

REPORT TO THE CITY COUNCIL



DATE: July 2, 2019

TITLE: An Ordinance Amending Chapter 5.52 Permitting and Regulating Mobile Food Vending Vehicles, Amending Chapter 17.136 Temporary Use Permits and Adding Section 17.12.390 Mobile Food Vending Vehicle Parks of the Desert Hot Springs Municipal Code

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RECOMMENDATION

- 1) Staff Report;
- 2) Entertain Questions of Staff from City Council;
- 3) Open the Public Hearing;
- 4) Take testimony from those in favor;
- 5) Take testimony from those opposed;
- 6) Take testimony from those in a neutral position;
- 7) Close the Public Hearing;
- 8) City Council Discussion and questions to Staff; and
- 9) Introduce for First Reading, and read by title only, "An Ordinance of the City Council of the City of Desert Hot Springs, amending Chapter 5.52 Permitting and Regulating Mobile Food Vending Vehicles, amending Chapter 17.136 Temporary Use Permits and adding Section 17.12.390 Mobile Food Vending Vehicle Parks, of the Desert Hot Springs Municipal Code.

DISCUSSION

On April 2, 2019 the City Council held a Study Session to discuss food trucks and how they would like to move forward. Staff was directed to prepare an update to allow flexibility to permit food trucks. The current Desert Hot Springs Municipal Code (DHSMC) only permits food trucks through Special Events or Temporary Uses. With the direction of the City Council, Staff and the City Attorney's Office prepared an Ordinance (Exhibit 1) regulating food trucks within City Rights-of-Way, as temporary uses, and as permanent food truck parks.

On June 11, 2019, the Planning Commission held a Public Hearing regarding the proposed Ordinance and recommended the City Council approve as proposed.

The proposed Ordinance consists of regulations for three (3) types of Food Truck Uses: 1) Food trucks operating in the Right-of-way; 2) food trucks operating with Temporary Use Permits; and 3) food trucks operating in a Food Park. Additionally, the Ordinance proposes a Mobile Food Vending Vehicle Permit requirement and general regulations for all Food Trucks.

The proposed ordinance for Food Trucks in the Right-of-way limitations prevents food trucks from vending:

- On any street within a residential zone.
- On any street designated as part of a Safety Enhancement Zone pursuant to Chapter 12.28 of this Code.
- Within fifty (50') feet from the outer edge of any entrance of any business which serves food on private property, during the hours such business is open to the public. This prohibition may be waived with the written consent of such business.

- Within thirty (30') feet of any street intersection controlled by a traffic light, crosswalk, or stop sign.
- Within thirty (30') feet of a bus stop.
- No Mobile Food Vending Vehicle may be located within three hundred (300') feet of the nearest property line of any property on which a public or private school building is located, between the hours of 7:00 a.m. and 5:00 p.m. of any school day.
- Within five hundred (500') feet of the nearest property line of any school serving students 18 years of age or younger unless that school is a college, university, or vocational school that primarily serves students older than eighteen years of age, unless the Mobile Food Vending Vehicle is associated with a certified farmers' market that is open at the time that the food vending truck is conducting business
- When the posted speed limit on the public street, alley or highway is greater than thirty-five miles per hour.

Food Trucks with Temporary Use Permits:

- Mobile food vending vehicles may vend or locate on non-residential private property with written permission from the property owner pursuant to a Temporary Use Permit (TUP) or a special event permit.
- The TUP shall limit vending and locating on an applicable private or City-owned property for three (3) consecutive days at a time, and thereafter restrict the vendor from vending at the same location for three consecutive days. Vendors may alternate between vending on and off an applicable property for the duration of a TUP.
- The maximum days for all TUP approvals for Mobile Food Vending Vehicles shall be limited to thirty (30) calendar days per year for all commercial zones and shall be limited to ninety (90) calendar days per year for all industrial zones. No application for a TUP shall be accepted unless the application is accompanied by a fee in an amount set by City Council resolution.
- Notwithstanding any other provisions of this Chapter, vendors may seek a TUP to vend at construction sites that are operating with all required permits under this Code and located within industrial zones. A TUP issued for construction sites shall be valid for a maximum duration of six (6) months.
- Vending from public parks: a TUP may be granted to vendors to vend in public parks. Notwithstanding obtaining a TUP, a vendor shall not operate at a public park if a separate organization is currently renting such park, unless the organization grants written permission to the vendor. A TUP issued under this subsection shall be valid for a maximum of thirty (30) calendar days. Vending shall be limited to Fridays, Saturdays, and Sundays.

Food Truck Vehicle Parks are required to:

- Maintain permanent restroom facilities.
- Provide at least three paved parking spaces per Mobile Food Vending Vehicle.
- Maintain sufficient trash receptacles and trash removal services.
- Tables, chairs, carts, shade structures, or other vending-related installations may be erected.

- Sufficient lighting shall be required if the vendor remains open for business after dusk.
- If Mobile Food Vending Vehicles will remain on site after closing, then a fencing and security cameras are required to enclose the Mobile Food Vending Vehicle Park to prohibit unlawful entry.

FISCAL IMPACT

Possible increase in Business License fees and permit fees if new food trucks come into the City.

EXHIBIT(S)

1) Proposed Food Truck Ordinance