revised from June 14, 2021

SBCWD
STINSON BEACH COUNTY WATER DISTRICT
3785 Shoreline Highway • P.O. Box 245 Stinson Beach, CA 94970
Phone: (415) 868-1333 Facsimile: (415) 868-9417
E-mail: sbcwd@stinson-beach-cwd.dst.ca.us Website: www.Stinson-Beach-cwd.dst.ca.us

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June 16, 2021

Planning Commission Secretary
Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael CA 94903

Re: June 17th meeting agenda, food truck application, Stinson Beach

It has come to my attention that at a public meeting of the Stinson Beach Village Association, Mr. Steve Rubin spoke of his intention to site a food truck in Stinson Beach and that the food truck had been approved by the SBCWD. That is not accurate. Neither the Board nor the District has taken a position on Mr. Rubin's intentions to site a food truck in Stinson Beach.

After making a presentation at the August 15, 2020 District board meeting, the District was non-committal and decided to reach out to the Village Association.

Thank you,

Ed Schmidt

Ed Schmidt
General Manager

Reed, Michelle

From: PAMELA LICHTENWALNER <pslichtenwalner@icloud.com>
Sent: Wednesday, June 16, 2021 1:35 PM
To: Reed, Michelle; Kutter, Rhonda; Rodoni, Dennis
Subject: DZA Hearing SEA Downs LLC Coastal Permit Pro. ID.3090
Attachments: Stinson_Beach_Community_Plan_1985.pdf; SBVA Letter re food trucks 6-2013.docx.pdf; Food Truck Letter from the merchants 6-21-13.pdf

I am writing to request that the approval to operate a food truck at 3425 State Route 1, Assessor's Parcel 195-194-35 not be granted for the following reasons:

1. Traffic concerns.
Hwy 1 narrows as it comes into Stinson Beach and leaves Stinson Beach at that spot. There are NO sidewalks. On any given day I have observed the following using the Hwy 1 road: cars, motorcycles, busses, bicycles, skate-boarders, people in wheelchairs/people on crutches/babies in strollers/toddlers holding onto an adult's hands/children, hikers, Stinson Beach Fire Department and first responder rescue vehicles and those from other jurisdictions and animals such as deer, foxes, coyotes, dogs (leashed and unleashed), cats, skunks, and raccoons. On a busy weekend, the cars are lined up for at least a mile on both Panoramic and Shoreline Hwy. to get into and to leave the village. Just across from that location is the building project for the Stinson Beach Fire Department, next door to that is the almost re-built Stinson Beach Motel, and at the corner of Hwy 1 and Belvedere St. is the active Stinson Beach Fire Department. It is a very busy part of the village and will be even more busy with the re-opening of the Stinson Beach Motel.

To have people try to get to the proposed food truck is an additional challenge with parking, traffic and safety, not to mention litter.

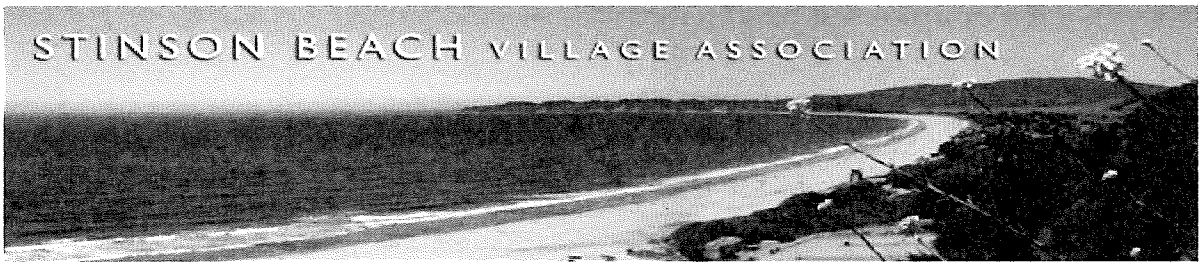
2. Easkoot Creek.
Easkoot Creek abuts the property near the spot where the Food Truck is proposed to be. I am sure that there are regulations and rules pertaining to this.

3. The Stinson Beach Village Association in 2013, refused another request for a food truck in Stinson Beach on the stated reasons that food trucks were not in alignment with or may actually conflict with the character or needs of the existing community (attached) and concerns such as traffic and litter (attached). The food merchants' letter (attached) cited that the proposed food truck would be a financial challenge to the existing restaurants in 2013. I would add that now, with the restaurants just starting to rebound from the limitations of the COVID pandemic, our long-term, established restaurants who serve us year-round, need as much financial stability as possible.

Please deny the request for the food truck.

Warmest regards,

Pamela Lichtenwalner
resident



P.O. Box 706 • Stinson Beach • California • 94970
www.stinsonbeachvillage.com

June 20, 2013

Mr. Curtis Havel
Senior Planner
Community Development Agency Planning Division
County of Marin
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903-4157

Dear Mr. Havel,

The Stinson Beach Village Association (SBVA) wishes to respond to your Planning Referral Transmittal, dated June 10, 2013, with respect to an application by Vita Strauss and Carmen Anderson to operate a mobile food facility (food truck) at a lot described by the applicants as 15 Calle del Mar, Assessor's Parcel Number 195-192-07 (the 2013 proposal). The SBVA has created in 1976 to monitor The Stinson Beach Community Plan (SBCP), approved in that year by the Board of Supervisors, revised in 1985, and amended in 2006. Further, the SBVA serves as an informational forum to all constituencies within the village with respect to the SBCP as well as the Countywide Plan, the Local Coastal Plan (LCP), and the Coastal Act.

In April-May 2012 a substantially identical proposal (the 2012 proposal) to that cited above was presented to the SBVA, which held a special meeting on April 16, 2012 to review the issues. The SBVA adopted the following resolution at that meeting:

> "Within the boundaries of the Stinson Beach Village, the Stinson Beach Village Association recommends prohibition of the operation of any mobile commissary and/or take-out establishment as defined by the LCP and the Community Plan (SBCP)."

The SBVA then wrote to Supervisor Steve Kinsey on April 26, 2012 (copy attached) requesting:

"...that Marin County establish a policy to regulate permits issued to mobile commissaries and create a "no vend zone" within the confines of Stinson Beach."

Thomas Lai, the Assistant Director of the Marin County Development Agency, responded on May 2, 2012 with a letter outlining the uses permitted under the present Coastal Village Commercial Residential (C-VC-R) zoning.

The 2012 proposal languished and was not acted upon. At the SBVA hearing on April 16, 2012, community residents and business owners voiced numerous points of view, which were included in the SBVA minutes and posted on its website. With respect to the SBVA's charter and the SBCP plan, the sense of the meeting and the intent of the directors' unanimous vote was that a food truck is not in conformance with "the rural atmosphere and individualistic character of the town [which] must be preserved as a prime consideration."

The SBVA is in opposition to the 2013 food truck proposal for the following reasons:

- The location of the food truck will not be on Calle del Mar, as the applicants state, but will front Highway 1 with proposed signage on Highway 1 (which will require a County permit). This creates the potential of traffic tie-ups as beachgoers exit the GGNRA parking lot and turn into the library lot, looking for parking. This creates a traffic safety issue.
- The food truck would be sited in a small corner of the parcel, fronting on Highway 1. It would sit astride a driveway easement and be adjacent to an 8-space parking area, which is for the exclusive use of the Stinson Beach Library and is on property leased from the Library Improvement Society and a private owner. Food truck patrons would naturally be drawn to park on library property, and to use the library's rest room, overtaxing a septic system not designed for that volume of use. The food truck plan suggests the possibility of parking to the rear of parcel 195-12-07, in a grassy area. However access to such parking is (a) counter-intuitive, (b) governed by an easement held by the library's property owners, and (c) involves driving across piping and a leach field for an adjacent building owned by the applicant's property owner. The presence of a food truck in this location would place an undue burden on the library.
- The SBCP states, under its Land Use Goals and Policies, Section E, page 33: "Within the downtown C-VC-R Zone District, no major new visitor-serving uses shall be encouraged. Franchised establishments and others which purvey fast foods or take-out foods and which create litter or traffic problems are strongly discouraged."
- The applicants have indicated they will install a semi-permanent porta-potty, behind a fence and obscured by a proposed dumpster. Presumably they are

aware that such a proposal requires a permit from the Stinson Beach Water District. Stinson Beach is currently served by three-plus food take-out facilities, all of which are housed in buildings that conform to Zoning Code 22.57.1251 #1-3, the last states "All new uses and structures shall be subject to design review, as provided by Chapter 22.821." At least two of these facilities, while within the zoning code, do contribute to traffic and parking congestion, as well as to litter from take-out (which becomes the County's burden to collect and dispose).

- The applicants' plan indicates that supplemental parking (a misnomer since there is no onsite parking indicated in the application) will be available adjacent to the Post Office and another food take-out establishment, The Lunch Box, which is also a tenant of the proposed applicants' property owner, and whose establishment abuts the property to be used by the applicant. This raises three points: (1) access to the proposed "supplemental" parking is not obvious (being around a corner and off Calle del Mar, perpendicular to Highway 1) and is already tightly congested in peak lunch hours; (2) should two take-outs be encouraged within 100 feet of one another, using shared parking?; and (3) the majority of those spaces have already been designated by the same property owner for use by his other tenants' patrons, including the post office, a cleaning service, and the Lunch Box, as required by its use permit.
- The applicants have not indicated whether the property owner, the Hasler Family Trust, accepted restrictions of use on the property, which it acquired in 1997; no title search has been provided.
- Please also note that the application is deficient: the applicant lists an incomplete address in Oakland, California.

In conclusion, the SBVA wishes to comment that it is not opposed to free enterprise, nor to providing attractive services to Stinson Beach residents and visitors. In this case, however, its over-riding concern is the likely negative impact of this food truck in its proposed location to the community's character as well as to the public's access to and use of the library, which is a jewel in Marin County's library system.

Sincerely,

The Stinson Beach Village Association Board
Mike Matthews, Lawrence M. Crutcher, Terry Gordon, Sam Matthews, Chris Ruppe, Terry Bryant, Don Anderson

June 21, 2013

Mr. Curtis Havel
Senior Planner
Community Development Agency Planning Division
County of Marin 3501 Civic Center Drive, Suite 308
San Rafael, CA 94903-4157

Dear Mr. Havel,

We, the undersigned, represent the retail food merchants of the Village of Stinson Beach, California. By this letter, we are formally and collectively voicing our strong opposition to the concept, plan, application, consideration, or intent of the food truck plan presented to the Marin County Community Development Agency Planning Division to permit or allow food truck vendors to operate within Stinson Beach.

We understand that the County cannot generally discriminate against a particular brand or type of commercial enterprise. Where, however, the proposed enterprise does not align with, or actually conflicts with the character or needs of the existing community, it should not be allowed. This is the case here.

In this small coastal town, the kind and number of businesses are necessarily limited by the geography. We, as long-time residents, merchants, and tax-payers of this town, have all invested significant amounts of time, energy, and capital in our fixed improvements and operations. Each of us also is deeply committed to our community - year round. In order to serve our small local resident population on a year round basis and provide steady and sustainable employment for local workers, we absolutely rely on the profits we generate during the months of May through October and certain holiday windows - as every one of us operates on a cash flow loss-to-break-even basis during the late fall, winter, and early spring months. Unlike some other unincorporated areas and towns within Marin County we simply do not have the benefit of a constant "city" population or consistent tourist patronage.

For these reasons, we respectfully urge you to consider the unique characteristics of this village, and the unusual and substantial financial challenges we face operating our year round businesses in a community where economics are so tied to the turn of seasons. The potential operation of non-local non-fixed mobile food trucks during peak season business months, holidays, and weekends represents a real and immediate threat to all of our livelihoods and the well-being of this community's permanent residents and workers. (We presently leave aside predictable harmful environmental impacts, as well as parking, traffic, and bathroom issues.) All of us would be negatively affected. By contrast, any benefit to the County from allowing such operation, would seemingly be negligible.

Accordingly, we collectively request that the Planning Division ban or exclude food truck vendors from our village.

Thank you.

Merchant:	Signature:	Name:	Title
Breakers Café			
Odyssey Video & Ice Creamery			
Parkside Cafe & Snack Bar			
Sand Dollar Restaurant			
Stinson Beach Market			
The Surfer's Grill			

From: PAMELA LICHTENWALNER <pslichtenwalner@icloud.com>
Sent: Thursday, June 17, 2021 6:18 AM
To: Kilgariff, Kathleen <KKilgariff@marincounty.org>
Subject: Re: DZA Hearing SEA Downs LLC Coastal Permit Pro. ID.3090

Dear Ms Kilgariff:

Here is a letter (attached) from the Commission in 2012 in regards to food trucks in Stinson Beach denying food trucks in Stinson Beach.

Warmest regards,

Pamela Lichtenwalner

MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY
BRIAN C. CRAWFORD, DIRECTOR

May 2, 2012

Stinson Beach Village Association Board
P.O. Box 706
Stinson Beach, CA. 94970

Dear Members of the Board,

We are responding to your April 26, 2012 letter requesting that Marin County establish a policy to regulate permits to mobile commissaries (a.k.a "mobile food facilities" or "food trucks) and create a "no vend zone" for such activities within Stinson Beach.

We have begun to research the applicable rules for this situation, and would like to share what we have found even as we pursue additional information. We will first discuss specific existing rules, and later address the larger question of the "no vend zone."

A few jurisdictions around the state have specific policies, procedures and permits for such food trucks. While Marin County does not, the location and operation of such food trucks fall under certain existing authorities:

1. Zoning, where the operation will occur on private land,
2. Encroachment affecting public road right-of-way under the authority of the Department of Public Works or Caltrans.
3. Health: separate permits required for the operation of a "Mobile Food Facility" and a "Commissary."

Zoning

The central commercial/visitor core of Stinson Beach is zoned Coastal Village Commercial Residential (C-VC-R). As mentioned above, the County has not yet included food trucks or mobile food facilities as a specific permitted or prohibited use in this zone or other sections of the County's Development Code. For the time being, however, staff considers these types of facilities to be similar to and presently allowed as "take-out food establishments" subject to a Use Permit in the C-VCR zone.

> **22.57.123I** Conditional Uses. The following uses are permitted in all C-VCR districts, subject to the securing of a use permit in each case:...
>
> 8. Drive-in restaurants and take-out food establishments;

In addition, the Zoning also specifies:

> **22.57.125I** Performance Standards. All uses, whether permitted or authorized by use permit, shall conform to the following performance standards:

3501 Civic Center Drive, Room 308 – San Rafael, CA 94903-4157
Phone 415-499-6269 – Fax 415-499-7880 – Website: http://www.co.marin.ca.us/comdev

1. All uses, except outdoor dining areas, agricultural uses, parks and playgrounds, new and used car sales, shall be conducted entirely within buildings or be enclosed by solid screen fences.

2. No use shall produce or create any external evidence of interior operations such as dust, odor, noise or vibration except for signs and advertising displays authorized by Section 22.69.030I.

3. All new uses and structures shall be subject to design review, as provided by Chapter 22.82I.

As a "take-out food establishment," food trucks on private property require a Use Permit, and in turn would need to be found consistent with the Stinson Beach Community Plan to be approved. Any such proposed use would also need to demonstrate compliance with the performance standards of section **22.57.125I.**

Other portions of Stinson Beach are zoned for Coastal Residential uses, and these districts appear to not allow food trucks at all.

Encroachment Permits for vehicles parked on public streets

According to Chris Bartunek of the Marin County Public Works Department Land Use Division, DPW is not presently issuing encroachment permits for food trucks (except ice cream trucks). If one is observed parked on a public County Road, or causing the blockage of a public sidewalk, DPW should be notified (415-473-6350).

We are working to find the appropriate contact at Caltrans to determine what requirements they have for such activities on Highway 1 and under what conditions they would permit the operation of food trucks.

Environmental Health Services

EHS requires two categories of permits:

> "Mobile food facility" means any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. (partial definition)
>
> "Commissary" means a food facility that services mobile food facilities, mobile support units, or vending machines where any of the following occur:
> - Food, containers, or supplies are stored.
> - Food is prepared or prepackages for sale or service at other locations.
> - Utensils are cleaned.
> - Liquid and solid wastes are disposed, or potable water is obtained.

However, while EHS has authority over how a food truck operates, it does not control where a food truck operates.

"No Vend Zone"

As you know, the County is in the process of developing Amendments to its existing Local Coastal Program. The Board of Supervisors will be considering Community Specific Policies at its September 18 public hearing. We will be providing your letter to the Board prior to that, and at that hearing you may wish to testify to the Board to advocate specific provisions be added to the Local Coastal Program Amendment to respond to your concerns. Please be aware, however, that these Amendments must be approved by the Coastal Commission after the Board acts, and that may take a

significant amount of time. To date, staff has not developed a position on how to refine the county's regulations for food trucks in the coastal zone and other unincorporated areas of Marin. The proposition of prohibiting food trucks is new to the LCP amendment process and regulating food trucks has not been a major issue in the unincorporated county when compared to a number of other zoning amendments our staff has been working on over the past couple of years. However, we are beginning to consider how best to accommodate this element of our food culture that appears to be growing in popularity and number while avoiding or minimizing problems on surrounding communities.

Sincerely,

Thomas Lai
Assistant Director

Cc: Members of the Board of Supervisors

From: Steve Rubin <steve@fritzbikes.com>
Sent: Wednesday, June 16, 2021 1:35 PM
To: Kilgariff, Kathleen <KKilgariff@marincounty.org>
Cc: Lovisa Rubin <lovisa@willow-camp.com>; David McGregor <david@fritzbikes.com>; Taylor Simmers <taylor@fritzbikes.com>; Sean Kennings <sean@lakassociates.com>
Subject: Response to Opposition Comments - Sea Downs llc

Hi Kathleen -

Thank you for all your work on the Sea Downs Coastal Permit and Use Permit application. We are very pleased to see the numerous comments and letters in support of our project, but wanted to respond to a few of the comments in opposition. Please find our comments below:

1. Use Permit: Some of the comments in opposition have stated that this project is not consistent with the Stinson Beach Village Association and/or the downtown commercial corridor. When we submitted our application, we had reviewed the Stinson Beach Community Plan to ensure that this type of use is allowed, and we can see no issues related to this type of business. Furthermore, the previous iteration for a food truck on the library parcel had no existing services and was proposing an intensification of use including new parking and other on-site amenities. Our property already has the required existing services and is actually reducing the existing intensity of use by removing the outdated medical office structure. It should also be noted that the previous application for a food truck was not denied but was deemed incomplete. Lastly, as we understand it, the Use Permit gives the County the authority to enforce conditions of approval. Simply put, if we are not good stewards of the site, the County has the authority to revoke the Use.

2. Parking/circulation: Similar to the Use Permit question, our project entails removing existing development while not reducing on-site parking or access. Our current bicycle operation receives the majority of business via "pass-through" patrons. Effectively, many visitors to the beach are biking or hiking along Highway 1 as it enters downtown Stinson, and we believe we are currently providing a needed service to those visitors. The food truck is a supplemental use to these pass through visitors and we don't anticipate generating unique users just to order food, but rather existing visitors to the beach and surroundings. We have spent much thought and effort to make this property safe and hospitable for our current patrons, and this includes providing a refuge from Highway 1 for current and future users, including a new walking path and boardwalk so visitors can avoid walking on Hwy One. Although there is currently no dedicated sidewalk or pedestrian walkway in the rest of downtown, we do have a viable path for users, including accessible access and parking. Finally, because there is already parking on site, we will ensure that visitors have continued access, but will manage the property in times of high traffic to the beach (ie - provide traffic control so that cars do not make unwanted turns onto the site across Hwy 1).

3. Eskoot Creek: The area assigned for the food truck is located outside the Eskoot Creek floodplain and does not require new foundations or other permanent infrastructure improvements that could impact this local drainage way. In fact, a mobile use like a food truck makes for an

ideal new use. There will be no site disturbance and if/when a flood event happens, the food truck can easily be removed from the site (or not even open due to adverse conditions).

4. Septic and Solid Waste: We have communicated with the Stinson Beach County Water District about the proposed project, and have been told by the staff engineer that the food truck - and it's two full time employees - would not constitute a "new" use. As only the employees of the food truck would be allowed to use the existing bathroom facilities, we don't anticipate a strain on the septic system. Furthermore, solid waste(garbage collection) is also managed by the Water District, our project, and the property, will be required to comply with the Use Permit requirements for solid waste management. As stated above in point #1, in order to be successful we need to be good stewards and responsible for our property. If we do not abide by these basic principals for managing our business, both County and the Water District staff should and will enforce any and all conditions for compliance.

5. Location: We wanted to clarify to our neighbors the location of the proposed food truck. Some of them have talked to us with concern about the location, mistakenly thinking that the truck would be on the street or next to the street. As our application states, the proposed site is 60 feet off the road, in the location of the old medical mobile unit. In particular, my wonderful neighbor Claudia (gallery) wrote an opposition letter, but I have now talked with her and she told me that she is no longer in opposition. She thought the food truck was going to be on the street next to her gallery. She mentioned that she was waiting for a call from you and would clarify. Please contact her at your earliest convenience.

6. Need: Last, but not least, opponents of this project says the need for a new food service is not there. While we disagree with this statement, like any other new business, if the need is not there, then the market (and visitors) will disappear and the business will fail. Just as we pointed out above regarding the conditions of a Use Permit, if we do not operate a successful food truck, not only will the burden be greater to succeed, but visitors and residents alike will stop patronizing our businesses, and the food truck will cease operations.

Thank you again for your assistance with this project, we look forward to the hearing tomorrow, and hope that the outcome will be positive for all. Please include this letter in the public record as well as the 75 signatures that I passed along via email.

Steve and Lovisa Rubin

Reed, Michelle

From: Kilgariff, Kathleen
Sent: Thursday, June 17, 2021 8:31 AM
To: Reed, Michelle
Subject: FW: Today's Use Permit Hearing (Project ID 3090) Sea Downs LLC

Hi Michelle,

Below is another Sea Downs public comment.

Thanks,

Kathleen

From: Lai, Thomas <TLai@marincounty.org>
Sent: Thursday, June 17, 2021 8:29 AM
To: Kilgariff, Kathleen <KKilgariff@marincounty.org>; Tejirian, Jeremy <JTejirian@marincounty.org>
Subject: Fwd: Today's Use Permit Hearing (Project ID 3090) Sea Downs LLC

FYI
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From: rgtemer@gmail.com <rgtemer@gmail.com>
Sent: Thursday, June 17, 2021 8:14:40 AM
To: Lai, Thomas <TLai@marincounty.org>
Subject: Today's Use Permit Hearing (Project ID 3090) Sea Downs LLC

Robert Temer would like information about:
Mr. Lai,
In light of the Board of Supervisors stated concerns in
today's press re parking issue and problems in Stinson Beach I find your Agency's recommendation for approval of this project to incongruous with the facts and situation at hand. Please refer to my email to Kathleen Kilgariff of 6/12/21. I believe the stated concerns of the BOS
warrant a stay in the decision making process re this project.