Municipal Development):

- No comments received.

Street Maintenance (Department of Municipal Development):

- No comments received.

New Mexico Department of Transportation (NMDOT):

- No commercial vending will be allowed on state-owned and state-designated roadways.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT
and NMDOT:**

Conditions of approval for the proposed Text Amendments shall include:

- For both mobile units on the street and within private property, the mobile food unit shall be situated in such a way that an ADA-accessible pathway can physically be provided from the public right-of-way or existing handicapped space to the mobile unit. Such an ADA-accessible pathway shall include a minimum 4-foot wide paved surface with a cross-slope that is not greater than 2%.
- For the safety of those users accessing a mobile unit in the public right-of-way, the service for the mobile unit shall be facing away from the street and toward the public sidewalk.
- Clarify what is meant by the 10-foot separation in Section 3(F). Is this 10-foot separation the horizontal distance measured from the ingress/egress points for vehicular access ways or pedestrian ways? Also, does this statement cover the requirement to keep mobile units outside of a main access way within a parking lot?

WATER UTILITY AUTHORITY

Utility Services- No comments received.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division- No comments received.

Environmental Services Division- No comments received.

PARKS AND RECREATION

Planning and Design- No Comments.

Open Space Division- OSD has reviewed and has no comments.

City Forester- No comments received.

POLICE DEPARTMENT/Planning-

This is a city-wide project. Reference Section 3, B: Suggest not allowing mobile food units to operate on a street frontage immediately abutting a single family residence even if there are single family residence on only one side of the street. The activity that would be drawn to this type of area, particularly during the late operating hours mentioned in the proposed amended ordinance, could adversely affect the safety and security of residents in the area.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division- No comments.

FIRE DEPARTMENT/Planning- Reviewed with No Comments.

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY- No comments received.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY-
Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS-

Project #1001620 15EPC-40007 TEXT AMENDMENT TO THE ZONING CODE/ PARKING CODE	The City of Albuquerque proposes an Amendment to the Zoning Code to permit mobile food unit, and amending the parking code to regulate mobile food units in public rights of way. This will have no adverse impacts to the APS district.
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MID-REGION COUNCIL OF GOVERNMENTS- No comments received.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT- No comments received.

PUBLIC SERVICE COMPANY OF NEW MEXICO-

PNM has no comments based on information provided to date.

PROPOSED LEGISLATION

**CITY OF ALBUQUERQUE
CITY COUNCIL**

INTEROFFICE MEMORANDUM

TO: Suzanne Lubar, Director, Planning Department
FROM: Jon K. Zaman, Director, Council Services
SUBJECT: Bill No. O-15-36
DATE: January 7, 2015

Jon 1/7/15

The attached ordinance was introduced by the City Council on January 5, 2015. The intent of this ordinance is to amend the Zoning Code to address the use of mobile food units (food trucks) on private property.

This ordinance also proposes changes to the City's parking regulations on public rights-of-way as they relate to mobile food units that are outside of the purview of the EPC. The EPC should limit its review to those components of the ordinance dealing with Zoning Code.

We request that you submit this ordinance to the Environmental Planning Commission for a hearing as soon as possible.

Please submit the Environmental Planning Commission's comments and recommendations, including the transcript from the meeting, back to the City Council as soon as possible. Thank you.

cc: Russell Brito, Planning Department
Kym Dicome, Planning Department
File O-15-36

CITY of ALBUQUERQUE

TWENTY-FIRST COUNCIL

COUNCIL BILL NO. O-15-36 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton

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ORDINANCE

AMENDING THE ZONING CODE TO PERMIT MOBILE FOOD UNITS; AND
AMENDING THE PARKING CODE TO REGULATE MOBILE FOOD UNITS IN
PUBLIC RIGHTS OF WAY

5 WHEREAS, the food truck industry is a growing and vital economic
6 generator, and there is increased popularity of food trucks in the City of
7 Albuquerque; and

8 WHEREAS, the City desires to promote and accommodate the growth of
9 the food truck industry while helping to preserve equity with the City's
10 valuable and important site-built restaurant industry; and

11 WHEREAS, encouraging and accommodating food trucks to set up and
12 operate from privately-owned parcels as opposed to public rights-of-way may
13 help provide parity with the City's site-built restaurant industry which bears
14 overhead and carrying costs associated with real property not born by food
15 trucks; and

16 WHEREAS, presently there are no on-street use limitations for food trucks,
17 and nothing prevents a food truck from setting up and operating in close
18 proximity to site-built restaurants – which both eliminates parking availability
19 for area site-built land uses and deprives the City of revenue from parking
20 fees; and

21 WHEREAS, a food truck's ability to operate from private property is
22 presently limited by the zoning code's limits on outdoor activity, and by a
23 longstanding interpretation that applies to food trucks which limits outdoor
24 activities to a maximum of two-hours per day on private property without a
25 conditional use permit; and

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1 WHEREAS, the purpose of this ordinance is to ease the zoning
2 requirements for food trucks on private property while placing reasonable
3 limits to on-street use in order to address these issues.

4 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
5 ALBUQUERQUE:

6 SECTION 1. Section 14-16-1-1 is amended to add the following definition:

7 ["Mobile Food Unit – Any wagon, truck, push cart, or vehicle self-propelled
8 or otherwise movable from place to place from which any person sells, offers
9 for sale, or gives away, beverages, food or any food product for human
10 consumption.”]

11 SECTION 2. Section 14-16-3-25 is added to the zoning code as follows:

12 “[§14-16-3-25 Mobile Food Unit.

13 (A) Mobile Food Unit

14 (1) Mobile food units are permitted on private property in any
15 zone, except residential zones, provided:

16 (a) The mobile food unit and any associated tables, chairs,
17 displays, umbrellas, or the like, must not physically occupy or obstruct access
18 to any parking stalls necessary to meet the minimum parking requirements for
19 the on premise land uses (if any), except that this requirement does not apply
20 if the mobile food unit is operating outside of the hours of operation of the on
21 premise uses;

22 (b) The mobile food unit and any associated tables, chairs,
23 displays, umbrellas, or the like, must not obstruct any designated ingress or
24 egress from the property, or any designated drive-aisle;

25 (c) The mobile food unit must have written permission from
26 the property owner for use of the site, a copy of which shall be kept and
27 maintained in the mobile food unit and made available for review by any City
28 inspector at all times during operation of the mobile food unit at the site;

29 (d) Every mobile food unit is subject to, and must comply
30 with, the general noise restrictions prescribed by Section 9-9-12 ROA 1994,
31 and all other relevant requirements and restrictions of local, state, and federal
32 law.]”

33 SECTION 3. Section 8-5-1-42 is hereby added to the Traffic Code as follows:

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[Bracketed/Strikethrough Material] - Deletion

1 “§ 8-5-1-42 Mobile Food Units on Public Streets. Any vehicle classified as
2 a mobile food unit pursuant to Section 9-6-5-2 ROA 1994 is permitted to
3 operate from any public right-of-way where on-street parking is permitted
4 subject to the following:

5 (A) No mobile food unit shall operate from a public right-of-way
6 without first obtaining a “Mobile Food Unit Parking Permit” from the City
7 Parking Management Division.

8 (1) Mobile Food Unit Parking Permits will be issued on an
9 annual basis;

10 (2) Subject to the limitations and restrictions of this
11 Section, a Mobile Food Unit Parking Permit authorizes the specific mobile food
12 unit to which it has been issued to utilize any available on-street parking
13 space in the City without additional meter fees;

14 (3) Regardless of any posted parking duration limitations, a
15 mobile food unit with a Mobile Food Unit Parking Permit may operate from a
16 single location in a City right-of-way where parking is permitted and may
17 occupy up to two (2) on-street parking stalls for no more than four (4) hours
18 per day, and only between the hours of 6:00 a.m. to 11:00 p.m. Sunday –
19 Thursday, and from 6:00 a.m. to 2:00 a.m. Friday and Saturday;

20 (4) The Parking Management Division shall establish, and
21 may amend from time to time, a reasonable annual permit fee that, at a
22 minimum, covers the administrative costs of issuance and enforcement of this
23 section, and that gives due consideration to the value of the privilege of
24 operating from public rights-of-way in the City;

25 (5) In addition to the application of any other enforcement
26 provisions of the this Traffic Code or other City Ordinance, a Mobile Food Unit
27 Parking Permit may be revoked or suspended by the Parking Management
28 Division for good cause, such as multiple violations of this section or other
29 applicable City Ordinances.

30 (B) No mobile food unit shall operate from any street frontage
31 immediately abutting a single family residence. However, when only one side
32 of a street abuts a single family residence, nothing in this section shall be
33 construed as prohibiting a mobile food unit from operating from the opposite

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1 side of the street, provided that all other relevant requirements and
2 restrictions are met.

3 (C) Every mobile food unit is subject to, and must comply with,
4 the general noise restrictions prescribed by Section 9-9-12 ROA 1994, and all
5 other relevant requirements and restrictions of local, state, and federal law.]

6 (D) The sole customer-approach must be from a sidewalk or
7 designated pedestrian-way; however no mobile food unit shall obstruct any
8 sidewalk or pedestrian way within a public right-of-way with the mobile food
9 unit or any associated tables, chairs, displays, umbrellas, or the like.

10 (E) Every mobile food unit shall maintain a minimum distance of
11 100' feet from any publicly accessible building ingress or egress for any site-
12 built food service establishment unless written permission is granted by the
13 owner(s) or operator(s) of each site-built food service establishment within
14 100', a copy of which is kept at the mobile food unit and made available for
15 review by any City Inspector.

16 (I) For purposes of this section, the 100' separation
17 requirement is measured along the sidewalk or street edge beginning at the
18 center point of the nearest building ingress/egress of any site-built food
19 service establishment, and measured to the nearest edge of the mobile food
20 unit. Where mobile food units are located across one or more public rights-of-
21 way, the 100' separation requirement is measured so to include the width of
22 the right(s)-of-way.

23 (F) Every mobile food unit shall maintain a distance of 10' feet
24 from the egress/ingress points to adjacent properties and from intersections.

25 (G) Use of on-street spaces by mobile food units is on a first come
26 first served basis, mobile food unit operators shall not reserve spaces in
27 advance of arrival.]”

28 SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
29 clause, word or phrase of this ordinance is for any reason held to be invalid or
30 unenforceable by any court of competent jurisdiction, such decision shall not
31 affect the validity of the remaining provisions of this resolution. The Council
32 hereby declares that it would have passed this resolution and each section,

1 paragraph, sentence, clause, word or phrase thereof irrespective of any
2 provisions being declared unconstitutional or otherwise invalid.

3 SECTION 5. COMPILATION. This ordinance shall be incorporated in and
4 made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

5 SECTION 6. EFFECTIVE DATE. This ordinance shall take effect five days
6 after publication by title and general summary.

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APPLICATION & ADDITIONAL INFORMATION



Supplemental Form (SF)

<input type="checkbox"/> Major subdivision action	S	Z	ZONING & PLANNING
<input type="checkbox"/> Minor subdivision action			<input type="checkbox"/> Annexation
<input type="checkbox"/> Vacation	V		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
<input type="checkbox"/> Variance (Non-Zoning)			<input type="checkbox"/> Adoption of Rank 2 or 3 Plan or similar Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
SITE DEVELOPMENT PLAN	P		<input checked="" type="checkbox"/>
<input type="checkbox"/> for Subdivision			
<input type="checkbox"/> for Building Permit			
<input type="checkbox"/> Administrative Amendment (AA)			
<input type="checkbox"/> Administrative Approval (DRT, URT, etc.)			
<input type="checkbox"/> IP Master Development Plan	D		<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	L	A	APPEAL / PROTEST of...
STORM DRAINAGE (Form D)			<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other
<input type="checkbox"/> Storm Drainage Cost Allocation Plan			

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 800 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): COA PLANNING DEPT. PHONE: (505) 924.3860
 ADDRESS: 800 2ND STREET FAX: (505) 924.3339
 CITY: ALBUQUERQUE STATE NM ZIP 87102 E-MAIL: _____
 APPLICANT: COA COUNCIL SERVICES PHONE: (505) 768.3126
 ADDRESS: CITY/COUNTY BLDG. FAX: _____
 CITY: ALBUQUERQUE STATE NM ZIP 87102 E-MAIL: _____

Proprietary interest in site: _____ List all owners: PERMIT

DESCRIPTION OF REQUEST: AMEND THE ZONING CODE TO ALLOW MOBILE FOOD UNITS; AMEND PARKING CODE TO REGULATE MOBILE FOOD UNITS IN PUBLIC

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes No P/W S.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. CITY WIDE Block: _____ Unit: _____
 Subdiv/Addn/TBKA: _____
 Existing Zoning: _____ Proposed zoning: _____ MRGCD Map No _____
 Zone Atlas page(s): _____ UPC Code: _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z-, V-, S-, etc.): _____

CASE INFORMATION:

Within city limits? Yes No Within 1000FT of a landfill? _____
 No. of existing lots: _____ No. of proposed lots: _____ Total site area (acres): _____

LOCATION OF PROPERTY BY STREETS: On or Near: _____

Between: _____ and _____

Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: _____

SIGNATURE [Signature] DATE 1/29/2015
 (Print Name) KYM E. DICOME Applicant Agent

FOR OFFICIAL USE ONLY

Revised: 11/2014

<input type="checkbox"/>	INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/>	All checklists are complete	<u>15 EPC - 40007</u>	<u>AZC</u>	_____	\$ <u>0</u>
<input type="checkbox"/>	All fees have been collected	_____	_____	_____	\$ _____
<input type="checkbox"/>	All case #s are assigned	_____	_____	_____	\$ _____
<input type="checkbox"/>	AGIS copy has been sent	_____	_____	_____	\$ _____
<input type="checkbox"/>	Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/>	Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/>	F.H.D.P. density bonus	_____	_____	_____	\$ _____
<input type="checkbox"/>	F.H.D.P. fee rebate	_____	_____	_____	\$ _____
		Hearing date <u>March 12, 2015</u>			Total \$ <u>0</u>

[Signature] 1-26-15 Project # 1001620
 Staff signature & Date

FORM Z: ZONE CODE TEXT & MAP AMENDMENTS, PLAN APPROVALS & AMENDMENTS

ANNEXATION (EPC08)

- ___ Application for zone map amendment including those submittal requirements (see below).
Annexation and establishment of zoning must be applied for simultaneously.
 - ___ Petition for Annexation Form and necessary attachments
 - ___ Zone Atlas map with the entire property(ies) clearly outlined and indicated
NOTE: The Zone Atlas must show that the site is in County jurisdiction, but is contiguous to City limits.
 - ___ Letter describing, explaining, and justifying the request
NOTE: Justifications must adhere to the policies contained in "Resolution 54-1990"
 - ___ Letter of authorization from the property owner if application is submitted by an agent
 - ___ Board of County Commissioners (BCC) Notice of Decision
 - ___ Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
 - ___ Sign Posting Agreement form
 - ___ Traffic Impact Study (TIS) form
 - ___ List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.*

Your attendance is required.

SDP PHASE I - DRB CONCEPTUAL PLAN REVIEW (DRBPH1) (Unadvertised)

SDP PHASE II - EPC FINAL REVIEW & APPROVAL (EPC14) (Public Hearing)

SDP PHASE II - DRB FINAL SIGN-OFF (DRBPH2) (Unadvertised)

- ___ Copy of findings from required pre-application meeting (needed for the DRB conceptual plan review only)
 - ___ Proposed Sector Plan (30 copies for EPC, 6 copies for DRB)
 - ___ Zone Atlas map with the entire plan area clearly outlined and indicated
 - ___ Letter describing, explaining, and justifying the request
 - ___ Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for EPC public hearing only)
 - ___ Traffic Impact Study (TIS) form (for EPC public hearing only)
 - ___ Fee for EPC final approval only (see schedule)
 - ___ List any original and/or related file numbers on the cover application
- Refer to the schedules for the dates, times and places of DRB and EPC hearings.*

Your attendance is required.

AMENDMENT TO ZONE MAP - ESTABLISHMENT OF ZONING OR ZONE CHANGE (EPC05)

- ___ Zone Atlas map with the entire property clearly outlined and indicated
 - ___ Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980.
 - ___ Letter of authorization from the property owner if application is submitted by an agent
 - ___ Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
 - ___ Sign Posting Agreement form
 - ___ Traffic Impact Study (TIS) form
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.*

Your attendance is required.

AMENDED TO SECTOR DEVELOPMENT MAP (EPC03)

AMENDMENT SECTOR DEVELOPMENT, AREA, FACILITY, OR COMPREHENSIVE PLAN (EPC04)

- ___ Proposed Amendment referenced to the materials in the Plan being amended (text and/or map)
 - ___ Plan to be amended with materials to be changed noted and marked
 - ___ Zone Atlas map with the entire plan/amendment area clearly outlined
 - ___ Letter of authorization from the property owner if application is submitted by an agent (map change only)
 - ___ Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980 (Sector Plan map change only)
 - ___ Letter briefly describing, explaining, and justifying the request
 - ___ Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for sector plans only)
 - ___ Traffic Impact Study (TIS) form
 - ___ Sign Posting Agreement
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.*

Your attendance is required.

AMENDMENT TO ZONING CODE OR SUBDIVISION REGULATORY TEXT (EPC07)

- Amendment referenced to the sections of the Zone Code/Subdivision Regulations being amended
 - Sections of the Zone Code/Subdivision Regulations to be amended with text to be changed noted and marked
 - Letter describing, explaining, and justifying the request
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.*

Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Applicant name (print)

Applicant signature & Date

Revised: June 2011



- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
15EPC - 40007

Project # 10011620

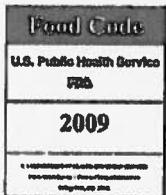
1-26-15

Staff signature & Date



MOBILE FOOD

A GUIDE TO PERMITTING IN ALBUQUERQUE



KNOW YOUR FOOD CODES

Mobile food businesses are regulated by the City of Albuquerque Food Sanitation Ordinance. The Food Sanitation Ordinance refers to the 2008 FDA Food Code as a scientific guidance document. Both documents contain requirements that affect your business operation. Links to these documents can be found on the City web site www.ciabq.gov, and are available in the City Clerks Office.

SAFE FOOD

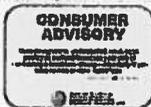
ALL HOMEMADE FOODS ARE PROHIBITED.

Food prepared or stored at home may not be sold from your mobile unit. All ingredients must come from permitted food vendors, such as food distributors and grocery stores. Ask to see your suppliers health permit if you are unsure.

TEMPERATURES

USE YOUR THERMOMETER.

Cold food must be 41 degrees F or colder. Hot food must be 135 degrees F or hotter during hot holding. Reheat prepared foods to at least 165 degrees F. Use your calibrated thermometer to check food temperatures. Always check temperatures with your thermometer and maintain safe food temperatures.



You should note that food items that are undercooked in any manner, like ceviche, rare or medium rare hamburgers and eggs with runny yolks require a consumer advisory like the one above. The advisory must be posted on your menu or in a conspicuous location on your unit.

HAND WASHING

WHEN TO WASH:

- after touching your body
- before changing your gloves
- after using the rest room
- after coughing, sneezing, blowing your nose
- after eating, drinking or smoking, and after handling soiled equipment
- when switching between handling raw food and ready to eat food
- after any activity that might contaminate your hands and as often as necessary to prevent cross contamination when preparing foods

PAVE THE WAY FOR SUCCESS

WHAT YOU NEED TO KNOW TO PERMIT AND OPERATE A MOBILE FOOD UNIT IN ALBUQUERQUE.

PERMITS AND FEES



Mobile food units are required to have a business registration. Business owners must register their business at the commissary address that supports the mobile food unit. City of Albuquerque business registration costs \$35.00 per year. Health permits for mobile food units cost \$120.00 per year per unit.

Your inspector will ask you to provide a copy of your New Mexico Tax ID Registration form. This can be obtained at the New Mexico Taxation and Revenue office at 5301 Central Ave. NE in Albuquerque. (505) 841-9200

DEFINITIONS

Mobile Food Unit - Any wagon, truck, push cart, or vehicle self-propelled or otherwise movable from place to place from which any person sells, offers for sale, or gives away, beverages, food or any food product for human consumption. A mobile food unit may be as complex as a full commercial kitchen on wheels or may be as simple as a push cart.

Commissary - A permitted food business that acts as the base of operations for a mobile food unit. A commissary provides necessary facilities that can't be provided by the mobile food unit. These services include storage of food, paper goods and supplies, a place to dispose of garbage and grease. A commissary provides a place to fill fresh water tanks and dispose of waste water. It may provide a place for overnight parking and provide electrical outlets to support equipment when the mobile unit is not in operation. It may provide a place to do some or all food preparation. The services provided will depend on the needs of the mobile food unit.

PERMITS

MOBILE FOOD UNIT - full service. A commercial kitchen on wheels.

PUSH CARTS - This category also includes bicycle carts and ice cream carts.

MOBILE FOOD UNIT - other - This type falls in between the other two categories. Cooking is not done on board the vehicle. A truck selling pre-made burritos or sandwiches falls into this category.

Fees are the same for all categories of Mobile Food permits.



GENERAL REQUIREMENTS

SIGNAGE

The name and address of the business must be permanently displayed on both sides of the mobile unit in letters at least 3 inches tall and 1/2 inch wide. Your permit sticker must be clearly displayed and the permit to operate must be kept on board at all times.



PLAN REVIEW

Before you build a mobile food unit, please bring a copy of your menu and a equipment layout drawing to the Environmental Health Plan Review Office for review. If you are buying an existing mobile food unit, please contact the office prior to finalizing your purchase to make sure that the unit you are buying will pass inspection. Call the Environmental Health Plan Review Office at (505) 924-3623 to schedule an appointment.

EQUIPMENT REQUIREMENTS

Your menu determines the equipment that is required. If you are handling unwrapped food, a hand wash sink is required with hot and cold water, soap and disposable towels available. Residential equipment is not allowed in your commercial business. Equipment must be certified by an ANSI (American National Standards Institute) accredited certification program such as NSF or equivalent. If you will need to wash any equipment on board the vehicle, a three compartment sink with two 18 inch drain boards is required. Fresh water tanks must be sloped to drain. Inlets must be covered to protect from road dust and other contamination. Waste water tanks must be at least 15% larger than fresh water tanks. If your menu requires a stove, griddle or other cooking equipment that creates open flames or grease laden vapors, a commercial type 1 exhaust hood with a fire suppression system is required.



DAILY REQUIREMENTS

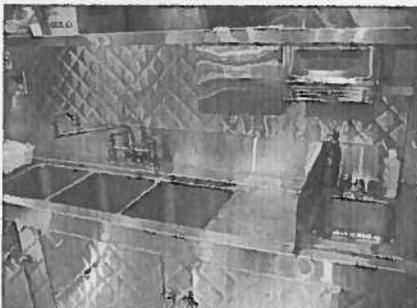
AND OTHER THINGS YOU NEED TO KNOW



Your mobile food unit must report to the commissary daily.

Health permits are not transferable.

If you sell the business to a new owner, they must obtain a new permit. If you change commissary locations, you must obtain a new health permit. If you change your mailing address or your phone number, please let us know. If we can't locate your business



for inspection, your health permit may be placed out of business.

CLEAN AND SANITIZE

Mobile Food Units preparing food on board must have a three compartment sink. A separate compartment is needed for each step in the ware washing process: WASHING, RINSING AND SANITIZING.

Approved sanitizers include chlorine, quaternary ammonia and iodine. Follow the instructions on the label for proper dilution of quaternary ammonia. Chlorine bleach is the most commonly used sanitizer. Chlorine bleach should be diluted to between 50—100 ppm chlorine. This is done by mixing about 1 tsp. bleach per gallon of water. Verify the concentration with test strips. An approved sanitizer and test strips must be kept on board your mobile unit at all times.



ILLNESSES

We all get sick sometimes, plan ahead to keep your business healthy.

You need to know when you or your employees are too sick to work.

An employee must report the following symptoms to the person in charge:

- Vomiting
- Diarrhea
- Jaundice
- Sore throat with fever
- An infected wound or lesion on the hands or wrist.

PERMITS

PUSH CARTS—All permits must be renewed each year. Arrangements for inspections, renewals, or change of ownership shall be made by calling Consumer Health Protection at 311 in Albuquerque. Permits are NOT transferable and each cart must be licensed separately.

MOBILE FOOD UNITS—

- Mobile Food Units will display a green "APPROVED" sticker in a visible window on the truck.
- Pushcarts display a yellow data sticker.
- All permits must be renewed each year.

The Consumer Health Protection Office is open Monday to Friday 8am to 5pm.

PLEASE NOTE THAT PRE-OPENING INSPECTIONS ARE ONLY CONDUCTED BY APPOINTMENT.

Pre-opening inspections will be done at your commissary. Call (505) 768-2638 for information and to set up an inspection time.

The mobile unit must be fully operational, with all water tanks filled and equipment functional. All mobile food units except push carts must be inspected by the Fire Department prior to your health inspection.



FIRE DEPARTMENT REQUIREMENTS

(505) 764-6300

- All mobile food vendors must have a 2A 10BC portable fire extinguisher mounted in a conspicuous place in the kitchen area. **IFCS06 1**
- Mobile food vendors with portable generators must have a 3A40BC portable fire extinguisher in addition to the other fire extinguishers. **IFCS06 1**
- All mobile food vendors that produce grease laden vapors must have a class K portable fire extinguisher within the kitchen area. **IFCS04 11 G**
- All portable fire extinguishers must be serviced and inspected annually. They must have tags proving that they were serviced. **NFPA 10**
- If the vendor produces any grease laden vapors (pan frying, temp-fat frying, using the grill, etc.) a type 1 hood must be installed. **NFPA 96**
- All type 1 hood systems must have a pre-engineered hood suppression system that meets **NFPA 17** standards. When a pre-engineered dry chemical system can't be installed or serviced annually, the suppression system must be upgraded to a UL300 suppression system. **NFPA 17B 5**
- The hood suppression system must be serviced and inspected every 6 months. **NFPA 96**
- All of the cooking appliances producing grease laden vapors must be under a type 1 hood. No part of the appliances can extend beyond the outer lip of the hood. **IFCS10 1**
- All deep-fat fryers must have a steel bottle between the fryer and surface flames of an adjacent appliance. The bottle must be 8 inches in height. **NFPA 96 13**
- L.P. Gas containers shall be located outside. Safety release valves shall be pointed away from the unit. **NFPA 96 AND 54**
- Any hose used to pipe L.P. Gas to a device shall be UL or FM listed specifically for LP Gas service. All couplings, fittings, and any other devices shall meet the requirements for LP Gas Service as outlined in the International Fuel Gas Code, **NFPA 58** and **54**, or be deemed unapproved and removed from service.
- All Mobile Units with propane shall post a NO SMOKING sign next to the propane bottle. **IFCS07 2**

Consumer Health Protection Division

Albuquerque Environmental Health Department
One Civic Plaza NW
3rd Floor, Room 3023
Albuquerque, New Mexico 87103

Telephone: 311
Fax: 505.768.2898
Email: lstoller@caph.gov
Lorie Stoller, Environmental Health Manager

▣ PART 5: MOBILE FOOD UNITS

▣ § 9-6-5-1 PURPOSE.

(A) The purpose of §§ 9-6-5-1 et seq. is to adequately protect and preserve the public peace, safety, health and general welfare. Sections 9-6-5-1 et seq. are being enacted because of the numerous reports received from public and parochial school authorities, persons residing in the vicinity of such schools and other residents of the city to the effect that:

(1) Mobile food units serving food and food products at or near such schools create a safety and traffic hazard for students of the schools and other persons in the area;

(2) The operation of the mobile food units also causes littering of the public and parochial school grounds, residential property and the public streets in the vicinity of the schools;

(3) They also create a gathering place for the students and other persons all of which is dangerous to the public peace, safety, health and general welfare.

(4) Ice Cream Vendors create a danger to young patrons who congregate around the vendors on the streets where they could be injured by traffic. This danger is greatly increased after sunset. Ice Cream Vendors can also create a public nuisance in that they play amplified music which is disturbing to some individuals who reside in the city.

(B) Sections 9-6-5-1 et seq. are adopted under the authority granted by Section 3-49-1 NMSA 1978.

('74 Code, § 6-11-1) (Ord. 59-1969; Am. Ord. 20-1999)

▣ § 9-6-5-2 DEFINITIONS.

For the purpose of §§ 9-6-5-1 et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ICE CREAM VENDORS. Persons or entities who sell frozen desserts in or upon any public street, alley, sidewalk or thoroughfare.

MOBILE FOOD UNIT. Any wagon, truck, push cart, or vehicle self-propelled or otherwise movable from place to place from which any person sells, offers for sale, or gives away, beverages, food or any food product for human consumption.

PERSON. Includes singular and plural and shall also mean and include any person, firm, partnership, joint venture, association, corporation, club, society or similar organization.

PUBLIC, PAROCHIAL or PRIVATE SCHOOL. A school where children are given a general education equivalent to any of the first eight grades of the public schools.

('74 Code, § 6-11-2) (Ord. 59-1969; Am. Ord. 20-1999)

▣ § 9-6-5-3 PROHIBITED ACTS.

(A) (1) The vending or serving of food or food products to students of public, private or parochial schools from a mobile food unit on a public street, thoroughfare, boulevard or alley or other public way in the city is prohibited within 900 feet from the outermost boundary of the grounds of any public, private, or parochial school between the hours of 8:00 a.m. and 9:00 a.m., 11:00 a.m. to 1:00 p.m., and 2:00 p.m. to 3:00 p.m., Mountain Standard Time or Mountain Daylight Saving Time, whichever may be in effect, on days when any such school is in session during its regular fall, winter and spring terms.

(2) The 900 feet is to be measured by the most direct traveled route from the nearest boundary of the school grounds to the mobile food unit.

(B) (1) Ice Cream Vendors may not conduct business before 10:00 a.m. or after sunset.

(2) Ice Cream Vendor vehicles must be equipped with flashing yellow lights which shall be turned on and left in continuous operation any time such vehicle is stopped while any customer or potential customer is within one hundred feet of the vehicle. Operation of the yellow lights as stated herein is an exception to § 8-6-21(B) and not a violation of the Traffic Code.

(3) If Ice Cream Vendors stop or park along a roadway, highway, street or other thoroughfare where there are adjacent curbs, the Ice Cream Vendor must park the vending

vehicle with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right hand curb.

(4) Ice Cream Vendors shall not solicit their products on the same residential street more than once before noon and once after noon in any twenty-four hour day.

(C) This section shall not prohibit the sales and delivery of food or any food product to a house, a business, a manufacturing plant, a construction site or an institution or any place of like nature.

('74 Code, § 6-11-3) (Ord. 59-1969; Am. Ord. 20-1999; Am. Ord. 47-2001)

☞ § 9-6-5-99 PENALTY.

Any person who violates § 9-6-5-3 is subject to the general penalty provisions of this code set forth in § 1-1-99. ('74 Code, § 6-16-15) (Ord. 59-1969; Am. Ord. 20-1999)

Lehner, Catalina L.

From: Spring, Susan C.
Sent: Friday, February 20, 2015 10:31 AM
To: Lehner, Catalina L.
Cc: Stoller, Lorie L.
Subject: RE: O-15-36 Mobile Food Units

Catalina,

Thanks for sending this my way for comment. I have only one concern that I'd like to mention. In the proposed ordinance. § 8-5-1-42 (5) (B) where it says:

No mobile food unit shall operate from any street frontage immediately abutting a single family residence. However, when only one side of a street abuts a single family residence, nothing in this section shall be construed as prohibiting a mobile food unit from operating from the opposite side of the street, provided that all other relevant requirements and restrictions are met.

I am concerned that this will make ice cream trucks and paleta push carts, that are popular with parents and children in many neighborhoods as well as door to door frozen meat trucks and other food sales would be prohibited from doing business as they have traditionally operated, by this section of the proposed ordinance. It could also make pizza delivery vehicles and businesses like Schwann's food delivery and other types of home delivery of groceries prohibited. All of these type of businesses appear to be included in the definition of a "mobile food unit"

Thanks for your consideration,

Susan Spring
Field Operations Officer
(505) 768-2688 office
(505) 228-8648 cell

City Of Albuquerque
Environmental Health Department
Consumer Health Protection Division

From: Lehner, Catalina L.
Sent: Wednesday, February 18, 2015 4:41 PM
To: Spring, Susan C.
Subject: O-15-36 Mobile Food Units

Hi Susan,

One of my EPC cases for March is legislation regarding Mobile Food Units. It would allow mobile food units on private property and establish regulations (land use and zoning regulations) for them. There's also amendments to the Traffic Code proposed in the same bill, but those aren't the purview of the EPC. I was just looking at the Mobile Food guide to permitting and it reminded me that it would be good to reach out to EHD and see if you have any comments.

Please take a look at the attached bill. If you have any comments (or don't), please get them to me or let me know by next Wednesday. Also, feel free to contact me with any questions. Thanks.

-Catalina

Lehner, Catalina L.

From: Dicome, Kym
Sent: Wednesday, February 11, 2015 6:44 AM
To: Lehner, Catalina L.
Subject: Fwd: EPC 1001620 - Zoning Code for Mobile Food Units

Kym E. Dicome
Sent from my iPhone

Begin forwarded message:

From: "Sanchez, Gilbert, NMDOT" <Gilbert.Sanchez@state.nm.us>
Date: February 10, 2015 at 4:59:29 PM MST
To: "Dicome, Kym (kdicome@cabq.gov)" <kdicome@cabq.gov>
Cc: "Perea, Nancy, NMDOT" <Nancy.Perea@state.nm.us>
Subject: EPC 1001620 - Zoning Code for Mobile Food Units

Good afternoon Ms. Dycome. Nancy and I were reviewing the EPC submissions for next month. EPC 1001620 is a zoning amendment to permit mobile food units to operate in public places. The ordinance clearly talks about public right-of-way in several paragraphs. The curious question...How would a food vendor interpret the ordinance when it comes to parking in state owned right-of-way, e.g. Tramway Blvd (NM 556)? I guess we see a bit of ambiguity in the language of the ordinance regarding this matter. As we see it the DOT still retains the authority to ask any roadside vendors to leave the right-of-way if they are not permitted through the DOT. We can add these comments to our EPC submission if you see that as the best avenue to address D3's concerns. Thanks...gilbert.

NOTIFICATION

ABQ Ride - continued from page 4

Bus service in Albuquerque actually dates back to New Year's Day 1928. That's when a group of owners introduced 10 buses to serve the growing city. They only had a few days to drive them from Casper, Wyoming along poor roads to be able to make the company's promised opening day.

In 1945 Joseph P. Land and another group bought the Albuquerque Bus Co. They added new buses, increased service from 12 to 32 square miles and moved operations from a tiny garage at 3rd and Silver SW to a bigger facility at 601 Yale SE. In 1955 upon the death of Land his son-in-law A.P. FitzGerald became president.

"It was very much a real 'mom and pop' operation even up to 1965," said Dick FitzGerald, son of A.P. FitzGerald. "My father would frequently be out in the garage, his arms deep in the bus engines. There were fewer than a hundred employees and Dad was on a first name basis with everybody."

But by the early 1960s, rising operating costs threatened to bankrupt the company. When the federal government offered money to local governments willing to operate public transit, Albuquerque became one of the first cities to take up the offer. 50 years later, it's ready to move into its next big phase of public transportation, Albuquerque Rapid Transit (ART).

"It promises to enhance service along our busiest corridor, Central Avenue, as well as revitalize the area with more and exciting development," said Bruce Rizzieri, Director of ABQ RIDE. "It promises to be a 21st Century System for Albuquerque's 21st Century needs."



Planning Department
Submitted by Catalina Lehner

Proposed Text Amendments to the Zoning Code

Project #1001620, 14EPC-40007: Proposed Text Amendments to the Zoning Code At its regularly scheduled public hearing on Thursday, March 12, 2015, the Environmental Planning Commission (EPC) will consider a text amendment to Zoning Code Section 14-16-1-5, Definitions and the addition of a new Zoning Code Section 14-16-3-25. The proposed text amendments would apply Citywide.

The proposed text amendments would define mobile food units and establish regulations regarding the operation of mobile food units on private property. Mobile food units would be permitted on private property in all zones, except residential zones, provided the operator has permission from the property owner. The mobile food units would not be allowed to: occupy parking spaces needed to meet minimum parking requirements, obstruct access to and/or from the property and would have to comply with noise regulations. Text amendments to the Traffic Code (Section 8-5-1-42) are also proposed, though they are not the purview of the EPC. The proposed bill (O-15-36) can be found by searching for it at: <<https://cabq.legistar.com/Legislation.aspx>>.

Please contact Catalina Lehner-AICP, Senior Planner, at 505-924-3935 or <clehner@cabq.gov> for more information. Please submit any comments to her no later than Monday, March 2, 2015.



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ALBUQUERQUE

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Information about the Planning Department.



The Albuquerque Planning Department provides a full range of services from processing building permits to developing long range, regional plans and policies. The department also houses several quasi-judicial boards and commissions.

Planning Department Location

Plaza del Sol, 600 Second NW, Albuquerque, NM 87102

Mailing address: P.O. Box 1293, Albuquerque, N.M. 87103

Telephone: (505) 924-3860

Business hours: Monday - Friday, 8:00 a.m. to 5:00 p.m.

Quick Links

- [Electronic Plan Review](#)
- [Albuquerque Maps](#)
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Remember that time when it snowed... a lot. #Just5DaysAgo
Enjoy this @CABQ Snow Day Video: youtu.be/f1EGBorzBfl
Retweeted by City of Albuquerque

Show Media

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- **Comprehensive Plan Update & Unified Development Ordinance.** The Planning Department recently kicked off a major public process to update the Comprehensive Plan and create a Unified Development Ordinance. The City has hired a consultant team, led by Clarion Associates, to improve the regulatory system guiding land use development and transportation planning citywide, including major updates to the Zoning Code and Development Process Manual. Please visit the [project website](#) or [visit us on Facebook](#) for more information. If you have questions, please contact Mikaela Renz-Whitmore (505) 924-3932 or mrenz@cabq.gov.

Notices

- **ZHE - Notice of date change for the Zoning Hearing Examiner Hearing** from Tuesday, February 16, 2015 to Friday, February 20, 2015, 9:00 am. [More...](#)
- **Project #1001620, 14EPC-40007: Proposed Text Amendments to the Zoning Code** - At its public hearing on March 12, 2015, the Environmental Planning Commission (EPC) will consider a text amendment to Zoning Code Section 14-

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16-1-5, Definitions, and a new Zoning Code Section 14-16-3-25. The proposed text amendments, which would apply City-wide, would define mobile food units and establish regulations regarding mobile food units on private property. Mobile food units would be permitted on private property in all zones, except residential zones, with permission from the property owner. The mobile food units would not be allowed to occupy parking spaces needed to meet minimum parking requirements or obstruct access to and/or from the property. Text amendments to the Traffic Code (Section 8-5-1-42) are also proposed, though they are not the purview of the EPC. The proposed bill (O-15-36) can be found at <https://cabq.legistar.com/Legislation.aspx> Please contact Catalina Lehner-AICP, Senior Planner, at (505) 924-3935 for more information. Please submit any comments to her no later than March 2, 2015.

- **Update to the Coors Corridor Plan** – The first hearing by the Council’s Land Use Planning & Zoning Committee is intended to be scheduled for Wednesday, April 15, 2015. For more information go to [Coors Corridor Plan page](#) or contact: Carol Toffaleti (505) 924-3345 or cctoffaleti@cabq.gov. (Posted February 24, 2015)
- **Bikeways & Trails Facility Plan** - On October 9, 2014, the Environmental Planning Commission unanimously voted to recommend approval of the Bikeways & Trails Facility Plan to City Council. The Land Use, Planning, and Zoning Subcommittee (LUPZ) voted “do pass” to full City Council. The City Council hearing is scheduled for March 16, 2015. For more information see the [City Council project information page](#) or contact Carrie Barthurst at (505) 924-3879 or kcbarthurst@cabq.gov. (Updated March 2, 2015)
- **Albuquerque Rail Yards Redevelopment** - Information about the Albuquerque Rail Yards Redevelopment project
 - [Albuquerque Rail Yards Master Development Plan](#)  - Adopted July 3, 2014
- **Neighborhood News** - The current edition has been posted. As per the June/July 2014 edition of the *Neighborhood News*, page 10, the newsletter will no longer be mailed. The current newsletter and archived editions can be found [here](#).

Requests for Proposals

- [De Anza Motor Lodge RFP](#) - posted August 14, 2014, due 1-9-15 (the deadline for submitting proposals has passed and we are no longer accepting proposals)
- [1st Street and Central RFP](#) - posted June 9, 2014, due 12-5-14 (the deadline for submitting proposals has passed and we are no longer accepting proposals)

Applications, Permits & Fees

- [Building Safety Checklists, Permit Application Forms, Plan Review, and more](#)
- [Impact Fees](#)
- [Planning and Development fees](#)

Useful Links

- [Downtown Government Buildings Map](#) 
- [Neighborhood Association Information](#)
- [Planning Department Interactive Map Gallery](#)
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Meetings, News & Notices

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There are currently no items in this folder.

Planning News

- [Request For Proposals](#)
- [FEMA Hydrology Documents](#)
- [Design Review Team](#)
- [Energy Code Checklist](#)

City Events

- [A Book of Cranes - A Convocation of Artists, Poets, & Cranes](#)
- [Public Opening: Only In Albuquerque](#)
- [Camp BioPark Registration Begins](#)

Contact Information

Planning Department
 Reception Desk
 Planning
 (505) 924-3860

Report Graffiti, Potholes & More

See graffiti, potholes, or abandoned vehicles?
[Report them to ABQ311.com.](#)