



CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 3, 2014

LEGISLATIVE

SUBJECT: AN ORDINANCE OF THE CITY OF PALM SPRINGS ADDING CHAPTER 11.110 "REGULATION OF MOBILE FOOD VENDING VEHICLES" TO TITLE 11 "PEACE, MORALS, AND SAFETY" OF THE MUNICIPAL CODE" AND "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS ADDING CHAPTER 11.110 "REGULATION OF MOBILE FOOD VENDING VEHICLES" TO TITLE 11 "PEACE, MORALS, AND SAFETY" OF THE MUNICIPAL CODE"

FROM: David H. Ready, City Manager

BY: Community & Economic Development Department

SUMMARY

This ordinance provides for time, place, and manner regulations affecting the location and operating conditions for mobile food truck vending in the community.

Given the City's exciting pedestrian environment, to the extent a mobile food truck vendor economy develops in the area, Downtown Palm Springs could be one of the top destinations for food trucks wanting to operate in Riverside County. Understanding that, on March 18, 2014 the City Council adopted a moratorium for a six month period to allow the development of an ordinance that would address a number of the issues regarding food trucks.

Over the past several months, Staff has worked with a stakeholder group to help develop the City's food truck ordinance. In addition, Staff and the City Attorney's office have reviewed over a dozen food truck ordinances from other cities in California, and studied the food truck issue as it is being handled in large and small cities across the country. Finally, Staff has had several in-depth interviews with mobile food vendor operators from all over Southern California about the potential of the Palm Springs market and the practical challenges facing operators that wish to operate here, regardless of what provisions are contained in the ordinance. Staff recommends adopting the attached draft ordinance which contains time, location, operating standards, and permit requirements for mobile food truck vending activities. The

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ordinance attempts to balance health, safety, and aesthetic concerns with truck vendor sales activities.

RECOMMENDATION:

1. Waive text and introduce for first reading an Ordinance of the City Council "AN ORDINANCE OF THE CITY OF PALM SPRINGS ADDING CHAPTER 11.110 "REGULATION OF MOBILE FOOD VENDING VEHICLES" TO TITLE 11 "PEACE, MORALS, AND SAFETY" OF THE MUNICIPAL CODE"
2. Waive text adopt an Ordinance of the City Council "AN AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS ADDING CHAPTER 11.110 "REGULATION OF MOBILE FOOD VENDING VEHICLES" TO TITLE 11 "PEACE, MORALS, AND SAFETY" OF THE MUNICIPAL CODE"

Background

In April, 2014, the County of Riverside amended its Health Department rules to allow Mobile Food Vendors (food trucks) to operate in the county outside the very narrow limitations that had previously been in place, such as mobile food vendors only being able to operate at special events, or as pre-packaged food vendors, or as caterers. The County regulations relate directly to the Health Department aspects of the operation. Therefore, other public safety issues relating to mobile food vending are subject to local municipal regulation.

On March 18, 2014 the City Council adopted a moratorium for a six month period to allow the development of an ordinance that would address a number of the issues regarding food trucks

Over the past several months, Staff has met with a stakeholder group to develop the City's food truck ordinance. The stakeholder group was comprised of restaurant owners, Main Street, and other downtown representatives. Staff tried to ensure a good geographic representation of stakeholders, as well as a mix of restaurant types, including restaurants from Uptown, each of the blocks in Downtown, as well as the areas east of Indian Canyon Drive. Both large and small restaurants were represented, as were those who operate restaurants outside Downtown.

Staff reviewed mobile food vending regulations from a number of jurisdictions in California. Each jurisdiction approaches regulation from its own unique perspective. It is apparent that with proper regulation, Mobile Food Vendors can provide additional food choices for Palm Springs residents and visitors.

Time, place, and manner restrictions for mobile food vending vehicles are necessary to ensure pedestrian safety, control excessive demand on parking spaces particularly within central business district, enhance traffic circulation movement, prevent aesthetic

blight from unsightly accumulation of waste in public right of way areas, and to minimize adverse aesthetic impacts to the downtown commercial streetscape from unsightly large commercial vehicles consistently parked on the street in the central business district. All of these are findings in the Ordinance.

In the Ordinance, the City Council further finds that mobile vending vehicles may pose traffic hazards and special dangers to residents of the community. Such vehicles frequently stop in public rights of way in a manner which can endanger pedestrians and vehicle traffic, particularly in areas of heavy traffic volume.

This ordinance is enacted pursuant to the City's police power under Article XI, Section 7 of the California Constitution and Vehicle Code section 22455(b). Section 22455(b) expressly authorizes time, place, and manner municipal regulation of mobile food vending vehicles.

It is therefore the purpose and intent of the City, in enacting an ordinance to provide responsible companies and persons who engage in food vending from vehicles with clear and concise regulations to prevent safety, traffic and health hazards, as well as to preserve the peace, safety and welfare of the community. It also represents a middle ground between considering the health, safety and aesthetic concerns of the community and a legitimate business interest of food truck operators.

The challenge for the City is to create a system of laws and regulations that ensure the public welfare without veering into anti-competitive protections.

A main element of the ordinance deals with the location restriction that vending trucks shall not be permitted to vend within a portion of the Central Business District. Section 11.110.030(a) of the ordinance defines a boundary area where vending is not permitted. In this key core area, there is existing vehicular congestion and shortage of available on-street and off-street parking spaces to serve businesses already located in the area.

Under the ordinance, food truck vendors will have an opportunity to vend within the Central Business District zone, namely, on the east side of Indian Canyon Drive and the west side of Belardo Road. They may also operate in other areas of the City, as appropriate. See the attached map for the exclusion area and the allowable area, which shows: (1) total Central Business District zone area; (2) boundary area where no vending is allowed; and, (3) available permissible truck vending area within the CBD.

Mobile Food Vendors operating on public or private property outside the Central Business District would be required to obtain a Mobile Food Vendor Permit when conducting a vending event as defined in the ordinance for more than 2 hours.

On-Street Vending in the Right of Way

Staff is recommending that specifically in section 11.110.030 the following locational requirements:

Section 11.110.030. Locational Requirements.

- (a) Mobile food vehicle vending in public rights of way is prohibited within that portion of the Central Business District (CBD), particularly described as that boundary area running from: Both sides of Palm Canyon Drive between Alejo Road and Ramon Road, the easterly side of Belardo Road from Ramon Road to Alejo Road and the westerly side of Indian Canyon Drive from Ramon Road to Alejo Road.

Mobile food vehicle vending is otherwise permitted generally within the various zoning districts of the city, subject to applicable city zoning requirements.

- (b) Mobile food vending vehicles must be at least twenty feet (20') from a fire hydrant, pedestrian pop-out, bus or trolley stop, valet or taxi loading zone, loading zone, mid-block crosswalk, fire station driveway, or street corner curb radius.
- (c) No mobile food vendor shall park within five hundred (500') feet of any public or private school (through grade 12) between the hours of 7:00 a.m. and 4 p.m. during operational school days.

As to operating standards, staff is recommending the following restrictions:

Section 11.110.040. Operational Standards/Public Rights of Way.

It is unlawful for any mobile vending food vehicle operator to vend in public rights of way the City, except in compliance with the following operational standards:

- (1) Mobile food vehicle vending must be conducted not earlier than 9:00 a.m. or later than 9:00 p.m. unless otherwise permitted by this chapter;
- (2) The vending vehicle must be at a complete stop;
- (3) The vending vehicle may vend for a maximum of two (2) hours at any one location;
- (4) Vending activity shall be limited to only the non-traffic side of the street.
- (5) The vendor must have current, valid vehicle registration marked on the license plate.
- (6) The operator must comply with all applicable local and state noise standards.
- (7) Vending vehicles shall not block or obstruct the free movement of pedestrians on public rights of way;

- (8) Only food may be dispensed from the vending vehicle.
- (9) The operator shall obtain a business license from the City.

Off Street Vending/ Permit System.

As to a vendor permit requirement, staff recommends a permit system when a mobile vendor is conducting vending activity open to the public, on private property for more than two hours at a time. Section 11.110.050 sets forth the specific requirements

Section 11.110.050. Mobile Food Vending Vehicle Events On Private Property-Permit and Conditions of Approval.

No mobile food vending vehicle operator, or owner of private property, shall conduct vending open to the public on private property from the vending vehicle as an event without first obtaining a temporary mobile vending event permit from the City's Planning Department.

This permit requirement applies to events opened to the public featuring the sale of food from the vending vehicle and conducted for more than two (2) hour period.

Caterer activities as defined herein are exempt from this permit requirement.

The issuance of the mobile vending vehicle permit shall be subject to the following requirements.

- (1) An application shall be filed and completed with information required by the City's Planning Department;
- (2) No more than two such permits shall be issued to the same person in one year;
- (3) The Planning, Public Works, Police, and Fire Departments shall review the permit application and recommend appropriate conditions of approval. The Director of Planning Services shall then impose conditions of approval on the Event Permit;
- (4) Administrative action on the permit application may be appealed to the City Council under M.C. sections 2.05 et seq.

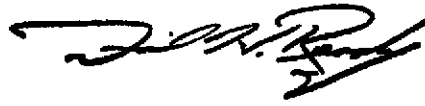
Pursuant to the provisions of the California Environmental Quality Act and the state CEQA guidelines, the City has determined that this ordinance is exempt from CEQA under section 15061(b)(3) of Title 14 of the California Administrative Code of Regulations.

Conclusion

The March 18, 2014 City Council moratorium on food trucks was for a six month period, and will expire on September 18, 2014. This ordinance is introduced in customary fashion and also introduced in the form of an urgency ordinance in order to have its provisions in place at the expiration of the moratorium.



John S. Raymond, Director of
Community & Economic Development



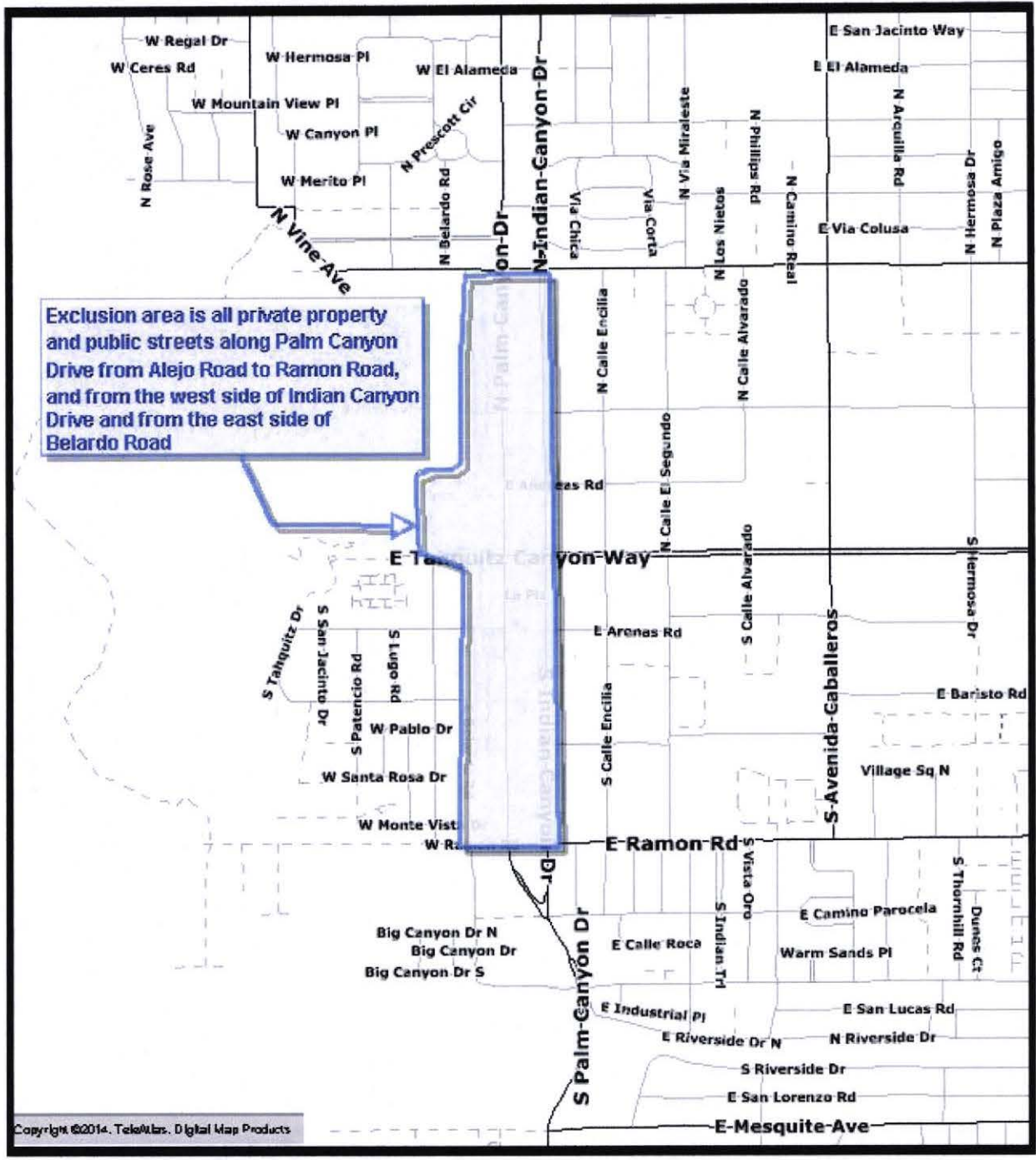
David H. Ready, City Manager



Douglas C. Holland
City Attorney

Attachments:

1. Boundary Map
2. "AN ORDINANCE OF THE CITY OF PALM SPRINGS ADDING CHAPTER 11.110 "REGULATION OF MOBILE FOOD VENDING VEHICLES" TO TITLE 11 "PEACE, MORALS, AND SAFETY" OF THE MUNICIPAL CODE"
3. "AN AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS ADDING CHAPTER 11.110 "REGULATION OF MOBILE FOOD VENDING VEHICLES" TO TITLE 11 "PEACE, MORALS, AND SAFETY" OF THE MUNICIPAL CODE"



Mobile Food Vendor Ordinance Boundaries

1456 ft
CityGIS

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AN ORDINANCE OF THE CITY OF PALM SPRINGS
ADDING CHAPTER 11.110 "REGULATION OF
MOBILE FOOD VENDING VEHICLES" TO TITLE 11
"PEACE, MORALS, AND SAFETY" OF THE
MUNICIPAL CODE"

City Attorney Summary

This ordinance provides for time, place, and manner regulations affecting the location and operating conditions for mobile food truck vending in the community.

The City Council of the City of Palm Springs hereby ordains as follows:

Section 1. Code Amendment.

Chapter 11.100 entitled, "Regulation of Mobile Food Vending Vehicles", is hereby added to Title 11, "Peace, Morals, and Safety", of the Municipal Code to read as follows:

"Chapter 11.110. Regulation of Mobile Food Vending Vehicles.

Section 11.110.010. Findings and Intent.

The City Council hereby finds that it is in the interest of public health, safety and the general welfare of the community that time, place, and manner restrictions be established with respect to the operation and location of mobile food vending vehicles within the city.

Time, place, and manner restrictions for mobile food vending vehicles are necessary to ensure pedestrian safety, control excessive demand on parking spaces particularly within central business district, enhance traffic circulation movement, prevent aesthetic blight from unsightly accumulation of waste in public right of way areas, and to minimize adverse aesthetic impacts to the downtown commercial streetscape from unsightly large commercial vehicles in the central business district.

The City Council further finds that mobile vending vehicles poses traffic hazards and special dangers to residents of the community. Such vehicles frequently stop in public rights of way in a manner which can endanger pedestrians and vehicle traffic particularly in areas of heavy traffic volume.

This ordinance is enacted pursuant to the City's police power under Article XI, section 7 of the California Constitution and Vehicle Code section 22455(b).

Section 22455(b) expressly authorizes time, place, and manner municipal regulation of mobile food vending vehicles.

Section 11.110.020. Definitions.

(a) The terms "mobile food vending vehicle", or "mobile vending vehicles", are defined to mean a motor vehicle, trailer, wagon, or other portable food service unit, engaged in vending of food.

(b) "Food caterer" means a person or entity that prepares food at a kitchen facility approved by the County of Riverside Department of Health that is pre-ordered and served at a private event which is not open to the general public.

(c) Vending is defined to mean the sale or offering for sale of good or goods to the public from a mobile vending vehicle.

(d) Vendor means any person including the owner of or the person operating the mobile vending vehicle.

Section 11.110.030. Locational Requirements.

(a) Mobile food vehicle vending in public rights of way is prohibited within that portion of the Central Business District [CBD], particularly described as that boundary area running from: Both sides of Palm Canyon Drive between Alejo Road and Ramon Road, the easterly side of Belardo Road from Ramon Road to Alejo Road and the westerly side of Indian Canyon Drive from Ramon Road to Alejo Road.

Mobile food vehicle vending is otherwise permitted generally within the various zoning districts of the city, subject to applicable city zoning requirements.

(b) Mobile food vending vehicles must be at least twenty feet (20') from a fire hydrant, pedestrian pop-out, bus or trolley stop, valet or taxi loading zone, loading zone, mid-block crosswalk, fire station driveway, or street corner curb radius.

(c) No mobile food vender shall park within five hundred (500') feet of any public or private school (through grade 12) between the hours of 7:00 a.m. and 4 p.m. during operational school days.

Section 11.110.040. Operational Standards/Public Rights of Way.

It is unlawful for any mobile vending food vehicle operator to vend in public rights of way the City, except in compliance with the following operational standards:

- (1) Mobile food vehicle vending must be conducted not earlier than 9:00 a.m. or later than 9:00 p.m. unless otherwise permitted by this chapter;
- (2) The vending vehicle must be at a complete stop;
- (3) The vending vehicle may vend for a maximum of two (2) hours at any one location;
- (4) Vending activity shall be limited to only the non-traffic side of the street.
- (5) The vendor must have current, valid vehicle registration marked on the license plate.
- (6) The operator must comply with all applicable local and state noise standards.
- (7) Vending vehicles shall not block or obstruct the free movement of pedestrians on public rights of way;
- (8) Only food may be dispensed from the vending vehicle.
- (9) The operator shall obtain a business license from the City.

Section 11.110.050. Mobile Food Vending Vehicle Events On Private Property-Permit and Conditions of Approval.

No mobile food vending vehicle operator, or owner of private property, shall conduct vending open to the public on private property from the vending vehicle as an event without first obtaining a temporary mobile vending event permit from the City's Planning Department.

This permit requirement applies to events opened to the public featuring the sale of food from the vending vehicle and conducted for more than two (2) hour period.

Caterer activities as defined herein are exempt from this permit requirement.

The issuance of the mobile vending vehicle permit shall be subject to the following requirements.

- (1) An application shall be filed and completed with information required by the City's Planning Department;

- (2) No more than two such permits shall be issued to the same person in one year.
- (3) The Planning, Public Works, Police, and Fire Departments shall review the permit application and recommend appropriate conditions of approval. The Director of Planning Services shall then impose conditions of approval on the Event Permit.
- (4) Administrative action on the permit application may be appealed to the City Council under M.C. sections 2.05 et seq.

Section 11.110.060. Violations.

Any person violating any provision of this chapter is guilty of a misdemeanor, except that the enforcement authority may exercise discretion to prosecute the offense as an infraction."

Section 2. Environmental Quality Act Exemption.

Pursuant to the provisions of the California Environmental Quality Act and the state CEQA guidelines, the City has determined that this ordinance is exempt from CEQA under section 15061(b)(3) of Title 14 of the California Administrative Code of Regulations.

Section 3. Effective Date/Findings

The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect (3) days after passage.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2014.

STEPHEN P. POUCKET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

AN INTERIM URGENCY ORDINANCE OF THE CITY
OF PALM SPRINGS ADDING CHAPTER 11.110
"REGULATION OF MOBILE FOOD VENDING
VEHICLES" TO TITLE 11 "PEACE, MORALS, AND
SAFETY" OF THE MUNICIPAL CODE

City Attorney Summary

This urgency ordinance provides for time, place, and manner regulations affecting the location and operating conditions for mobile truck food vending in the community upon its adoption for an interim period of 60 days.

The City Council of the City of Palm Springs hereby ordains as follows:

Section 1. Code Amendment.

Chapter 11.100 entitled, "Regulation of Mobile Food Vending Vehicles", is hereby added to Title 11, "Peace, Morals, and Safety", of the Municipal Code to read as follows:

"Chapter 11.110. Regulation of Mobile Food Vending Vehicles.

Section 11.110.010. Findings and Intent.

The City Council hereby finds that it is in the interest of public health, safety and the general welfare of the community that time, place, and manner restrictions be established with respect to the operation and location of mobile food vending vehicles within the city.

Time, place, and manner restrictions for mobile food vending vehicles are necessary to ensure pedestrian safety, control excessive demand on parking spaces particularly within central business district, enhance traffic circulation movement, prevent aesthetic blight from unsightly accumulation of waste in public right of way areas, and to minimize adverse aesthetic impacts to the downtown commercial streetscape from unsightly large commercial vehicles in the central business district.

The City Council further finds that mobile vending vehicles poses traffic hazards and special dangers to residents of the community. Such vehicles frequently stop in public rights of way in a manner which can endanger pedestrians and vehicle traffic particularly in areas of heavy traffic volume.

This ordinance is enacted pursuant to the City's police power under Article XI, section 7 of the California Constitution and Vehicle Code section 22455(b). Section 22455(b) expressly authorizes time, place, and manner municipal regulation of mobile food vending vehicles.

Section 11.110.020. Definitions.

(a) The terms "mobile food vending vehicle", or "mobile vending vehicles", are defined to mean a motor vehicle, trailer, wagon, or other portable food service unit, engaged in vending of food.

(b) "Food caterer" means a person or entity that prepares food at a kitchen facility approved by the County of Riverside Department of Health that is pre-ordered and served at a private event which is not open to the general public.

(c) Vending is defined to mean the sale or offering for sale of good or goods to the public from a mobile vending vehicle.

(d) Vendor means any person including the owner of or the person operating the mobile vending vehicle.

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(c) No mobile food vender shall park within five hundred (500') feet of any public or private school (through grade 12) between the hours of 7:00 a.m. and 4:00 p.m. during operational school days.

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- (2) The vending vehicle must be at a complete stop;
- (3) The vending vehicle may vend for a maximum of two (2) hours at any one location;
- (4) Vending activity shall be limited to only the non-traffic side of the street.
- (5) The vendor must have current, valid vehicle registration marked on the license plate.
- (6) The operator must comply with all applicable local and state noise standards.
- (7) Vending vehicles shall not block or obstruct the free movement of pedestrians on public rights of way;
- (8) Only food may be dispensed from the vending vehicle.
- (9) The operator shall obtain a business license from the City.

Section 11.110.050. Mobile Food Vending Vehicle Events On Private Property-Permit and Conditions of Approval.

No mobile food vending vehicle operator, or owner of private property, shall conduct vending open to the public on private property from the vending vehicle as an event without first obtaining a temporary mobile vending event permit from the City's Planning Department.

This permit requirement applies to events opened to the public featuring the sale of food from the vending vehicle and conducted for more than two (2) hour period.

Caterer activities as defined herein are exempt from this permit requirement.

The issuance of the mobile vending vehicle permit shall be subject to the following requirements.

- (1) An application shall be filed and completed with information required by the City's Planning Department;
- (2) No more than two such permits shall be issued to the same person in one year.
- (3) The Planning, Public Works, Police, and Fire Departments shall review the permit application and recommend appropriate conditions of approval. The Director of Planning Services shall then impose conditions of approval on the Event Permit.
- (4) Administrative action on the permit application may be appealed to the City Council under M.C. sections 2.05 et seq.

Section 11.110.060. Violations.

Any person violating any provision of this chapter is guilty of a misdemeanor, except that the enforcement authority may exercise discretion to prosecute the offense as an infraction."

Section 2. Environmental Quality Act Exemption.

Pursuant to the provisions of the California Environmental Quality Act and the state CEQA guidelines, the City has determined that this ordinance is exempt from CEQA under section 15061(b)(3) of Title 14 of the California Administrative Code of Regulations.

Section 3. Effective Date/Findings.

This ordinance is adopted as an urgency ordinance and shall take effect and be in force immediately upon its adoption. The ordinance shall expire 60 days from date of adoption. The City Council finds this ordinance is necessary to preserve and protect the public peace, health and safety.

PASSED, APPROVED, AND ADOPTED this ___ day of _____ 2014

STEPHEN P. POUCKET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK