



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: MARCH 15, 2022**
FROM: COMMUNITY & ECONOMIC DEVELOPMENT **WARDS: ALL**
DEPARTMENT
SUBJECT: REGULATIONS REGARDING MOBILE VENDING/FOOD TRUCKS

ISSUE:

Consider proposed changes to amend Riverside Municipal Code (RMC) Chapter 5.36 regarding mobile vending/food trucks.

RECOMMENDATIONS:

That the City Council:

1. Approve and adopt an ordinance revising mobile vending/food trucks - Riverside Municipal Code Chapter 5.36.

COMMITTEE RECOMMENDATION:

The Land Use, Sustainability and Resilience Committee met on September 13, 2021, with Chair Plascencia, Vice Chair Fierro and Member Edwards present, to consider regulations for mobile vending/food trucks. After discussion, the Committee unanimously moved to (1) recommend that City Council make a determination regarding hours of operation as indicated in proposed RMC 5.36.065; (2) recommend that a review of the program is implemented one year after implementation; (3) conduct additional vetting with regard to questions about the Business Improvement District and whether there can be language on inclusion of mobile vendors within a BID; (4) prepare options for an ordinance that (a) adds provisions regarding private property, (b) amends language in RMC Section 5.36.101 (A), (c) clarifies alleys and streets, and (d) includes language to allow food trucks in parks, but excludes the same parks as those for sidewalk vendors; (5) conduct additional research pertaining to viability of food trucks in alleys and (6) prepare a proposed ordinance for City Council consideration.

BACKGROUND:

On May 27, 2021, the Land Use, Sustainability & Resilience Committee (Committee) reviewed and considered four options to amend the Riverside Municipal Code Chapter 5.36 regarding mobile food trucks. Following discussion, the Committee unanimously agreed to direct staff to draft an ordinance amending Riverside Municipal Code Chapter 5.36 to allow mobile food trucks to operate in compliance with State and County guidelines and return a draft of the ordinance to this Committee in September 2021.

DISCUSSION:

Context

Mobile food trucks are motorized vehicles that function as transportable retail food facilities for the sale of food and beverages to the public. They have lower startup costs than traditional fixed locations and provide economic opportunity for entrepreneurial individuals. Mobile food trucks are subject to state and local health standards and are extensively regulated by Riverside County Department of Environmental Health. They must obtain a County health permit, pass health inspections, and display a certification sticker prominently on the truck. Furthermore, mobile food trucks operating within the Riverside City limits may currently only serve pre-packaged food and must also obtain a City business tax certificate.

State Law

Within the public right-of-way, mobile food vending is protected by California Vehicle Code Section 22455, and the City is able to adopt requirements to regulate the time, place, and manner of mobile food truck operations as needed in the interest of public health and safety.

As to health and sanitation standards, the California Retail Food Code, a division of the Health & Safety Code (H&S), regulates all retail food facilities statewide. While it has general rules applicable to all food sellers, it also contains food-truck specific rules. The California Retail Food Code is extensive and contains detailed regulations on the training and certification of food handlers; the physical layout of food trucks including materials that can be used; cleaning, storage and resupply procedures and temperatures and handling instructions for various foods.

Compliance with the California Retail Food Code is mandatory throughout the state, although local jurisdictions may add additional requirements that are not in conflict with state law. For example, Riverside County has added the “A”, “B”, “C” grading placard for food trucks, the same as in fixed location restaurants.

County of Riverside

There are five categories of a Mobile Food Facility (MFF) that can be permitted:

1. **Produce Vehicle:** A MFF limited to the sale of whole, uncut produce obtained from an approved source.
2. **Prepackaged Food Pushcart:** A MFF limited to the sale of 100% prepackaged foods from non-motorized vehicles, which are obtained from an approved source.
3. **Prepackaged Food Vehicle:** A MFF limited to the sale of 100% prepackaged food from a motorized vehicle (e.g., ice cream trucks).
4. **Non-Prepackaged Food Vehicle:** A MFF that engages in limited food preparation (e.g., shaved ice cart or hot dog cart).
5. **Mobile Food Preparation Unit:** A MFF that engages in full food preparation (e.g., food trucks).

The County of Riverside must approve the physical design and layout of any proposed MFF. Riverside County Environmental Health issues numbered permits to approved MFF's that are valid for one year. MFF categories 1-3 (above) are inspected once per year; while categories 4 and 5 are inspected twice per year. Food trucks generally fall into categories 1, 3 and 5. MFF's

that pass all of the requirements are issued a numbered Environmental Health Decal, which must be displayed on the outside of the MFF. In this way, inspectors and the public can quickly determine that a particular MFF is approved by the County. Prior to the issuance of a new permit, or renewal of a permit, the MFF must provide:

1. Commissary agreement letter. (Commissaries are approved locations where MFF's are stored, cleaned, and resupplied with food and water. There are currently three commissaries within the Riverside City limits)
2. Commissary schedule.
3. Written operational procedures detailing where food will be purchased, where it will be prepared, how it will be prepared, and sanitizing procedures.
4. Current route sheets for MFF's that operate in multiple locations.
5. Proof of annual water tank testing.
6. Proof that all water has been supplied solely from an approved commissary.
7. Approved plan for waste grease and trash disposal.
8. Proof of issuance of food manager and food handler certifications.
9. A list of food items to be sold from the MFF.
10. Proof of valid driver's licenses for all proposed drivers and current vehicle registration.
11. Proof of general liability insurance naming the County as an "additional insured". (Category 5 only.)

Riverside Municipal Code

Riverside Municipal Code Section 5.36.030 (Attachment 1) currently permits mobile food merchants, which are defined as "any individual that operates or assists in the operation of a vending vehicle in the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise of foodstuffs from a vending vehicle." However, pursuant to Section 5.36.070, "no mobile food merchant shall sell, display, solicit, barter, gift, or exchange or otherwise, any item, other than pre-packaged food from a vending vehicle within the corporate limits of the City of Riverside as set forth in this Code." This restricts food trucks to the Category 3 MFF's (above.)

Reasons Commonly Given for Support

Supporters of mobile food trucks cite the success of traditional food vending trucks that service locations such as construction sites and factories where there is limited access to restaurants. In a more modern context, food trucks often offer a broader range of innovative dining choices and connect customers through social media platforms. Food trucks can be more affordable for first-time and startup entrepreneurs than brick-and-mortar restaurants. They are particularly popular with young, digitally savvy consumers. The close connection between customers and owners means instant insight into menu and food preferences.

Reasons Commonly Given for Opposition

There are often complaints in communities throughout the country where vending trucks frequent popular areas with well-established brick-and-mortar businesses. These generally fall within the following categories: (1) public safety; (2) community impacts; and (3) economic impacts.

Potential Public Safety Concerns

Public safety concerns involve drivers making illegal maneuvers to access food trucks and pedestrians walking into the streets to avoid food-truck customers who are blocking the adjacent sidewalks. Another common safety concern is that parked food trucks obstruct law enforcement officers' views into area businesses. There are also public safety concerns that are unique to particular areas where the absence of sidewalks can force pedestrians to congregate in the street, placing them at increased risk from vehicular traffic.

Additionally, the Riverside Police Department reports an increase in complaints and has responded to numerous disturbing-the-peace incidents during early morning hours in Downtown Riverside, which they attribute to the late-night presence of pedestrian food vendors. The bar patrons who congregate around the food vendors can be loud and have engaged in fights and other malicious behaviors. There remains the possibility that food trucks could add additional impacts.

Potential Community Impact Concerns

Community impact concerns focus on security, trash collection, and general public nuisance concerns such as odors permeating the surrounding area, limited access to restroom facilities for both employees and patrons, and proximity and respect for the nearby community.

Potential Economic Impact Concerns

Economic concerns include competition with established brick-and-mortar restaurants that have higher overhead and take up parking in certain areas where food trucks operate.

Community Feedback

To ascertain community interests, staff conducted two virtual community round-table meetings to provide a background of the project to participants and solicit their feedback and perspectives on several topics related to the City's current sidewalk vending ordinance and future direction of the City concerning food trucks. The first meeting was held on March 25, 2021. This meeting was well attended with approximately 100 participants. The second meeting was conducted on April 8, 2021 and attended by approximately 40 participants. During these meetings, three general perspectives emerged from the community and were considered by staff in drafting this report:

1. Some fully supported legalized food trucks offering cooked food throughout the City;
2. Others supported the concept of food trucks serving cooked food, but thought that they should be restricted/regulated and allowed to operate only in certain parts of the City that are not serviced by restaurants; and
3. Others felt that a decision on this matter should be postponed for at least 12 months to allow local restaurants a chance to recover from COVID-19 challenges without also needing to compete with an influx of additional mobile food vending businesses.

In addition to conducting community outreach meetings, staff also researched several other agency's codes related to mobile food trucks including ordinances from the following jurisdictions: Cities of Jurupa Valley, Santa Ana, San Diego, and Lake Elsinore.

The proposed ordinance (Attachment 2 – redline version, Attachment 3- clean version) includes all of those provisions discussed by the Committee on May 27, 2021 as well as the additional requested amendments as discussed by the Committee on September 13, 2021:

Time Restrictions for Mobile Vending

In order to achieve continuity and equity with the City’s sidewalk vendor ordinance, the proposed hours of operation are aligned with the permitted hours of operation for sidewalk vendors and as requested by the Committee:

- 1) Sunrise to Sunset in residential zones
- 2) Sunrise to midnight in all other zones (commercial, industrial)

Finding (A)

The Committee found the language contained in finding (A) of the existing mobile vending code not to be in alignment with their current perspectives on the existence of food trucks in the community. The Committee asked that staff draft a revised finding that better reflects their acceptance of the role food trucks can play in the community as well as the potential negative effects that they can cause if not properly regulated.

Existing language:

“Mobile food vending has the potential to pose special dangers to the public health, safety and welfare of residents of the City.”

Proposed language:

“Mobile food vending has the potential to foster an active and social pedestrian environment in communities throughout the City; however vending vehicles can also create certain dangers to public health, safety and welfare if not adequately regulated.”

Street vs. Alley

A “street” or “highway” is defined as the entire width between property lines of every way publicly maintained when any part thereof is open to the use of the public for vehicular travel. An alley means any highway having a roadway not exceeding 25 feet in width which is primarily used for access to the rear or side entrances of abutting property. Many alleys in the City and in particular, those in the downtown area, serve residential properties and are designated for one-way. Alleys are also much narrower in width than streets or highways. In addition, many alleys are utilized by delivery trucks for the occasional loading/unloading of goods. Current RMC 10.52.075 states:

“No person shall stop, stand, or park a vehicle for any purpose or length of time other than for expeditious unloading and delivery or pickup and loading of passengers or materials in any alley.”

Due to the potential for food trucks to inhibit or block access in alleyways, create traffic and pedestrian safety issues, cause sight obstructions, etc., staff would not recommend exempting food trucks from the existing alley parking restrictions.

Food Trucks in Business Improvement Districts

Businesses that register their place of business in a Business Improvement District (BID) are automatically charged BID fees and become members. This would apply to food truck businesses as well if the business location itself fell within a BID. There is no current requirement for food trucks, or any other transitory or mobile businesses that operate in BIDs on occasion, to pay fees and join the BID unless, again, their business is registered within the boundary of that BID. The RMC currently regulates BIDs in separate sections of the municipal code specific to each established BID. There may be a path to requiring mobile business to register in a BID, but such provisions should be addressed in those sections of the RMC that regulate the BIDs since this topic has a broader scope than just food trucks.

Food Trucks on Private Property

Permitted land uses on private property are regulated by Title 19 – Zoning of the Riverside Municipal Code. Operation of food trucks on private land would typically be regulated by Title 19 to address potential impacts on surrounding properties and ensure that the use adheres to established development standards and guidelines.

During the course of business, food trucks sometimes operate on private property (e.g., at construction or industrial/office sites for meal service). In recognition of this, the Committee requested that the proposed Title 5 changes address intermittent activity with minimal permitting requirements on food truck operators.

Per the Committee's request, temporary and periodic visits by food trucks have been included in the RMC Chapter 5.36 recommended changes which would allow no more than 2 vending vehicles on any private lot in the O-Office, CG- Commercial General, CR – Commercial Retail, CRC – Commercial Regional Center, MU-V – Mixed-Use Village, MU-U – Mixed-Use Urban, BMP – Business and Manufacturing Park, I – General Industrial, AI – Air Industrial Zone and AIR – Airport Zones, as defined in Title 19, and any zone within a Specific Plan that allows commercial uses. Permission from private property owners would be required. In addition, no overnight parking of a food truck would be allowed and there are requirements for two off-street parking spaces. Any food truck operations on private land beyond the recommendations in RMC Chapter 5.36 ordinance would require additional permits.

Park Restrictions

To align the City's proposed food truck ordinance with the existing sidewalk vending ordinance governing pedestrian and stationary vendors, the Committee recommended that the same restrictions apply to food trucks as those for sidewalk vendors. The following rules are proposed to prohibit food trucks from operating within their boundaries:

1. Food trucks/mobile vendors in public parks are prohibited from vending in City parks where the City Manager or his or her designee has signed an agreement for concessions that exclusively permit the sale of food or merchandise by the concessionaire.
2. Mobile/food truck vending is prohibited at the following regional reserve/open space parks:
 - a. Box Springs Mountain Open Space.
 - b. Challen Park Open Space.
 - c. Mount Rubidoux Park and San Andreas Avenue/Glenwood Drive between Tequesquite Avenue and Fourteenth Street.
 - d. Pachappa Hill Open Space.
 - e. Quail Run Open Space.
 - f. Sycamore Canyon Wilderness Park.

STRATEGIC PLAN ALIGNMENT:

Strategic Priority: 3. Economic Opportunity - Champion a thriving, enduring economy that provides opportunity for all.

Goals:

3.1 - Facilitate partnerships and programs to develop, attract and retain innovative business sectors.

3.3 - Cultivate a business climate that welcomes innovation, entrepreneurship, and investment.

3.4 - Collaborate with key partners to implement policies and programs that promote local business growth and ensure equitable opportunities for all.

1. **Community Trust** – This item has been vetted through numerous Committees with robust public comment. In addition, two community roundtable meetings were held to solicit feedback from all stakeholders. Staff continues to engage community and team members on a regular basis regarding food trucks. The community meetings were marketed via e-mail blasts to constituent groups and the Greater Riverside Chambers of Commerce, direct messages to advocacy groups, and via Council newsletters. Roundtable meetings and Committee Meetings were conducted in both English and Spanish.
2. **Equity** – This item is being undertaken to provide equal entrepreneurship opportunities for segments of the business community that have been highly regulated and restricted. Food trucks can serve as not only a means to provide income, but a means to deliver food to underserved or socio-economically disadvantaged segments of the community. Another often overlooked aspect of food trucks is that not only does it open a pathway for new entrepreneurs, it also creates opportunities for existing brick and mortar establishments to branch out and expand their business footprint. Spanish translation services have been provided throughout the meetings at the City Council sub-committee and community workshops.
3. **Fiscal Responsibility** – Increased food truck activity in the City of Riverside can potentially generate additional sales tax and permit fee revenue. In addition, it can potentially attract additional visitors to areas such as the Downtown Entertainment District by providing additional dining options, thereby further increasing sales tax revenue for area businesses.
4. **Innovation** – The “street food” culture is a growing trend in many progressive areas of the country. Providing a regulatory framework that encourages this entrepreneurship while still safeguarding the public’s health, safety and welfare would place Riverside among those model cities that are beginning to incorporate this “street food” culture into their downtowns. In addition, food trucks are a popular vehicle for serving quick meals to crowds. This provides an option for residents and workers to enjoy a quick meal with friends, family and colleagues. In many regions, food trucks are test kitchens featuring dishes made with constantly changing local ingredients.
5. **Sustainability & Resiliency** – Expanding food options meets current demands for food options without compromising the needs of the future. Food trucks enjoy a degree of popularity, and this economic opportunity will positively impact the City’s capacity to

persevere, adapt and grow.

FISCAL IMPACT:

There is no fiscal impact associated with the receipt of this report. However, an increase in the prevalence of food trucks might result in an increased workload for numerous affected City departments. Depending on the scope of the program, additional staff may be required for enforcement and compliance operations.

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Concurs with;



Gaby Plascencia, Chair
Land Use, Sustainability and Resilience Committee

Attachments:

1. Existing RMC 5.36 – Mobile vending
2. Proposed ordinance (redline)
3. Proposed ordinance (clean)