Legislation Details (With Text)

File #:	22-1016	**Version:** 1	**Name:**	PW - Report on Food Truck Regulations
Type:	Agenda Item		**Status:**	To Be Introduced
File created:	8/5/2022		**In control:**	City Council
On agenda:	8/23/2022		**Final action:**	

Title: Recommendation receive and file the Considerations and Recommendations Report prepared by Lisa Wise Consulting, Inc., regarding the City's existing food truck regulations; and

Request City Attorney to prepare ordinance to update the Long Beach Municipal Code (LBMC) to comply with the most recently enacted State and federal legislation regarding the food trucks; to consolidate, where feasible, provisions of the LBMC relating to the regulation and enforcement of food trucks and similar operations into one ordinance; and, in consultation with City Manager, or designee, repeal provisions of the LBMC which are obsolete, no longer applicable, or no longer enforced related to food trucks and similar operations. (Citywide)

Sponsors: Public Works

Indexes:

Code sections:

Attachments: 1. 082322-R-28sr&att.pdf, 2. 082322-R-28 Corresp. Cohn.pdf, 3. 082322-R-28.PowerPoint.pdf, 4. 082322-R-28 Corresp. DLBA.pdf, 5. 082322-R-28 Corresp. LB Chamber.pdf, 6. 082322-R-28 Corresp. Pilon.pdf, 7. 082322-R-28 Corresp. RCSHLB.pdf, 8. 082322-R-28 Corresp. Stidham.pdf

Date	Ver.	Action By	Action	Result
8/23/2022	1	City Council	approve recommendation	Pass

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In May 2021, Lisa Wise Consulting, Inc. (LWC), was retained to address updating and developing City of Long Beach (City) regulations and policies related to the operation of food trucks. The scope of LWC's work was to audit the existing code, engage with internal and external shareholders regarding current conditions of food trucks within Long Beach, and create a set of recommendations for future action which considered all stakeholders. The project was completed and LWC's Considerations and Recommendations Report (LWC Report) is attached (Attachment) . The recommendations of LWC are specific to food trucks, including ice cream trucks and similar mobile food vehicles. City staff are working separately

to address concerns and the regulations related to sidewalk vendors, which will be presented to the City Council as a separate item for consideration at a future date.

Outreach Results

The Public Works Department served as a liaison between LWC and all internal and external stakeholders during the completion of LWC's food truck policy assessment.

External stakeholders that were engaged included Business Improvement District (BID) representatives, restaurateurs, property owners, food truck operators, food truck industry trade organization representatives, and residents. Common themes of the external stakeholder feedback included the following:

- Food trucks can benefit areas without access to fresh, diverse food options.
- Food trucks can result in competition with brick-and-mortar businesses that face additional regulations, as compared to food trucks.
- Existing regulations are unclear and are not enforced consistently.
- Unpermitted trucks are a nuisance to the community, permitted food truck operators, and business owners.
- Location-based food truck zones could be a successful solution.

Internal stakeholders that were engaged included Development Services, Economic Development, Financial Management, Health and Human Services (Health Department), Parks, Recreation and Marine, and Police
Departments. These internal stakeholders reported the following:

- Food trucks can be beneficial to neighborhoods and special events by offering convenient, affordable food and activating parking lots.
- Food trucks can cause unexpected vehicular and pedestrian traffic, parking issues, and pedestrian safety concerns.
- Existing regulations are unclear and difficult to enforce.
- Current city staff resources and capacity present an enforcement challenge.
- A comprehensive Food Truck Program could ease enforcement challenges.

For more details on feedback received, see the Key Findings and Considerations section of the Attachment.

Food Truck Policy Options

The LWC Report highlights local conditions occurring under the current regulations, key findings from stakeholder interviews and audits, and recommendations to modernize the City's existing food truck regulations to be more consistent with other contemporary cities. On July 12, 2022, the City Council conducted a study session on food safety which included discussions regarding food trucks. The City Council communicated its desire to balance the concerns of brick-and-mortar businesses, while also providing food trucks the opportunity to be successful and operate safely and in compliance with health and safety requirements. This could include exploring designated areas where food trucks would be encouraged to operate. In addition, there is a need to address public health and safety, nuisance, trash, ADA

accessibility, and parking concerns, along with evaluating suitability for residential areas.

Considering the breadth of the recommendations proposed by LWC and the priorities communicated by the City Council, City staff recommends a two-phased approach to the implementation of these food truck policy options. As outlined below, this approach allows for certain solutions to be implemented immediately, while allowing additional time for City staff to develop specific recommendations, consistent with LWC's feedback, that require further stakeholder engagement and analysis.

Phase 1: Focus on Health and Safety

Phase 1 will focus on addressing recommendations from LWC that are primarily related to health and safety concerns, and those recommendations that can be implemented immediately. City staff recommends that the City Attorney drafts an Ordinance which accomplishes the following:

· Update the Long Beach Municipal Code (LBMC) to comply with the most recently enacted State and federal legislation regarding food trucks.

This is the most immediate need identified by LWC and would include clear cross-references to State law to ensure that the LBMC remains consistent as changes occur. Currently, requirements in the LBMC, including those referenced to important health and safety requirements in the California Health and Safety Code, are outdated. This update would also include modernizing and consolidating definitions so the LBMC definitions are compliant and consistent with State law and easy to understand.

· Consolidate, where feasible, Chapters of the LBMC relating to the regulation and enforcement of food trucks and similar operations into one Ordinance.

Consolidating all regulations related to food trucks into one Ordinance makes it easier for operators to comply with regulations and for City staff to enforce such regulations. City staff also recommends that all available legal enforcement tools are included in this Ordinance.

· Repeal sections of the LBMC which are obsolete, no longer applicable, or no longer enforced in relation to food trucks and similar operations.

This action will ensure that only the most up to date requirements for food trucks are contained within the LBMC, avoiding confusion for both food truck operators and City staff.

· Require a health permit from only the City's Health Department.

This will allow the Health Department to permit and enforce the requirements of the California Health and Safety Code, to ensure the public's health is protected and that costs associated with the program are recovered by the City.

· Allow the City Manager, or designee, to adopt reasonable rules and regulations necessary to implement the requirements and administration of the Food Truck Program.

If the City Council moves forward as recommended, City staff will complete Phase 1 as soon as possible, but will need time to assess the amount of code cleanup that is necessary to determine an accurate timeline.

Phase 2: Location-Based Regulations and Additional Permits

Phase 2 will focus on implementing recommendations which require additional engagement with external and internal stakeholders and/or further analysis by City staff before a recommendation to City Council may be made. External stakeholders include, but are not limited to, food truck operators, community members, BIDs, and brick-and-mortar businesses.

City staff intend to evaluate policy options, anticipated to be brought to the City Council in Spring 2023, which would regulate the following:

· The ability for food trucks to operate at Special Events and on private property.

This will involve coordination with the Office of Special Events and the Development Services Department to evaluate any applicable land use issues on private property locations.

· Location-based regulations, including, but not limited to:

Issuance of a permit for food trucks to use within the public-right-of-way; zoning and land use considerations, including requiring a land use permit; parking impacts and regulations; and time-based regulations for operations. Based on stakeholder and City Council feedback, staff will explore concerns in residential areas and business districts as well as consider areas where food trucks can be encouraged, such as locations with limited access to food options or spaces that could benefit from additional activation.

· Regulations related to nuisance abatement and other public safety concerns.

Further, consistent with LWC's recommendations, City staff recommends that the City implements a Food Truck Program with a designated Food Truck Coordinator. The Food Truck Coordinator position would help to promote consistency, clarity, reliability, and equity in the Food Truck Program. This position will also serve as a direct contact for all food truck operators and owners, brick-and-mortar business owners, and community members. The Food Truck Coordinator would be a position within Public Works Department, that would also oversee enforcement of any permit required to operate in the public-right-of-way. The Proposed Fiscal Year 2023 (FY 23) Budget contains a request for funding for the Food Truck Program Coordinator position within the Public Works Department's Project Management Bureau, with the intention to recover costs through permit fees associated with the Food Truck Program.

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After each phase is completed, a targeted outreach campaign will be launched to engage and educate the community, businesses, and food truck operators on any updated regulations, restrictions, and other considerations. Each phase will be developed and implemented utilizing an equity lens.

This matter was reviewed by Deputy City Attorney Taylor Anderson on August 10, 2022 and by Budget Management Officer Nader Kaamoush on August 9, 2022.

City Council action on this matter is not time critical.

Approval of this recommendation will allow City staff to complete the first of two phases of the City's Food Truck Program development and prepare an Ordinance to update the LBMC to address health and safety concerns. As part of the first phase, the Ordinance will include mandatory permits issued by the City's Health Department. Following implementation and based on existing permits, annual permit fees can range from $250 to $828 per truck and will depend on the complexity of the food operations. Annual revenue is estimated at $52,000 which will be deposited to the Health Fund Group and can offset program implementation costs during the first full year of implementation. The second phase of program development will focus on location-based regulations and additional permitting requirements. In anticipation for program implementation and in accordance with study recommendations, the Proposed FY 23 Budget includes an enhancement request for 1.0 FTE (full-time equivalent) to coordinate a Food Truck Program and related permitting processes for the Public Works Department. At this time, staff is evaluating the estimated costs (inclusive of the proposed FTE enhancement) associated with full program implementation and will return to the City Council with revised estimates, in addition to proposed adjustments to the Master Fees and Charges Schedule to implement fees needed to offset program costs in both the Health and Public Works Departments.

This recommendation has a moderate staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.
Approve recommendation.

ERIC LOPEZ
DIRECTOR OF PUBLIC WORKS

APPROVED:

THOMAS B. MODICA
CITY MANAGER