



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT**

STAFF REPORT

TO: Castro Valley Municipal Advisory Council
HEARING DATE: October 26, 2015

GENERAL INFORMATION

APPLICATION: Administrative Conditional Use Permit, PLN2015-00142

OWNER/ Food Truck Mafia/April Bibbins & Castro Valley/Eden Area Chamber of
APPLICANT: Commerce / Bill Mulgrew

PROPOSAL: Update from the MAC hearing on August 24, 2015, to make a determination on the conditions of approval whether they were successful in minimizing disruption to the Village shop owners and customers, for a weekly food truck event every Tuesday from September 1, 2015 through November 17, 2015; and resuming on February 2, 2016 through March 29, 2016 (total of 21 evenings).

ADDRESS AND Goodyear Certified Tire & Service Center; 3430 Castro Valley Boulevard, north
SIZE OF PARCEL: side, 300 feet to the west of Redwood Road, Castro Valley area of unincorporated Alameda County, bearing Assessor's Parcel Number: 084A-0080-019-03; 31,524 square feet (0.72 acres).

ZONING: Sub-Area 7 - Intensive Retail Core within the Castro Valley Central Business District Specific Plan.

GENERAL PLAN The site lies within the Castro Valley General Plan adopted by the Board of
DESIGNATION: Supervisors on March 27, 2012. The Plan designates the site as Core Pedestrian Retail (CBD-5).

ENVIRONMENTAL The project is exempt from the requirements of the California Environmental
REVIEW: Quality Act (CEQA, 1970 as amended) according to Article 19, Section 15304, Class 4 (Minor Alteration to Land (e)) in that the project consists of minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.

RECOMMENDATION

This is an update report from the August 24, 2015, Castro Valley Municipal Advisory Council (MAC) hearing to determine whether the conditions of approval were successful and minimized disruption to the Village Shopping Center shop owners and customers. If the Council finds it appropriate, the MAC should recommend that the existing conditions of approval remain in place to the Planning Director to continue the weekly food truck event every Tuesday from September 1, 2015 through November 17, 2015; and resuming on February 2, 2016 through March 29, 2016 (total of 21 evenings), based on drawings marked "Exhibit A" on file with the Alameda County Planning Department.

ADDENDUM

This is an update from the MAC hearing on August 24, 2015, for the MAC to consider the conditions of approval; whether the conditions were successful in minimizing disruption to the Village Shopping Center shop owners and customers. The weekly food truck event would continue every Tuesday from September 1, 2015 through November 17, 2015; and resume on February 2, 2016 through March 29, 2016 (total of 21 evenings). The MAC review of the conditions of approval could result in modifications, deletion, or addition to conditions of approval to continue the use for the dates listed above.

In an electronic message dated October 13, 2015, staff received a statement from the applicant stating that the Castro Valley Street Eats (Food Trucks) event has been well received by the Castro Valley and neighboring communities as evidenced by comments from the applicant's website and social media accounts. The venue is very workable and hospitable, however the area is not large enough to accommodate all the event participants. After the first event on September 15, 2015, there were some consistent complaints among the event patrons regarding to following:

- Long wait time (30 to 45 minutes) from the point of getting in line to delivered meal;
- Inadequate seating for diners;
- More trash receptacles were needed;
- The area was crowded due to the clearance of the vehicle access 27-foot wide driveway from the adjacent Castro Valley Village property easement; and
- Event patrons were accosted and intimidated by Castro Village security personnel.

These issues were addressed for the second event on September 22, with cooperation from the Castro Valley/Eden Area Chamber of Commerce by doubling and distributing of tables and chairs throughout the property and arrangement for the food truck operators to have extra garbage bags to empty the containers as needed.

Also, in an electronic message dated October 13, 2015, the Castro Valley/Eden Area Chamber of Commerce staff stated that the Chamber is strongly in support of the Castro Valley Street Eats (Food Trucks) event and the operation of the Administrative Conditional Use Permit (ACUP) should be continued to the rest of the ACUP permit term. The Chamber staff stated that since the food trucks event has operated, the event has brought more business to the downtown area on a notoriously slow night. The Food Truck Mafia (FTM) has cooperated and assisted the Chamber throughout each weekly event. There have been many constructive feedback comments from the event patrons. Even though attendance has dropped in each successive week due to the parking situation and long walk, no merchant or property owner has complained to the Chamber or FTM regarding parking difficulties on their properties. Also, out of the 11 survey responses sent back from 27 survey requests sent to nearby businesses, only 5 have experienced some inconvenience due to the parking situation during the event hours (see attached survey).

However in an electronic message dated October 15, 2015, the Castro Village property Management Company addressed concerns which impacted the Castro Village shopping center development's long-term merchants and the center parking situation during the event:

- Merchants experiencing loss of customers (up to 30% decline) each time the Food Truck event is held;
- Increased cost of the four additional security guards to monitor the traffic congestion (\$500 per event); and

- Inconvenient parking to the customers of the Castro Village during the event (ex. Tuesday is Ross's senior discount).

The Castro Village shopping center cannot support the foods truck event at this location due to the event's limited parking which has effected on the Village's long-term merchants and customers, and asks that the organizers immediately seek an alternative location where sufficient parking is available for the attendees.

SUMMARY

There are still some concerns that the Food Truck event does not benefit the surrounding commercial businesses and creates conflicts regarding the limited parking and access easement driveway between the subject property and the Castro Village property.

Currently, the Food Truck event has successfully brought more people to the commercial district of downtown Castro Valley. The applicant and Chamber believe they have met and are in compliance with the Conditions of Approval regarding to the event permission and operation. Also, the applicant proposes an expansion (adding 3 more food trucks) to the northeast area of the property which will block the access easement driveway between the Castro Village Shopping Center and the subject property to Castro Valley Boulevard. Until the applicant and Castro Village property management come up with a written agreement to agree to close the assess easement driveway, staff does not recommend expansion of the Food Trucks event as part of this permit.

PREVIOUS CONDITIONS OF APPROVAL UNDER REVIEW

Approval subject to plans marked "Exhibit A" received on August 7, 2015 on file with the Alameda County Planning Department and the following conditions:

1. This permit authorizes a temporary 2015/2016 Food Trucks Event, every Tuesday from September 1, 2015 through November 17, 2015; and resuming on February 2, 2016 through March 29, 2016 (total of 21 evenings), between 6 p.m. and 9 p.m., subject to "Exhibit A", on property located at 3430 Castro Valley boulevard, unincorporated Castro Valley area of Alameda County, Assessor's Parcel Number: 084A-0080-019-03.

PERFORMANCE STANDARDS

2. Owner or successor shall defend, indemnify, and hold harmless Alameda County or its agents, officers, and employees from any claim, action, or proceeding against Alameda County or its agents, officers, and employees to attack, set aside, void, or annul Administrative Conditional Use Permit, PLN2015-00142 or any subsequent Administrative Conditional Use Permit, or any combination thereof. Such indemnification shall include, but not limited to, an awards of costs and attorney's fees incurred by Alameda County in its defense. The County shall promptly notify owner or successor of any challenge.
3. Any proposal of Administrative Conditional Use Permit in the years to follow will be required to be submitted at least 30 days prior to the intended beginning date of operation.
4. Any future proposal of Administrative Conditional Use Permit for a temporary food truck event on the subject property is required to submit drawings that are drawn to 20", 30", or 40" scale, with a straight edge, legible, and shall include, but not limited to, the location of individual food

trucks, private vehicle parking, signs, tables, chairs, garbage and litter storages, driveways, and surrounding streets.

5. Prior to Operation of the Event Activities, the applicant/owner shall obtain a Sponsors of Food Facilities at Temporary Events in Alameda County permit for the proposed event from the Alameda County Environmental Health and submit a copy to the Planning Department.
6. Prior to Operation of the Event Activities, the applicant/owner shall secure an encroachment permit from the Alameda County Public Works Agency for the closure of the driveway at Castro Valley Boulevard.
7. At all times, no placement of tents or canopies is allowed on the premises during the operating hours.
8. There shall be no more than six (6) food trucks on the subject at any one time.
9. Hours of operation shall be limited from 6:00 p.m. to 9:00 p.m. every Tuesday from September 1, 2015 through November 17, 2015; and resuming on February 2, 2016 through March 29, 2016 (total of 21 evenings).
10. There shall be no amplified sound at any time on the subject property as part of the subject use.
11. Noise shall not exceed noise level maximums listed in the Alameda County General Ordinance, Section 6.60.040 of the County Noise Ordinance. No amplified music or speech is allowed.
12. There shall be adequate storage of any garbage, litter, and debris produced on the premises with subsequent removal to an approved dumping facility, to the satisfaction of the Planning Director. The site shall remain free of debris, and shall maintain its pre-application condition during non-operating event hours at all times.
13. Any exterior lighting shall be installed in accordance with a permit issued for this purpose by the Building Inspection Department, and any such lighting shall be directed away from adjacent properties. No exterior lighting fixture shall shine above the horizontal (installing lighting screen at the light source so that the light does not shine above the horizontal).
14. Secure approval from and/or maintain compliance with the requirements of the following County agencies:
 - a. Alameda County Environmental Health Department, 1131 Harbor Bay Parkway, Alameda, CA 94502, (510) 567-6700;
 - b. Alameda County Fire Department, 399 Elmhurst Street, Suite 141, Hayward, CA, 94544, (510) 670-5853;
 - c. Public Works Agency, 399 Elmhurst Street, Suite 141, Hayward, CA 94544, (510) 670-5480.
15. All signs to be installed in conjunction with this permit for purpose of identification, advertisement, or direction shall be in compliance with County Zoning Ordinance as to size, height, and location refer to in Section 17.52.520.

16. Failure to comply with any of the above conditions without prior written agreement from the Planning Department will nullify this permit.
17. This permit shall expire on March 29, 2016, at 10:00 p.m.
18. The permittee/property owner shall remove all improvements authorized under this permit from the site and the property shall be returned to its pre-application condition as specified by the Planning Director when the subject permit expires.

CONCLUSION

Staff recommends that the MAC recommend which conditions of approval, if any, are to be modified, and how, in order to minimize impacts from the Food Truck events held weekly, every Tuesday from September 1, 2015 through November 17, 2015; and resuming on February 2, 2016 through March 29, 2016 (total of 21 evenings), between 6 p.m. and 9 p.m., subject to "Exhibit A" received on August 7, 2015 on file with the Alameda County Planning Department and currently subject to the Conditions of Approval dated September 2, 2015, on property located at 3430 Castro Valley boulevard, unincorporated Castro Valley area of Alameda County, Assessor's Parcel Number: 084A-0080-019-03.

ATTACHMENTS

Conditions of Approval
August 24, 2015, MAC staff report
Applicant Statement Comments
Castro Valley/Eden Area Chamber of Commerce Statement Document
Business Survey
Graphics

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REVIEWED BY: Rodrigo Orduña

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