



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: CUP 23-22
Proposal: Request for Food Truck
Applicant: Alejandra Estrada Lomeli
Owner: Newspaper Properties, LLC
Location: 110 Barracks Street
Legal: That portion of Lot Two (2), Block Four (4), and all of Lot 3 (3), Block Four (4),
U.S. Survey 1474, Tract A, Sitka Townsite
Zone: CBD - Central Business District
Size: 4,103 Square feet
Parcel ID: 1-0465-00
Existing Use: Vacant lot, private parking
Adjacent Use: Newspaper, Café, Retail, Alaska Pioneer Home
Utilities: Existing
Access: Barracks Street, Race Street

KEY POINTS AND CONCERNS

- Proposed food truck for serving food. Food prep will largely be done offsite in a commercial kitchen.
- Use of generator is proposed, specifications indicate there will be minimal noise impact
- Located in the CBD zone on private property (private parking lot)
- Serving Mexican food such as tacos, burros, birria ramen, desserts, and drinks

ATTACHMENTS

Attachment A: Aerial
Attachment B: Site Plan
Attachment C: Photos
Attachment D: Floor Plan and Truck Specs
Attachment E: Menu
Attachment F: Generator
Attachment G: American Academy of Audiology Levels of Noise
Attachment H: Applicant Materials

BACKGROUND/PROJECT DESCRIPTION

The applicant is requesting a CUP for operations of an 8'x 14' food truck at 110 Barracks Street. This is a vacant lot owned by the newspaper which has been used for private parking. Based on casual observation of the lot, it does not appear to be fully utilized or have frequent ingress/egress throughout the day. Proposed hours of operation are Monday-Sunday 11 AM – 5 PM and Weekends 8 PM – 2 AM (it was unclear which evenings were considered part of the weekend). The truck will be stationary in the lot adjacent to Barracks and Race Street. Anticipated customers will be locals and tourists. On-street parking will be available; there are no off-street parking requirements in the central business district. Applicants are proposing the use of a Predator 9500-watt super quiet inverter generator as food items will be cooked on-site. The food items to be offered are Mexican foods such as tacos, burros, birria ramen, desserts, and drinks.

Footnote 8 to SGC Table 22.16.015-6, “Retail and Business Uses” has the follow provisions for temporary structures/food vending in the CBD: *“Kiosks, outdoor restaurants, portable structures such as food stands and other temporary structures that are clearly incidental to the primary use on the lot are permitted uses. Mobile food carts on wheels are permitted uses on private property. Kiosks, outdoor restaurants, portable structures such as food stands and other temporary structures that are not clearly incidental to the primary use on the lot are conditional uses.”*

The interpretation and application of this code provision has been to consistently require CUPs for food trucks or food trailers from which food is prepared and/or served from the inside of the unit, operating on private property in the CBD. This is differentiated from food carts which one stands behind to prepare and serve food from; this is a permitted use on private property in the CBD.

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.¹

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:

None, truck largely stays stationary in parked location, minimally impacting traffic. Moderate traffic is expected in this location. Traffic flow/direction was recently updated in this area to increase vehicular and pedestrian safety.

b. Amount of noise to be generated and its impacts on surrounding land use: Minimal potential increase by customers of the food truck, however this is already a high customer/pedestrian use area which is to be expected in the CBD. According to the specifications of the proposed generator, expected noise level is 67 dB. According to a Levels of Noise chart provided by the American Academy of Audiology, 67 dB is classified as “Moderate”, and akin to dishwashers or normal conversations. There are some residential uses nearby – the Pioneer Home and apartments at the top

¹ § 22.24.010.E

of Seward Street. The late-night weekend hours may add more noise/activity to the area than currently exists at these hours.

c. Odors to be generated by the use and their impacts: Some odors are expected as food will be prepared in the truck. This is expected in the CBD. However, primary food preparation will take place in a commercial kitchen which will help to reduce odor and waste generated on site.

d. Hours of operation: Monday-Sunday 11 AM – 5 PM and Weekends 8 PM – 2 AM

e. Location along a major or collector street: Access is from Barracks Street and Race Street via Seward Street or from Lincoln Street via American Street and Seward Street, municipally maintained rights-of-way. Barracks, Race, and American Streets are all posted as one-way.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario: There are multiple routes to the downtown area, some of which go through residential areas (Katlian Street, Seward Street, and Marine Street primarily). However, these routes are already utilized to access downtown due to the many businesses and services in this area. This one additional use is unlikely to produce any significant or observable increase in cut-through/suboptimal route usage.

g. Effects on vehicular and pedestrian safety: There may be more pedestrians in this area as a result of a food truck. Sidewalks are minimal in this area, which can lead to pedestrians and vehicle conflicts for use of the right-of-way. However, given that there is already an eating and drinking establishment in this area, this already occurs to some extent. Further, the placement of the food truck inside of a private parking lot that has cement blocks around its perimeter and fairly limited use gets pedestrians out of the right-of-way and into a safer area to form a queue.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Site is accessible for police, fire and EMS response.

i. Logic of the internal traffic layout: Additional parking spaces on site and walk-up access from surrounding area.

j. Effects of signage on nearby uses: No proposed additional signage, business name on side of truck. All signs shall comply with Sitka General Code.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: Adjacent to other buildings and large parking lot with small aluminum fencing. Parking lot is marked as private-property. High density and commercial use is expected in the CBD.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: Conforms to the chapter of Economic Development that supports local businesses, attracts new sustainable businesses, and supports effort and enterprises that keep residents' money "local".

m. Other criteria that surface through public comments or planning commission review: None at this time.

RECOMMENDATION

Staff recommends approval of this request.

CONDITIONS OF APPROVAL

1. All required permits, including but not limited to DEC Food Safety and Sanitation, shall be current at all times that the conditional use permit is utilized.
2. Operations shall not obstruct safe pedestrian paths within the parking lot or sidewalk.
3. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
4. The Planning Commission, at its discretion and upon receipt of meritorious complaint, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
5. Permit and use shall comply with all local regulations, including building code, fire and life safety, business registration, and remittance of all applicable taxes.
6. The applicant shall receive approval from the local Fire Marshal to ensure the food truck meets safety requirements.

MOTIONS IN FAVOR OF APPROVAL

1. **“I move to approve the conditional use permit for a food truck at 110 Barracks Street in the Central Business District, subject to the attached conditions of approval. The property is also known as that portion of Lot Two (2), Block Four (4), and all of Lot 3 (3), Block Four (4), U.S. Survey 1474, Tract A, Sitka Townsite. The request is filed by Alejandra Estrada Lomeli. The owner of record is Newspaper Properties, LLC.”**
2. **“I move to adopt and approve the required findings for conditional use permits as listed in the staff report.”**

The Planning Commission shall not approve a proposed development unless it first makes the following findings and conclusions:²

1. The granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located; *because the proposed use is consistent with the intent of the zoning district, character of the surrounding area, and alike to multiple other food service operations in the area.*
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation; *because it promotes economic development by providing an opportunity for entrepreneurship, supports local business, and promotes locally made products.*

² §22.30.160(C)—Required Findings for Conditional Use Permits

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced; *conditions can be enforced through State and municipal permitting requirements, municipal code, and conditions provide a means of redress through the Planning Commission.*
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard; *because the proposed use is similar to and consistent with existing use of the site and does not introduce additional hazards. Other safety concerns such as food and fire safety are addressed through other permitting processes.*
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services; *there are adequate public facilities such as utilities and streets in the area that can support the additional use.*
6. Burden of proof; *the applicant has met the burden of proof to demonstrate that the use is appropriate for the zoning district, the character of the neighborhood, and not hazardous or detrimental to the surrounding area.*