

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA ESTABLISHING A PILOT PROGRAM FOR HEALTHY FOOD TRUCK PERMITS AT CERTAIN CITY PARKS AND DOWNTOWN (DT-PV) AND DOWNTOWN TRANSITION (TR-PV) ZONED PROPERTIES DIRECTLY SURROUNDING COACHELLA VETERANS' MEMORIAL PARK. CITY-INITIATED. (*First Reading*)

WHEREAS, pursuant to the authority granted to the City of Coachella ("City") by Article XI, Section 7 of the California Constitution, the City has the police power to regulate the use of land and property within the City in a manner designed to promote public convenience and general prosperity, as well as public health, welfare, and safety; and,

WHEREAS, the proposed Ordinance would amend Title 17 (Zoning) to streamline the development review process, create more flexibility in development standards, implement the General Plan and modify Zoning Ordinance to address new changes required by State Law; and

WHEREAS, based on that analysis, the City Council finds that the Objective Design Standards are exempt from further review of the California Environmental Quality Act (CEQA) because it is an administrative activity which will not result in a direct or reasonably foreseeable indirect physical change to the environment and is not a "project" as defined by section 15378 pursuant to State CEQA Guidelines 15060(c)(2 and 3) and 15061(b)(3). The Ordinance will not result in any increase in the intensity or density of any land use above what is currently allowed in the Coachella General Plan 2035 and the Zoning Ordinance; and

WHEREAS, on November 20, 2024 the Planning Commission reviewed the ordinance; and

WHEREAS, at the said non-hearing item, the Planning Commission recommended that the City Council approve this Ordinance; and

WHEREAS, on December __, 2024 the City Council reviewed the ordinance at which time during the hearing members of the public were given an opportunity to testify regarding the Project; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Purpose

The purpose of this ordinance is to establish a pilot program for healthy food truck permits on Downtown Transition (DT-PV) and Downtown Transition (TR-PV) District zoned private properties surrounding Coachella Veterans' Memorial Park and at other City of Coachella parks,

with the goal of providing accessible, nutritious food options for residents and visitors, in alignment with American Heart Association's nutritional standards or Coachella Blue Zone certification. The program shall be temporary, lasting for a period of four (4) years. Healthy food trucks in the Downtown Transition District are intended to encourage establishment of long-term brick and mortar businesses on the same property.

SECTION 2. Definitions

For the purposes of this ordinance, the following definitions shall apply:

1. "Mobile food truck" means a licensed, motorized vehicle, including any legally attached trailer, used in conjunction with the service of a commissary, or other permanent food facility upon which prepackaged or approved non-prepackaged food is sold, offered for sale or otherwise distributed as retail.
2. "Healthy Food Truck" A mobile food truck that provides a menu where at least 50% of food and beverage items meet the nutritional standards set forth by the American Heart Association (AHA).

SECTION 3. Eligibility for Healthy Food Truck Permit

To qualify for a permit under this ordinance, a food truck must meet the following criteria:

1. **Menu Requirements:** The food and beverage items offered must meet the nutritional standards that align with American Heart Association's or the Coachella Blue Zone certification, which include:
 - o Limitations on saturated fat, trans fats, sodium, and added sugars.
 - o Emphasis on fruits, vegetables, whole grains, lean proteins, and low-fat dairy.
2. **Location Requirements:** A permit for a mobile food truck shall not be approved unless the following are met:
 - o A maximum of one (1) mobile food truck on an individual developed lot surrounding Veteran's Memorial Park along Vine Street, 4th Street, and Orchard Street in the Downtown (DT-PV) and Downtown Transition (TR-PV) Zoning District and more than one mobile food truck on lots or sites greater than 11,500 square feet. Properties with existing residences are permitted to locate a food truck along the frontage of the property and subject to plot plan review by the Development Services Department.
 - o No more than two (2) mobile food trucks are allowed stationed around a public park or within the park parking lot at a minimum of 50 feet from street intersections as approved by the Public Works Director (Dateland Park, Bagdouma Park, Rancho Las Flores Park).
 - o No more than one (1) mobile food truck is allowed stationed around De Oro Park, Sierra Vista Park, or Library Park at a minimum of 50 feet from street intersections
 - o No more than one (1) mobile food truck is allowed stationed at the City of Coachella Civic Center or Corporate Yard.

3. **Compliance and Verification:** Food truck operators must submit a detailed menu with nutritional information to the City of Coachella for approval by the Riverside University Health System (RUHS) Nutrition and Health Promotion Branch prior to receiving a permit. RUHS will conduct regular inspections to ensure compliance with these standards throughout the permit period.

SECTION 4. Operational requirements.

A mobile food truck shall comply with the following:

1. **Area maintenance.** The lot in the Downtown and Downtown Transition Zone used by the mobile food truck shall be kept free of any debris or trash. Mobile food trucks at parks shall maintain a 20 foot radius kept free of any debris or trash.
2. **No onsite consumption area.** Except for shade covers or awnings that provide shade for customers waiting for food for a mobile food truck at City parks, no tables or chairs shall be placed on the lot.
3. **Amplified sound.** No loudspeaker systems, or other device(s) designed to amplify sound are allowed on the lot or associated with the mobile food truck without a special event permit. Live music is permitted associated with operation of a mobile food truck in eligible DT-PV and TR-PV Zoned sites.
4. **Signage.** All signage shall comply with chapter 17.56, sign regulations of this title. Additionally, air flyers and sign twirlers are prohibited on the Lot.
5. **Lights.** All temporary outdoor lighting shall be shielded or downward facing.
6. **Location safety.**
 1. Mobile food trucks shall be located at least fifteen (15) feet from any fire hydrant, utility box or vault, public right of way, emergency vehicle route, internal drive aisle, tree canopy or pedestrian pathway.
 2. Mobile food trucks shall not operate within a five-foot radius of another mobile food truck.
 3. Mobile food trucks shall not otherwise be located within any area of the lot that obstructs pedestrian or vehicle traffic.
7. **No alcohol or sale of controlled substances.** The sale or soliciting the sale of any alcoholic beverages or controlled substances from a mobile food truck is strictly prohibited.
8. **Waste disposal.**
 1. No mobile food truck shall cause or dispose of oil, grease, or waste on the lot.
 2. Wastewater generated on-site shall not be released on-site or into the storm drainage system.
10. **Parking.** Overnight parking or storage of the mobile food truck at a park is prohibited.
11. **Display of permit.** A mobile food truck shall possess and at all times display in clear view a certified copy of its current environmental health decal and grade card issued by the department of environmental health and approved healthy food truck permit.

12. **Trash receptacles.**

1. At least one visible trash receptacle for use by customers shall be placed within twenty (20) feet of the mobile food truck operation.
2. Unless the property owner has provided for a permitted dumpster, all trash receptacles shall be removed once the mobile food truck operation has ceased each day.

13. **Restrooms.** In accordance with Section 114315 of the California Retail Food Code, mobile food trucks stopped to conduct business for more than one hour, shall operate within two hundred (200) feet of an approved, readily available and functioning restroom facility. If the restroom is within a business, the mobile food truck operator must submit with the plot plan application, written permission from the business owner providing the hours the restroom facilities are being made available for use by the food service workers. Executive portable toilet facilities with handwashing stations may satisfy this requirement.

14. **Federal, state, and local laws and regulations.** Mobile food trucks shall comply with all other applicable federal, state and local laws and regulations.

SECTION 5. Permit Duration and Renewal

1. **Permit Duration:** Permits issued under this pilot program shall be valid for one (1) year, with an option to renew annually for the duration of the four (4)-year pilot program, subject to compliance with the terms of this ordinance.
2. **Temporary Nature:** The pilot program will expire at the end of four (4) years from the date this ordinance takes effect. No new permits will be issued after the expiration of the pilot program unless the City Council takes action to extend or modify the program.
3. **Hours of Operation:** Food trucks in the Downtown Transition zone are limited to operating evenings commencing at 5 p.m. and concluding at 12 a.m. Food trucks operating in qualifying parks are limited to operating weekdays evenings commencing at 5 p.m. and concluding at 10 p.m. and on weekends commencing at 8 a.m. and concluding at 10 p.m.

SECTION 6. Approval Requirements

The planning director shall approve a healthy food truck permit for DT-PV and TR-PV zones if all of the following are met:

1. The mobile food truck operation complies with the requirements set forth in this article;
2. Written consent from the lot owner allowing the mobile food truck to operate on the lot has been provided to the planning director;
3. An environmental health permit has been issued for the mobile food truck by the department of environmental health;
4. Inspection of the mobile food truck has been completed by the county fire marshal; and
5. There is no pending code enforcement action on the lot or site.

The City Manager or designee shall review all application requests for the operation of healthy food truck permits in City parks with preference to mobile food trucks with menus that exceed established healthy food truck nutritional standards and verifiable local procurement consistent with the Coachella Health and Wellness Element. The City Manager or designee shall approve a healthy food truck permit if all of the following are met:

1. The mobile food truck operation complies with the requirements set forth in this article;
2. Written consent from the lot owner allowing the mobile food truck to operate on the lot has been provided to the planning director;
3. An environmental health permit has been issued for the mobile food truck by the department of environmental health;
4. Inspection of the mobile food truck has been completed by the county fire marshal; and
5. There is no pending code enforcement actions;
6. The requested City park in the application does not exceed the number of permitted mobile food trucks.

SECTION 8. Revocation of Permit

The City reserves the right to revoke a food truck's permit for failure to comply with the provisions of this ordinance, including failure to maintain the required percentage of healthy menu items or operating outside of designated private properties.

SECTION 8. CEQA Analysis.

The Planning Division prepared an environmental assessment for the proposed zoning ordinance amendment and based on that analysis the City Council finds that the Phase 1 Streamline Code Amendments are exempt from further review of the California Environmental Quality Act (CEQA) because it is an administrative activity which will not result in a direct or reasonably foreseeable indirect physical change to the environment and is not a "project" as defined by section 15378 pursuant to State CEQA Guidelines 15060(c)(2 and 3) and 15061(b)(3). The Ordinance will not result in any increase in the intensity or density of any land use above what is currently allowed in the Coachella General Plan 2035 and the Zoning Ordinance.

SECTION 9. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

SECTION 10. Effective Date.

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law, which shall take full force and effect thirty (30) days from its adoption and remain in effect for the duration of the four-year pilot program unless otherwise amended or repealed.

PASSED, APPROVED, AND ADOPTED this _____ of _____, 2024 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Steven Hernandez, Mayor
City of Coachella

ATTEST:

Angela M. Zepeda, City Clerk
City of Coachella

APPROVED AS TO FORM:

Carlos Campos, Best Best & Krieger LLP
City Attorney