

Mobile Services Zoning Code Amendment (LAND-2016-01105)

Exhibit B: Planning Commission Final Issues Matrix

Issue	Discussion Notes	Status
<p>1. Should mobile services that would be exempt from obtaining a temporary use permit be allowed on vacant lots? (Nichols)</p>	<p><u>Planning Commission Discussion</u></p> <p><u>7/20</u>: Commissioners concluded that rather than prohibiting mobile services from vacant lots it would be more effective to limit the number of mobile service vehicles to two per lot. Commissioners discussed the definition of “lot” and whether “lot” was the appropriate unit of land to use in the regulations, recognizing that lots vary widely in size. The Commission concluded that “lot” was appropriate for now and that the issue could be monitored over time. The Commission closed the issue.</p> <p><u>7/13</u>: Commissioners were concerned that “vacant” land would not include paved parking lots and so prohibiting mobile services from locating on vacant lots might not achieve the desired outcome. Commissioners asked staff to consider other means of achieving the desired outcome, and suggested that limiting the number of mobile services on a given lot at any one time could be an option.</p> <p><u>6/29</u>: Commissioners desired to discuss the rationale for prohibiting mobile services that would be exempt from obtaining a temporary use permit from locating on vacant lots and to consider potential alternatives.</p> <p><u>Staff Response/Recommendation</u></p> <p><u>7/20</u>: “Vacant” is undefined in the RZC and so the common, dictionary definition would apply. A parking lot would not be considered vacant land for zoning purposes because “automobile parking facilities” are permitted uses in some zones. As Commissioners suggested, limiting the number of mobile service vehicles occupying a single lot would discourage the formation of de facto mobile service malls. Staff recommends a limit of two mobile service vehicles per lot to allow for – in a limited fashion –offering complementary services.</p> <p><u>7/13</u>: The Technical Committee recommends against allowing mobile services that would be exempt from obtaining a temporary use permit to locate on vacant lots. Allowing them to do so may result in de facto mobile service malls that are not temporary (uses could rotate through the site) and not in keeping with Redmond community character and design goals.</p> <p><u>Public Comment</u></p> <p><u>7/13</u>: The applicant testified that his business vehicle would not remain on vacant land, but rather would be parked in a paid stall at the end of each day.</p>	<p>Opened 6/29</p> <p>Closed 7/20</p>

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<p>2. Should not-for-profit and for-profit mobile services be regulated the same or differently? (Miller)</p>	<p><u>Planning Commission Discussion</u> <u>7/13</u>: Commissioners were satisfied with the staff response and closed this issue.</p> <p><u>6/29</u>: Commissioners desired to discuss whether for-profit and not-for-profit mobile services should be regulated the same or differently, and if differently, how.</p> <p><u>Staff Response/Recommendation</u> <u>7/13</u>: Mobile services are currently regulated without regard for tax status. The Technical Committee recommends maintaining that because the impacts of mobile services are largely the same whether the use is operated by a for-profit or not-for-profit entity.</p> <p><u>Public Comment</u></p>	<p>Opened 6/29</p> <p>Closed 7/13</p>
<p>3. Does the recommended amendment adequately account for unintended consequences? (Haverkamp)</p>	<p><u>Planning Commission Discussion</u> <u>7/13</u>: Commissioners were satisfied with the staff response and closed this issue.</p> <p><u>6/29</u>: Commissioners identified potential unintended consequences as an issue to further discuss.</p> <p><u>Staff Response/Recommendation</u> <u>7/13</u>: The Technical Committee recommendation is built in part on the City’s experience with motorized catering (food trucks). Since 2011, motorized catering businesses have been able to legally operate throughout Redmond without a land use or temporary use permit (but with a business license) provided they move every three hours. This approach has been successful in allowing food trucks to operate legally without significant administrative burden or complaints.</p> <p>The recommended definition of mobile services is, “Service uses as defined in General Sales or Services that operate out of a motor vehicle and/or attached trailer. This definition excludes motorized catering.” The definition of general sales or services specifically excludes lodging, mail order/direct sales, membership wholesale/retail warehouses, convention/trade show services, and marijuana retail sales. Further, RZC 21.41 requires that all marijuana uses operate in a permanent structure.</p> <p>Even so, it is possible that there could be unintended consequences of the recommended amendment. Staff recommends monitoring how these regulations work – such as by monitoring complaints – and</p>	<p>Opened 6/29</p> <p>Closed 7/13</p>

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	<p>returning to the Planning Commission with refinements if necessary.</p> <p><u>Public Comment</u> <u>7/13</u>: The applicant testified that state and other requirements greatly reduce the likelihood of unintended consequences.</p>	
<p>4. Should a mobile service that is exempt from obtaining a temporary use permit only be allowed in the zone(s) where the same brick-and-mortar service would be allowed? (MacNichols)</p>	<p><u>Planning Commission Discussion</u> <u>7/20</u>: Commissioners concluded that competition between brick-and-mortar and mobile services was something to monitor, but that no additional regulations were warranted at this time. The Commission closed the issue.</p> <p><u>7/13</u>: Commissioners noted that at least one other community with an ordinance addressing mobile services included a minimum distance between retail businesses and the mobile service. Commissioners described this issue as being about fairness. For example, stationary businesses must adhere to various site and design requirements while mobile businesses are not required to do so. In Commissioner MacNichols’s absence, the Commission deferred discussion of this issue to July 20.</p> <p><u>6/29</u>: Commissioners identified potential zone-based restrictions for mobile services as an issue to further discuss.</p> <p><u>Staff Response/Recommendation</u> <u>7/20</u>: Mobile services can operate today in any zone <u>with</u> a temporary use permit. Policy options for mobile services that would be <u>exempt</u> from obtaining a temporary use permit include:</p> <ul style="list-style-type: none"> • Allowing mobile services to operate in any zone – this is the Technical Committee recommendation • Allowing mobile services to operate only in zones that permit similar stationary services • Allowing mobile services to operate only in non-residential zones • Allowing mobile services to operate only at a minimum distance from similar stationary services <p>As Commissioners noted, relatively few communities have regulations that govern the provision of mobile services. Of those that do, some have distance or zone requirements that impact how close a mobile business is to a similar brick-and-mortar business. Examples include:</p> <ul style="list-style-type: none"> • Edmonds: street vendors allowed in many commercial zones; policy review when number of 	<p>Opened 6/29</p> <p>Closed 7/20</p>

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	<p>permits reaches 15</p> <ul style="list-style-type: none"> • Austin, TX: allowed in all commercial-industrial zones except neighborhood office, limited office, and general office; 50-ft buffer from residential uses; 20-ft buffer from retail uses • Portland, OR: allowed on private property; no clear guidance for mobile retail in right-of-way • St. Paul, MN: only allowed on public streets in downtown; not allowed during rush hour or at night • Pittsburgh, PA: may not sell goods similar to a brick-and-mortar store within 500 ft; not allowed at night <p>The staff recommendation is described in the Technical Committee Report and in the 7/13 issue matrix responses below.</p> <p><u>7/13</u>: The Technical Committee recommends allowing mobile services that would be exempt from obtaining a temporary use permit to be temporarily located in any zone provided they meet the recommended conditions. By their nature, temporary uses are those that are usually <u>not</u> otherwise allowed in the underlying zone. The Zoning Code provides that temporary uses must be, “safe and compatible with the general vicinity and adjacent uses” (RZC 21.46.010). Staff sees brick-and-mortar and mobile businesses as occupying different market spaces. Staff did not see a compelling reason to recommend limiting mobile services to those zones where like brick-and-mortar businesses are allowed.</p> <p>In practice, mobile services are only likely to succeed where there is a critical mass of customers: mixed-use/commercial areas and potentially multifamily zones. In addition, a mobile service could only locate with the permission of the property owner, and then only for a limited duration.</p> <p><u>Public Comment</u> <u>7/13</u>: The applicant testified that his business model is to approach mid- to large-size companies to bring mobile services on site to serve employees.</p>	
<p>5. Should a mobile service that is exempt from obtaining a temporary use</p>	<p><u>Planning Commission Discussion</u> <u>7/20</u>: Commissioners discussed potential consequences of prohibiting mobile services without temporary use permits in residential zones. Commissioners concluded that few services would venture into residential zones for lack of customers, and that services like bloodmobiles or other charitable services may temporarily locate in church parking lots, which are often in residential zones.</p>	<p>Opened 7/13 Closed 7/20</p>

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<p>permit undergo design review or be prohibited in residential zones? (Miller)</p>	<p>Commissioners did not desire to foreclose those opportunities. Commissioners concluded that mobile service vehicle design was an issue to monitor but that no additional regulations were warranted at this time. The Commission closed the issue.</p> <p><u>7/13</u>: Commissioners desired to discuss measures to mitigate potential impacts residential zones, such as requiring design review or prohibiting mobile services without temporary use permits from certain zones.</p> <p><u>Staff Response/Recommendation</u> <u>7/20</u>: Staff approached the questions of design review and zone restrictions separately. The risk of <u>not</u> requiring design review is that an unsightly vehicle could occupy a portion of a private lot for a limited amount of time. This is similar in nature to the risk that an unsightly recreational vehicle would occupy a residential driveway. According to code enforcement staff, this has occurred twice in 16 years. Administratively, design review would require establishing design standards for mobile services vehicles and a design review process. Staff believes that the burden of developing and complying with design standards is not warranted by the risk of an unsightly vehicle, and that if the property owner believed the vehicle was unsightly, the owner could demand its immediate departure.</p> <p>Regarding zone restrictions, staff anticipates low demand for mobile service vehicles in residential areas due to limited density, and therefore did not recommend restricting mobile services from those zones. Alternatively, to ensure that such uses could not legally locate in residential zones the Commission could recommend zone-based restrictions. Staff sees little risk in adding such a provision.</p> <p><u>Public Comment</u></p>	