

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

926 C



FROM: Department of Environmental Health

SUBMITTAL DATE:
 May 7, 2015

SUBJECT: Adoption of Ordinance No. 580.6, an ordinance of the County of Riverside amending Section 3(d) of Ordinance 580 relating to Mobile Food Facilities and Findings of California Environmental Quality Act (CEQA) Exemption. Countywide. (0); Funded by permits, service fees, and potential fines for non-compliance. Districts: All [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Ordinance 580.6, an ordinance amending Section 3(d) of Ordinance 580, relating to mobile food facilities;
2. Direct the Clerk of the Board to file the Notice of Exemption with the County Clerk for filing and posting.

BACKGROUND:

On December 17, 2013, the Board of Supervisors approved Ordinance 580.5 that required the annual permitting of food trucks.

(Continued on next page)

SVS:KJ

Steve Van Stockum

Name: Steve Van Stockum
 Title: Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS:	Budget Adjustment: Yes
	For Fiscal Year: 14/15-16/17

C.E.O. RECOMMENDATION:

APPROVE

BY: *Steven C. Horn*
 Steven C. Horn

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- Positions Added
- 4/5 Vote
- Change Order

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Revision of Ordinance No. 580 Relating to Mobile Food Facilities. Countywide. (0);
Funded by permits, service fees, and potential fines for non-compliance.**

DATE: May 7, 2015

PAGE: 2 of 2

BACKGROUND (continued):

Summary

The effective date was set at April 8, 2015 to require all food trucks to meet all Health and Safety Code requirements and to obtain annual permits, as well as to allow local cities time to prepare for the changes. Specifically, Section 3(d) states "All Mobile Food Facilities proposing to operate in the County of Riverside in any capacity must obtain an annual mobile food facility permit pursuant to this section. There shall be a one year phase-in period from the effective date of this ordinance, for Mobile Food Facility categories 3, 4, and 5, as identified in Section 4.a. of this ordinance, to come into compliance through the plan check process to meet all Health and Safety Code requirements for annual permitting. During this phase-in period Mobile Food Facilities not compliant with current construction standards, but still meeting the requirements for temporary food facilities pursuant to Health and Safety Code sections 114335 through 114363, as now adopted or hereafter amended, will be allowed to operate at approved community events, with proper permits. After the phase-in period all Mobile Food Facilities must meet current Health and Safety Code standards and obtain annual permits to operate as Mobile Food Facilities."

The proposed amendment will change the effective date of this permitting requirement from April 8, 2015 to January 1, 2017.

On May 19, 2015 the Board of Supervisors introduced Ordinance 580.6 amending Section 3(d) of Ordinance 580. Additionally, the Board of Supervisors found that the introduction and adoption of Ordinance 580.6 is exempt from CEQA pursuant to State CEQA Guidelines Section 15601(b)(3). In accordance with Government Code Section 25131 the Board of Supervisors may adopt Ordinance 580.6 because more than 5 days have passed since its introduction on May 19, 2015.

Impact on Citizens and Businesses

The expected positive impact on citizens would be continued access to a wider selection of mobile food facilities at community events. The proposed change will allow older food trucks to continue operating at permitted community events under less stringent temporary food facility requirements. Potential negative fiscal impacts on business might be less demand for the few permitted food trucks and possible delays in the construction and operation of local food truck commissaries.

SUPPLEMENTAL:

Additional Fiscal Information

The Department will collect permit fees, service fees, and potential fines to fund the expanded program. Initially, current staffing will be diverted to handle the anticipated influx of new applicants. A future Budget Adjustment will be necessary to request additional positions based upon revenue and workload.

1 ORDINANCE NO. 580.6

2
3 AN ORDINANCE OF THE COUNTY OF RIVERSIDE
4 AMENDING ORDINANCE NO. 580 RELATING
5 TO MOBILE FOOD FACILITIES

6 The Board of Supervisors of the County of Riverside ordains as follows:

7 Section 1. Subsection d. of Section 3. of Ordinance 580 is amended to read as follows:

8 "All Mobile Food Facilities proposing to operate in the County of Riverside in any
9 capacity must obtain an annual mobile food facility permit pursuant to this section.
10 There shall be a phase-in period that will expire on January 1, 2017. After this
11 date, Mobile Food Facility categories 3, 4, and 5, as identified in Section 4.a. of
12 this ordinance, shall come into compliance through the plan check process to meet
13 all Health and Safety Code requirements for annual permitting. During the phase-
14 in period Mobile Food Facilities not compliant with current construction standards,
15 but still meeting the requirements for temporary food facilities pursuant to Health
16 and Safety Code sections 114335 through 114363, as now adopted or hereafter
17 amended, will be allowed to operate at approved community events, with proper
18 permits. After the phase-in period all Mobile Food Facilities must meet current
19 Health and Safety Code standards and obtain annual permits to operate as Mobile
20 Food Facilities.

21 Section 2. This ordinance shall take effect thirty (30) days after its adoption.

22
23 BOARD OF SUPERVISORS OF THE COUNTY
24 OF RIVERSIDE, STATE OF CALIFORNIA

25 By: _____
26 Chairman

1 ATTEST:

2 CLERK OF THE BOARD:

3
4 By: _____
Deputy

5
6 (SEAL)

7
8 APPROVED AS TO FORM

9
10 By:  _____
ERIC STOPHER
11 Deputy County Counsel

NOTICE OF EXEMPTION

To: _____ Office of Planning and Research From: County of Riverside
1400 Tenth Street, Room 121 4080 Lemon Street
Sacramento, CA 95814 Riverside, CA 92501
To: X Office of the County Clerk & Recorder

Project Title: Ordinance No. 580.6 Amending Ordinance No. 580 re Timing for Annual Permits
Project Location: The unincorporated area and all incorporated Cities within Riverside County.

Project Description: Ordinance No. 580.6 amends Ordinance No. 580 by extending the phase-in date for that portion of the ordinance requiring annual permits for food trucks that are expanding operations beyond the current operational limitations at permitted community events. The extension allows additional time for food truck operators in order to obtain the annual permits as directed under the existing ordinance. The amendment to Ordinance No. 580 does not alter or change food truck operations, allow for any new development, or changes to existing development.

Name of Public Agency Approving Project: County of Riverside

Project Sponsor: Department of Environmental Health of the County of Riverside

Exempt Status: (check one)

- Ministerial
Declared Emergency
Emergency Project
Categorical Exemption
Statutory Exemption (State CEQA Guidelines Sec. 15273)
X Other: (State CEQA Guidelines Sec. 15061(b)(3))

Reasons Why Project is Exempt: The project is exempt from the provisions of the California Environmental Quality Act (CEQA) specifically by the State CEQA Guidelines as identified below. The project will not cause any impacts to scenic resources, historic resources, or unique sensitive environments. Further, no unusual circumstances or potential cumulative impacts would occur that may reasonably create an environmental impact.


Section 15061 (b)(3) – “Common Sense” Exemption. The adoption of Ordinance No. 580.6 is exempt from CEQA pursuant to State CEQA Guidelines section 15061(b)(3), the “Common Sense” exemption. In accordance with CEQA, the use of the Common Sense Exemption is based on the “general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.” State CEQA Guidelines, §15061(b)(3). The use of this exemption is appropriate if “it can be seen with certainty that that there is no possibility that the activity in question may have a significant effect on the environment.” Ibid. This determination is an issue of fact and if sufficient evidence exists in the record that the actively cannot have a significant effect on the environment, then the exemption applies and no further evaluation under CEQA is required. See Muzzy Ranch Co. v Solano County Airport Land Use Comm’n (2007) 41 Cal.4th 372. The Amending of Ordinance 580 pertains to the inspection and permitting requirements related to mobile food truck operations and with the adoption of the amendments it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment. Approval of the proposed amendment to Riverside County Ordinance 580 does not approve any development project. The amendment merely extends the timing for annual

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permits for food trucks that are looking to expand their operations beyond permitted events. The proposed amendment would not individually or cumulatively result in the possibility of creating significant effects on the environment and no direct or reasonably foreseeable indirect environmental impacts would occur. Therefore, the use of the Common Sense exemption is appropriate for this project.

Eric Stopher, Deputy County Counsel
County Contact Person

951-955-6300
Phone Number

Signature:  Title: Deputy County Counsel Date: 5/19/18

For County Clerk's Use Only