

City of La Quinta

TO: The Honorable Mayor and Members of the City Council

FROM: Les Johnson, Community Development Director

DATE: April 15, 2014

SUBJECT: DEPARTMENT REPORT – FOOD TRUCK REGULATIONS

This memo discusses food truck regulations and provides information pertaining to the City's current regulations, and a sampling of what other cities are doing to address the County ordinance, which became effective April 8, 2014.

RIVERSIDE COUNTY ORDINANCE

An amendment to Riverside County Ordinance 580, which regulates Mobile Food Facilities (MMF), went into effect April 8, 2014. The amendment provides opportunity for mobile food vendors to operate full food preparation and service kitchens from their trucks. MFF's are now regulated under the Riverside County Health Department's restaurant letter-grade system. The amendment requires a one-year phase-in period for MFF's to operate exclusively at approved events, prior to allowing general operation via issuance of an annual permit. The annual permit is also required for MFF's to operate within any cities in Riverside County.

CURRENT CITY OF LA QUINTA PROVISIONS

Regulations related specifically to any type of MFF are found in La Quinta Municipal Code Section 12.28.100, Standing of merchandise or food vehicles. Current provisions limit any stop time to 10 minutes, and only if requested by "a bona fide customer or purchaser." The MFF is not allowed to operate within 300 feet of any school property. However, vehicle weight and length limitations are identified, which typical MFF's exceed. This title also addresses parking of vehicles on private property and public rights-of-way that effectively limit operation of an MFF. However, parking an MFF on private property might be permissible in some instances with the property owner's permission.

OTHER CITIES

The City of Palm Desert recently adopted an ordinance specifically addressing MFF's. The ordinance prohibits the operation of MFF's within 750 feet of an existing eating/drinking establishment, unless part of an approved event, and within 1,500 feet of any school property, except where the enrollment is primarily 18 years and over. Operating on a major street is not allowed if speed limits are greater than 35 miles per hour. The ordinance also limits hours of operation from 9:00 a.m. to 5:00 p.m. between October 1 and April 30, and from 9:00 a.m. to 7:00 p.m. between May 1 and Sept. 30. In addition, when a food vending truck will remain parked in one location for over one hour, it must be located within 200 feet of a legally approved and accessible toilet and hand-wash facility.

The City of Indio also recently adopted an ordinance. It addresses MFF's as well as push-cart vendors. Food truck or pushcart vendors cannot operate on public streets within 300 feet of any school between 7:00 a.m. and 5:00 p.m. on school days without prior written permission from the school. Vendors can only stay in a designated area for a maximum of one hour, cannot return to that same spot within a four-hour period, and cannot operate on public streets within 100 feet of an intersection, crosswalk, traffic light or stop sign.

In other cities, Indian Wells has discussed the issue of MFF regulation, but has not yet concluded anything. Rancho Mirage has discussed possibly prohibiting MFF's, and Palm Springs has placed a 6-month stay pending a draft of an ordinance to address them. No information is currently available for Cathedral City or Coachella to date.

POTENTIAL ISSUES/CONCERNS

One issue that has become evident is restricting the operation of MFF's within a certain distance of existing "brick-and-mortar" restaurants. The Southern California Mobile Food Vendors Association has expressed displeasure with Palm Desert's 750-foot buffer requirement and may challenge that standard.

A concern on a larger scale is consistency between city regulations. For example, Palm Desert prohibits operation within 1,500 feet of a school, while Indio establishes a 300-foot limit. However, the intent of the County ordinance is to regulate how these facilities function from a health and safety perspective, and to leave zoning, economic and other related issues up to the individual cities.

Attachment 1 contains news articles summarizing action taken by Riverside County, Palm Springs and Palm Desert.

CONCLUSION

Based upon La Quinta's current regulations in comparison to the recent actions taken by other Coachella Valley cities, it is recommended that no action to amend the La Quinta Municipal Code be taken at this time. To date, limited interest in

MFF's have been identified, which have primarily focused upon MFF use at special events. This type of use would be addressed in conjunction with a temporary use permit. Staff would recommend further consideration occur in accordance with and in response to community interest.

Attachment: 1. News articles

ATTACHMENT 1



LA and OC's More Stimulating Talk Radio

Listen to KFI Live

Like Follow +1

Home On Air News Photos Features Contact Search/Keyword

Home » Articles » Local News » Riverside Co. Supervisors OK New Food Trucks

Riverside Co. Supervisors OK New Food Trucks

Recommend 1 Tweet Share Permalink



RIVERSIDE (CNS) - Riverside County supervisors voted unanimously today to lift most restrictions that prevent food truck operators in the county from selling products that are fried, barbecued, broiled and grilled – though operators will still be prohibited from parking in some locations.

Supervisor Kevin Jeffries in June proposed eliminating provisions in Ordinance No. 580 that limit food trucks to selling only packaged foods, ice cream, roasted nuts and steam-cooked hot dogs. Jeffries called the restrictions anti-business and anti-competitive, noting that no such prohibitions exist in neighboring Los Angeles and Orange counties.

The county Department of Environmental Health, in cooperation with the Office of County Counsel, drew up amendments to 580 that free mobile food operators to dramatically expand their menus, offering chicken, burgers, steaks and other meaty treats.

"I believe we have crafted an ordinance that will protect public health and public safety, provide new opportunities for jobs, and offer more food choices to our constituents while avoiding significant impacts on existing businesses," Jeffries said.

"Many entrepreneurs start with food trucks, and then later build brick- and-mortar restaurants, once they have built a customer base and a popular menu list," he said. "Other restaurants have spun-off food trucks to bring their food to a broader market."

"Jobs created by this ordinance include not just the owners and workers inside the trucks, but workers at the commissaries that will be necessary to serve the trucks, shared kitchen spaces and manufacturers of food trucks."

Some business interests expressed opposition to the proposal during today's public hearing.

"Food trucks should only operate as part of a special event," said Janice Penner, executive director of the Riverside Downtown Partnership. "We will be advocating that they stay at least 150 feet away from restaurants (in downtown Riverside)."

A man who identified himself as the owner of Chuy's Market in Jurupa Valley doubted that the revised ordinance would be properly enforced.

"Who's going to monitor these operators and where they park?" he asked. "How are you going to make sure they're licensed? I don't see how this is going to help me or any other brick-and-mortar business."

Under the amended ordinance, mobile food vendors will be classified according to what they sell. The key change in the law is the addition of a designation for "mobile food preparation unit."

The full-service trucks will be required to undergo inspections by county health officials and obtain annual permits. Operators will have to ensure staff have food handler certification specified under the California Health & Safety Code.

All food trucks will have to be supplied by a central "commissary," where supplies and products are stored. Commissaries will have to meet sanitation standards defined by the state and obtain annual permits, according to documents.

Trucks will be letter-graded, same as brick-and-mortar restaurants. Any facility that fails to achieve an "A" -- 90 percent or better -- during a routine inspection will be given five business days to correct deficiencies. If issues aren't resolved by the time of the second inspection, an operator will be subject to penalties ranging from \$50 to \$1,000, depending on the number of offenses.

Operator permits could also be revoked. Any non-permitted food truck operator caught doing business in the county could face misdemeanor charges.

Supervisors Jeff Stone and John Benoit both expressed concerns about food trucks stripping business away from fixed establishments. Stone was especially worried about mobile vendors parking in the Temecula Valley Wine Country.

He also worried that vendors could eat into the business of restaurants in downtown Idyllwild, noting that the mountain community is suffering economically and is entirely dependent on tourist dollars.

The board directed county staff to draft additional provisions that will be voted on and likely folded into the amended ordinance prior to its effective date of April 8.

Proposed ongoing restrictions include prohibiting food trucks from operating in the wine country, in historic districts or near schools -- except during special events or when expressly invited by merchants.



LISTENER RECOMMENDATIONS

Sign Up Create an account or Log In to see what your friends recommend

Teacher Caught in Fistfight with Student at Santa Monica High School One person recommends this.

Family members informed of lost plane via text 121 people recommend this.

Teacher Caught in Fight with Student at Santa Monica High School One person recommends this.

Facebook social plugins

RECENT ARTICLES

About 100 arrested in brawl near UC Santa ...

Mickey Rooney dies at age 93

Puig Back in Dodgers Lineup

Classroom Fight Caught On Video

Individual cities will further retain discretion over "time, place, manner" and zoning restrictions that block mobile vendors from selling in other locations.



Standoff Ends in Hawaiian Gardens

Recommended Stories



Facebook Executive Compensation



WATCH: Man wrongly jailed for 15 months until this video proved cop had lied



CBS Works to Minimize the Drama After a Dramatic Departure on 'The Good Wife' The New York Times



U.S. Military, Take Note: Norway's Unisex Army Dorm Room Vocativ



Chief Beck Responds to Critics 12P (4/2)



'Duck Dynasty' Dark Secrets! Jep Robertson's Wife Jessica Tells All About... Radar Online

Recommended by

COMMENTS



Add a comment.

Comment



Sammy Velvet · Top Commenter · Long Beach, California

If you think these trucks don't impact brick and mortar food locations just come to Lost Angeles From the day they were allowed to operate in LA I have seen location after location close their doors. Most people had put everything they had into opening the restaurant. If anyone has ever tried to open a restaurant you know how expensive and long the process is and how many hurdles you have to jump just to open the doors. The Food Trucks do not have to provide parking, restrooms, hours of operation, no disabled access, and when they burn out one area they just pick up and move to another. Im sorry to say that anyone who opens a restaurant is not very business savvy unless it happens to be a very high end or specially restaurant these Food Trucks will be the kiss of death, trust me I have seen it happen for the last 12 years in LA. I will say they are good for locations that don't have restaurant's, or hold special events. In some cases the brick and mortar locations have their own truck's to attend these events and helps promote their location.

Reply Like December 11, 2013 at 7:55am

Facebook social plugin

MORE FROM KFIAM 640



Podcasts



Fun Photos



Investment Boot Camp



Weekend Blogs

Indio posed to approve food truck ordinance

Tatiana Sanchez, The Desert Sun 6:28 p.m. PDT April 1, 2014

The Indio City Council is poised to approve Wednesday an ordinance that modifies regulations for pushcart and mobile food vendors operating within city limits.



(Photo: Lynn Lieu/The Desert Sun)

SHARE

51
CONNECT

TWEET

<https://twitter.com/intent/tweet?url=http://mydesert.co/1foxznV&text=Indio%20posed%20to%20apprc>

INDIO – Now that the Riverside County Board of Supervisors has given food trucks the green light, the city of Indio is following suit with an ordinance of its own.

The Indio City Council is poised to approve Wednesday an ordinance that modifies regulations for pushcart and mobile food vendors operating within city limits.

Joe Lim, director of development services, said the proposed ordinance would allow vendors to be in one spot for a longer period of time. It would also update regulations addressing environmental and safety concerns, such as littering and trash pick-up.

Some of the details include:

- Food truck or pushcart vendors cannot operate on public streets within 300 feet of any school between 7 a.m. and 5 p.m on school days. The school principal can override this with his/her written permission.

- Vendors can only stay in a designated area for one hour and can't return to that same spot within a four-hour period. To change this, the vendor must receive a permit from the city.

- Food trucks or pushcarts can't operate on public streets within 100 feet of an intersection, crosswalk, traffic light or stop sign.

"These changes will compliment and be consistent with the recent changes to the way in which Riverside County inspects and licenses vending vehicles, be consistent with recent court rulings and expand the places in which the mobile food vendors are allowed to conduct business in the city of Indio," a staff report read.

The Riverside County Board of Supervisors approved an ordinance in December that lifts some of the restrictions on food trucks and pushcarts as of April 8.

In the past, food trucks needed special event permits, while carts — such as those used by hot dog vendors — could only sell prepackaged items that required little preparation.

The Palm Desert City Council passed the desert's first set of regulations in March, which prevent a food truck from parking within 750 feet of a conventional restaurant.

In Indian Wells, the City Council discussed food trucks at great length last month, but hasn't come to an agreement on how to regulate them.

City officials in Indio are also toying with the idea of hosting a food truck festival, possibly in the fall.

"Hopefully, it'll add something to our portfolio of events," Mayor Pro Tem Sam Torres has said.

A preliminary proposal from KevaWorks Inc. — which promotes the city's Tamale Festival — said the event would cost the city about \$30,000, but did not include possible revenue. The city plans to receive other proposals.

The City Council also is scheduled to discuss the following items Wednesday:

- An ordinance banning the use of single carryout plastic bags.
- An ordinance requiring the mandatory spaying/neutering of pitbull breeds within the city.

If you go: Indio City Council

When: 5 p.m. on Wednesday

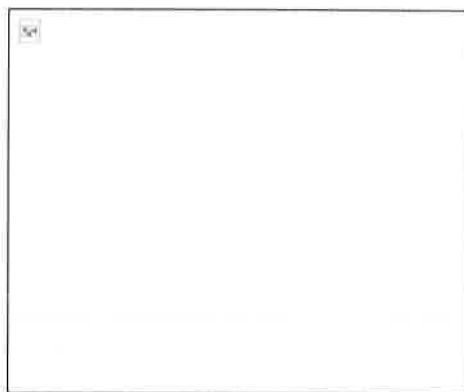
Where: 100 Civic Center Mall, Indio

SHARE

51
CONNECT

TWEET

<https://twitter.com/intent/tweet?url=http://mydesert.co/1foxznV&text=Indio%20posed%20to%20apprc>



MORE NEWS STORIES



[Nina Ronda: Your business, your news](#)
 (/story/money/business/2014/03/24/nina-ronda-business-news-coachella-valley-jobs-philanthropy-recognition/6850859/)
 March 24, 2014, 6:44 p.m.



[Should gun policy halt Obama's surgeon general choice?](#)
 (/story/opinion/columnists/2014/03/29/gun-policy-obama-surgeon-general-choice/7048517/)
 March 28, 2014, 11:10 p.m.

CLASSIFIEDS: JOBS CARS HOMES APARTMENTS CLASSIFIEDS SHOPPING

News	Communities	Sports	Business	Life	Opinion	Obituaries
------	-------------	--------	----------	------	---------	------------

FEATURED: Desert Magazine Desert Outlook Video DealChicken

Find what you are looking for ...

SEARCH



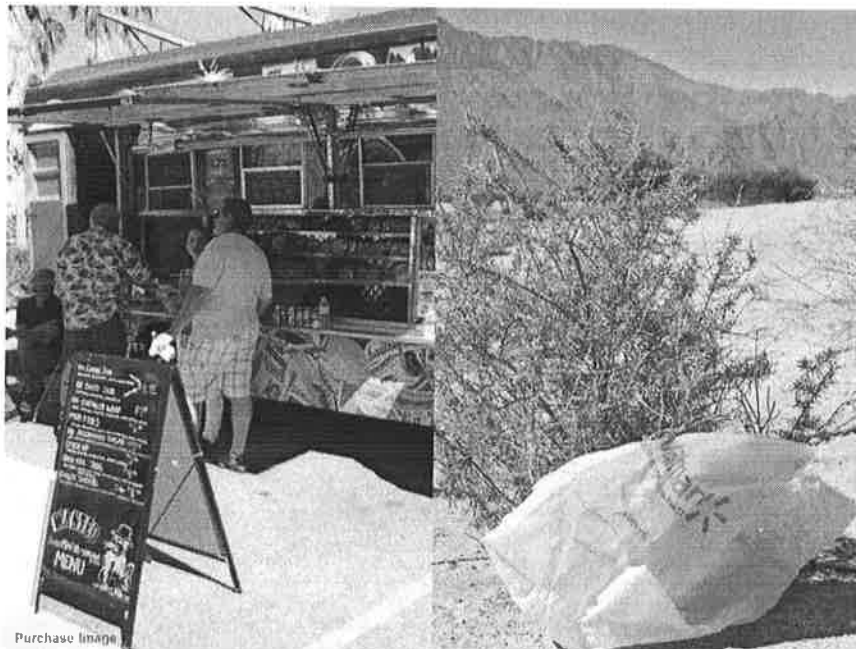
D-B-HORTON
America's Builder

ADVERTISEMENT

Palm Springs OKs bag ban, delays food trucks

Mar 19, 2014

A A



Purchase image

UPGRADE YOUR LIFE.
Luxurious and affordable private jet travel.

SUN VALLEY
AIR CLUB

GET CLEARED FOR TAKEOFF TODAY.
Click this ad to learn more.

ADVERTISEMENT

Ask an expert if
Bariatric Surgery
is right for you

REGISTER NOW »
For a Free Seminar

DESERT REGIONAL
MEDICAL CENTER
Bariatric Specialists

ADVERTISEMENT

On Wednesday, the Palm Springs City Council unanimously approved an ordinance to remove single-use plastic bags from grocery stores and other shops within the city. Retailers will be required to make paper bags available — at a cost of at least 10 cents per bag — to shoppers without their own reusable bag. The ordinance takes effect in six months for large stores of 10,000 square feet or more, and in 12 months for those smaller than 10,000 square feet. / Desert Sun file photo

Written by
Skip Descant
The Desert Sun

PALM SPRINGS — In six months to a year, the shopping and dining experiences in Palm Springs will be slightly different than they are today.

FILED UNDER

- Local
- Local News
- Palm Springs City Council
- Steve Pougnet
- Palm Desert City Council

For one, those little, thin plastic bags that are so ubiquitous in grocery stores will be gone. And food trucks will very likely be a part of the Palm Springs dining scene, serving everyone from pedestrians out on a stroll, to office workers.

On Wednesday, the Palm Springs City Council unanimously approved an ordinance to remove single-use plastic bags from grocery stores and other shops within the city. Retailers will be required to make paper bags available — at a cost of at least 10 cents per bag — to shoppers without their own reusable bag. The

Sponsored Links



TransUnion® Official Site
 FREE Credit Score & \$1 Report in California. Get them now!
transunion.com

Ad Choices



Extended Stay America
 Official Site. Free WIFI, Kitchens. Our best rates here, guaranteed.
www.extendedstayamerica.com



3D Printing Stock - PUGET
 The Most Advanced Personal 3D Printing Solution. Invest Now!
www.pugettechinc.com

ADVERTISEMENT

ordinance takes effect in six months for large stores of 10,000 square feet or more, and in 12 months for those smaller than 10,000 square feet.

The move was strongly supported by the council and the few residents who spoke on the proposed ordinance. Though Steve Rosenberg opposed some of the requirements, such as requiring the paper bags be constructed of at least 40 percent post-consumer waste.

"Prohibitions on plastic bags are fun, but it's the mandates," said Rosenberg, as he tossed aside numerous bags, which he said did not state how much post-consumer waste was part of the bags' makeup. "I'm suggesting we have some problems with the ordinance."

The ordinance — which is modeled on the same bag-ban language passed in roughly 100 California cities and counties — has the support of the California Grocers Association.

"The model that Palm Springs has, it follows in line with the ones our industry can work with," said Dave Hysten, a spokesman for the CGA, adding the association's top priority is consistency from one municipality to the next. "I think for both the business community and for consumers, we think that it's more effective to be consistent with whatever the model is."

And the council placed a temporary six-month hold on food trucks, until the city drafts an ordinance permitting the businesses. A Riverside County ordinance enabling food truck businesses goes into effect April 8.

"I think we are just taking our time to get it right," said Mayor Steve Pougnet. "We are not 'anti-food trucks.'"

The ban on the trucks will not prevent their participation in special events or serving on private property.

The regulations the city will likely consider will have to do with what streets the vendors will be allowed to operate on and how close they can be to existing brick-and-mortar restaurants or institutions like schools.

However, the city ought only consider public safety when drafting its regulations, said Matt Geller, president of the Southern California Mobile Food Vendors Association.

"What doesn't make sense is saying, 'You can't park 500 feet from a restaurant,'" said Geller. "What's the public safety concern there?"

Last week, the Palm Desert City Council passed the desert's first set of regulations, which prevent a food truck from parking within 750 feet of a conventional restaurant.

The trucks are also not allowed on streets with a speed limit of more than 35 mph and must be at least 1,500 feet from K-12 schools.

"Of course, you're going to get places like Palm Desert say, 'Oh, 750 (feet) is fair,'" said Geller. "It's not right. It's not fair. And it's not legal in the state of California. And it's ripe for challenge."

REAL DEALS



Flip, shop and save on specials from your favorite retailers in Palm Springs, CA

GET DEALS NOW

SUBSCRIBE!



Sign up for home delivery today

REAL ESTATE



Attention Agents: Coming Soon! Design your own ads 24/7!

FOUR SEASONS
AT THERMAL VALLEY
An Active Adult Community

Grand Opening
May 3rd in Indio

KJ Journalism
The Best Home is Being Built™
khov4seasons.com

ADVERTISEMENT

Site Map | Back to Top

NEWS

LIFE

COMMUNITIES

- Cathedral City
- Coachella
- Desert Hot Springs
- Indian Wells
- Indio
- La Quinta
- Palm Desert
- Palm Springs
- Rancho Mirage

OPINION

SPORTS

BUSINESS

OBITUARIES

FOLLOW US

- Twitter
- Facebook
- Mobile
- RSS
- E-mail Alerts

News | Jobs | Cars for Sale | Homes for Sale | Apartments for Rent

GANNETT

Copyright © 2014 archive.desertsun.com. All rights reserved. Users of this site agree to the Terms of Service, Privacy Notice/Your California Privacy Rights, and Ad Choices

