

**City of Culver City, California  
Agenda Item Report**

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| Meeting Date: 03/28/11                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  | Item Number: <u>A-1</u>                                                                |  |
| <b>CITY COUNCIL AGENDA ITEM: Discussion of the Subject of Mobile Food Vendors (Food Trucks) and Direction to the City Manager as Deemed Appropriate.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |                                                                                        |  |
| Contact Person/Dept.: Martin R. Cole                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  | Phone Number: 310-253-6000                                                             |  |
| Fiscal Impact: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  | General Fund: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>      |  |
| Public Hearing: <input type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  | Action Item: <input checked="" type="checkbox"/> Attachments: <input type="checkbox"/> |  |
| Commission Action Required: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | Date: _____                                                                            |  |
| Public Notification: Meetings and Agendas – City Council (03/09/11; 03/23/11); (E-Mail)<br>Courtesy Notice to Meetings and Agendas – City Council (03/01/11;03/10/11;03/23/11) –<br>Homeowners’ Associations – Downtown Neighborhood Association/Fox Hills Neighborhood<br>Association/Gateway Neighborhood Association (03/01/1103/10/11;03/23/11); (E-Mail)<br>Courtesy Notice to Organizations – Chamber of Commerce (03/01/1103/10/11;03/23/11); (E-<br>Mail) Courtesy Notice to Press Organizations (03/01/1103/10/11;03/23/11); (E-Mail)<br>Courtesy Notice to Downtown Business Association (03/01/1103/10/11;03/23/11); (E-Mail)<br>Courtesy Notice to Southern California Mobile Food Vendors Association<br>(03/01/1103/10/11;03/23/11)                                                                                                                                                                                                                |  |                                                                                        |  |
| Department Approval:<br>Martin R. Cole (03/22/11)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  | City Attorney Approval:<br>Carol Schwab (by H. Baker) (03/23/11)                       |  |
| Chief Financial Officer Approval:<br>Jeff Muir (by M. Noller) (03/23/11)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  | City Manager Approval:<br>John M. Nachbar (03/23/11)                                   |  |
| <p><b><u>RECOMMENDATION:</u></b></p> <p>Staff recommends the City Council discuss the subject of food trucks and direct the City Manager as deemed appropriate.</p><br><p><b><u>BACKGROUND:</u></b></p> <p>In recent years, a trend has emerged that has transformed the Mobile Food Vendor (MFV) industry, which had, in times past, been viewed somewhat negatively— into a new phenomenon throughout the United States. MFVs, which previously operated predominately at construction sites during the breakfast and lunch hours, have recently, over the past decade or so, improved both the quality and the variety of menu items offered and, in some cases, have received high praise from food critics. Given the Los Angeles region’s trend setting nature, MFVs have seen a marked increase in number due, in significant part, to the demand of a hungry public for the unique food and beverage offerings conveniently made available curbside.</p> |  |                                                                                        |  |

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With the increase in popularity of MFVs, concerns have been raised on at least two fronts: (1) the impact of MFVs on traditional “brick and mortar” based restaurants and (2) appropriate regulation of MFV vehicles to ensure patrons and owners of MFVs are able to operate safely in areas where potential traffic and other safety concerns can be adequately addressed.

**DISCUSSION**

Tonight’s meeting is an opportunity for interested persons and organizations to provide the City Council with comments regarding the operation of MFVs in Culver City. While the discussion is expected to primarily involve mobile food trucks, staff will also mention mobile merchandise vendors and cart-based food/merchandise vendors (such as push-cart ice cream vendors). While the City Council is considering what, if any, direction to provide to the City Manager, it is recommended the City Council keep in mind the following.

MFVs are regulated by the State of California. The California Vehicle Code (CVC) permits MFVs to vend products (including food) in a “residence district” after bringing the vehicle to a complete stop and lawfully parking adjacent to the curb. The CVC also references the requirements of the Health and Safety Code which require the MFV be within 200 feet travel distance of an approved and readily available toilet and hand washing facility if the MFV is stopped for more than a one-hour period. The Culver City Municipal Code (CCMC) also provides additional regulations related to “street vendors.”

The regulation of MFVs is shared between State and local law. The interaction of those two levels of regulation is still subject to interpretation by the courts and has been the subject of recent challenges. State law provides local government with the authority to adopt additional time, place and manner requirements for the purpose of protecting public safety. In the course of considering these recent concerns over MFVs, staff has carefully reviewed the CCMC in light of current statutory and case law and would recommend that certain provisions of the CCMC be updated regardless of any additional or different requirements the City Council may wish to consider.

After considering the input of interested parties, the City Council may wish to consider the following options:

- (1) Direct the City Manager and City Attorney to prepare an item for the City Council’s consideration at a future City Council meeting which would institute a temporary moratorium on the issuance of business tax certificates to MFVs for a period of 45 days, in order to allow staff additional time to study the impacts of MFVs; or,

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(2) Direct the City Manager and the City Attorney to prepare recommended amendments to both update and enhance the CCMC provisions applicable to MFVs as they relate to providing for adequate public safety and return no later than May 23, 2011 to the City Council (without institution of a moratorium); or

(3) Determine to take no additional action (in which case staff would prepare a base level of recommended amendments for the City Council's consideration, in order to update the CCMC for consistency with state law).

**FISCAL IMPACT**

This evening's item is intended for discussion purposes and to provide the City Council with an opportunity to provide direction to the City Manager on this subject. Should the City Council direct that a follow-up item be prepared, then the fiscal impacts associated with that proposed action would be provided at that time.

**MOTION**

That the City Council:

Discuss the subject of Mobile Food Vendors and direct the City Manager as deemed appropriate.