# STAFF REPORT

**Meeting Date:** August 5, 2014

**To:** Honorable Mayor & City Council

**From:** Mahdi Aluzri, Assistant City Manager

Michelle Tse, Senior Management Analyst

**Subject:** Review of Additional Regulations for Overweight Vehicles, Including Food Trucks, within Residential Areas

**Attachments:**
1. City Regulations Regarding Streets Designated for Heavy Vehicle Usage
2. Beverly Hills General Plan Truck Route
3. Signage

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## INTRODUCTION

Concerns were raised by residents regarding food trucks conducting business while parked along residential areas. A report with background information on the City's existing parking and vehicle weight limit regulations, as well as enforcement efforts by the City as it relates to food trucks, was transmitted to the City Council for the July 1, 2014 Study Session. This report provides additional regulation options within the City's residential areas for the City Council's consideration.

## DISCUSSION

California cities are limited in their ability to regulate food trucks by the authorization granted in the California Vehicle Code. Essentially, cities may regulate food trucks if there is a specific public safety concern. However, cities cannot prohibit food trucks nor may cities establish regulations aimed specifically at food trucks that would effectively prohibit them.

The City's municipal code currently prohibits the operation of any vehicle weighing three (3) tons or more (which would include food trucks) on any street in the city except on those streets specifically designated in the code or unless authorized by permit. A list of Beverly Hills streets currently designated for heavy vehicle usage is outlined in section 7-2-203 of the City's Municipal Code and is attached for reference. The City can be more proactive in enforcing the existing three-ton vehicle weight limit restrictions, as well as the existing parking regulations.

There is an exemption in the code (Section 7-2-202(B)) from the 3-ton weight restriction for any "vehicle when necessary, for the purpose of making pick ups and deliveries of goods, wares, or merchandise from or to any premises located on any prohibited street". Arguably, if a food truck is invited to a residence or a construction site, then the truck

must be allowed to travel on such street and park to make such delivery. The City could amend its code to require that delivery vehicles shall park within a maximum distance of 200 feet from the premises to which it is delivering. In addition, the City could require as part of its construction management plan that vehicles servicing the construction site provide proof of such connection by letter, receipt, purchase order, etc. Vehicles that are unable to provide proof of invitation for delivery of goods will be cited, with repeat offenses being prosecuted as either a misdemeanor or an administratively with a fine of up to $1,000.

In addition, although the City's Municipal Code primarily identifies major thoroughfares south of Santa Monica Blvd. as streets designated for heavy vehicle usage, the City's General Plan identifies residential streets Coldwater Canyon Drive and Benedict Canyon Drive, both located north of Santa Monica Blvd., and residential streets Canon Drive and Beverly Drive, located between Sunset Blvd. and Santa Monica Blvd., as designated truck routes. To regulate heavy vehicles along these residential streets, signage may be posted which prohibits vehicles with weights exceeding ¾ ton or lengths exceeding 21' inches from parking on such streets (with enforcement efforts more focused on the vehicle length). Similar signage is currently in place along Doheny Road to regulate larger vehicles, including food truck activities, on this street. However, the municipal code also contains an exemption (section 7-3-123(B)) from this parking restriction for vehicles "making pick ups or deliveries of goods, wares and merchandise adjacent to the residence." The City could also amend this exemption to provide for a minimum distance of parking from the residence to which the truck is delivering.

For activities in which a City regulatory permit is required, the Municipal Code currently allows for staff to revoke or suspend a regulatory permit (such as a peddler permit) for reasons such as failure to comply with federal, state, or local laws and regulations, or failure to comply with any conditions imposed by the city on the issuance of the permit. Another proposed option is for the City to issue annual decal stickers for truck display as part of the permitting process in order to assist with enforcement efforts.

This multi-pronged approach will require resources from Code Enforcement, Parking Enforcement, and Police personnel to enforce the following in the residential areas:

- Parking regulations
- Weight limit regulations
- Vehicle length regulations
- Revoke/suspend regulatory permit(s) for lack of compliance
- Proposed regulation of overweight/oversized at construction sites
- Proposed display of City issued permit decal stickers

Based on the City Council's direction, staff will conduct appropriate education and outreach with businesses that operate with larger vehicles, such as the 45 currently permitted food trucks.

## FISCAL IMPACT

If staff determines that additional street signage is necessary on residential streets, costs relating to fabrication and installation of such signs is minimal. In addition, if costs relating to enforcement are significant, then cost recovery of City resources will be reviewed and the regulatory permit fees adjusted accordingly.

## RECOMMENDATION

Staff is seeking City Council direction regarding the proposed additional regulation of

oversized/overweight vehicles as it relates to residential construction sites, and the display of decal stickers on permitted vehicles.

Mahdi Aluzri
Approved By

# Attachment 1

## 7-2-201: HEAVY VEHICLES RESTRICTED TO CERTAIN STREETS:

A. No person shall operate any vehicle having a gross weight, including the vehicle and its load, of three (3) tons or more on any street in the city except on those streets designated in section 7-2-203 of this article or unless authorized by permit issued pursuant to subsection 8-2-3D of this code.

B. The provisions of subsection A of this section shall not apply to the following:

1. Any passenger stage vehicle regulated by sections 1031 through 1036 of the state Public Utilities Code and operating under a certificate from the public utilities commission of the state declaring that the public necessity and convenience require the operation of such vehicle; and further provided that the certificate specifically authorizes such vehicle to be operated in the city, and the vehicle is being operated while in the city for the purpose authorized in such certificate; provided further, this exemption shall not apply to vehicles operated as a round trip sightseeing service;

2. Any vehicle owned by a public utility while necessarily in use in the construction, installation, or repair of any public utility;

3. Any vehicle operated by the city, or any employee thereof, in the course of regular or official city business;

4. Any vehicle of the military or naval forces of the United States or the duly authorized militia of the state in the proper performance of their duties. (1962 Code § 3-6.1306; amd. Ord. 90-O-2088, eff. 2-8-1990)

## 7-2-202: EMERGENCY OR NECESSARY USE OF RESTRICTED STREETS:

The following vehicles may use a street other than designated in section 7-2-203 of this article under the circumstances herein below:

A. Any passenger vehicle while operated, engaged, and used for the sole and exclusive purpose of picking up or discharging a passenger or passengers at an origin or destination on any street in which the vehicle is prohibited;

B. Any vehicle when necessary, for the purpose of making pick ups and deliveries of goods, wares, or merchandise from or to any premises located on any prohibited street, or for the purpose of delivering materials on a prohibited street to be used in the repair,

alteration, remodeling, or construction of any building or structure for which a building permit has previously beenobtained;

C. Whenever it is necessary for a vehicle to deviate from the streets designated in section 7-2-203 of this article for the purposes specified in subsection A or B of this section, the vehicle shall travel from a street authorized by section 7-2-203 of this article to the destination by a route so that the point of travel is the shortest possible distance over prohibited streets; provided however, if the additional distance of travel to reach the shortest route would exceed two (2) miles, the vehicle may take the most direct route to its destination. (1962 Code §§ 3-6.1306, 3-6.1306.1)

## 7-2-203: STREETS DESIGNATED FOR HEAVY VEHICLE USAGE:

The following streets are designated for use by vehicles exceeding a maximum gross weight, including the vehicle and its load, of three (3) tons:

Alden Drive;

Bedford Drive from Wilshire Boulevard to Santa Monica Boulevard (north);

Beverly Boulevard;

Beverly Drive from the south city limits to Santa Monica Boulevard (north);

Brighton Way from Canon Drive to Wilshire Boulevard;

Burton Way;

Camden Drive from Wilshire Boulevard to Santa Monica Boulevard (north);

Canon Drive from Wilshire Boulevard to Santa Monica Boulevard (north);

Civic Center Drive from Burton Way to Santa Monica Boulevard (south);

Crescent Drive between the north and south roadways of Santa Monica Boulevard;

Dayton Way from Canon Drive to Wilshire Boulevard;

Doheny Drive;

Foothill Road from Burton Way to Santa Monica Boulevard (south);

La Cienega Boulevard;

Linden Drive from Wilshire Boulevard to Santa MonicaBoulevard (south);

Maple Drive from Burton Way to Santa Monica Boulevard (south);

Olympic Boulevard;

Rexford Drive from Santa Monica Boulevard (north) to Burton Way;

Robertson Boulevard;

Rodeo Drive from Wilshire Boulevard to Santa Monica Boulevard (north);

Roxbury Drive from Wilshire Boulevard to Santa Monica Boulevard (north);

San Vicente Boulevard;

Santa Monica Boulevard (north and south roadways);

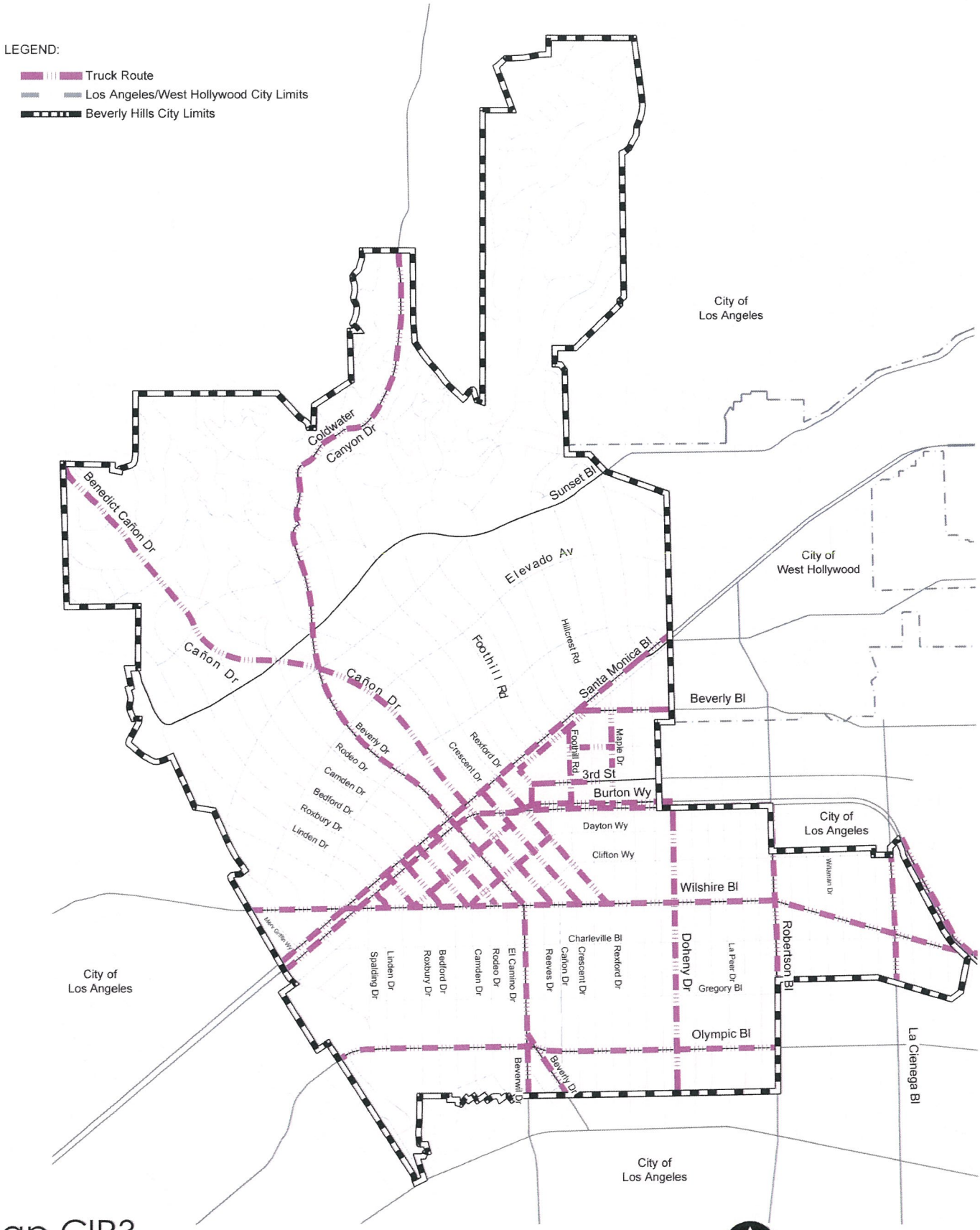
Third Street;

Wilshire Boulevard. (1962 Code § 3-6.1306)

# Attachment 2

# TRUCK ROUTES

## Beverly Hills General Plan




Map CIR3

Source: KAKU Associates, 2005.

# Attachment 3

Sample signage located on Doheny Rd.