



**CITY OF CITRUS HEIGHTS
PLANNING DIVISION STAFF REPORT
PLANNING COMMISSION MEETING**

May 25, 2016

Prepared by: Alison Bermudez, Associate Planner

REQUEST

The Planning Division requests the Planning Commission review the attached Ordinance Text Amendments in regards to the regulation of temporary uses and forward a recommendation to the City Council.

File Name: Zoning Ordinance Amendment – Temporary Uses

File Number: File # OTA-16-01

SUMMARY RECOMMENDATION

Staff recommends approval of the following motions:

- A. Recommend the City Council determine that the proposed project is exempt from CEQA under Section 15061(b)(3); and
- B. Recommend that the City Council approve the Ordinance Text Amendments as shown in Exhibits A through D in regards to temporary uses based on the findings contained in the staff report.

Background

Temporary uses are activities such as farmer's markets, food trucks/mobile food vending, produce stands, special events (Spooktacular, Safety Fair, Car Shows, etc.), and other similar activities. These uses are currently regulated through various sections of the Zoning Code including the Itinerant Vending Section (for uses that "sell" goods) and the Temporary Use Section for other short-term activities.

Over the past year, the number of inquiries regarding temporary uses has increased. One request in particular has been in regards to mobile food vendors and food truck "round-ups". Mobile food vending, also referred to as "food trucks", was ranked by Forbes Magazine as the number one small business in 2011. With the increase in popularity, operators are always interested in new locations to park a food truck. Areas lacking in restaurants and seeking to create synergy are prime areas for this type of user. Unfortunately, the City's current regulations including the restrictions on vending time limits have not supported the growth in this industry. Therefore, in September 2015, staff held a study session with the City Council to seek direction to update the City's zoning regulations to be more in-line with today's trends not only on food trucks but other short-term activities including special events, reoccurring community events, and construction staging areas. At this study session, the City Council supported the staff's request to amend the regulations and directed staff to include the business community in any outreach. A copy of staff's presentation at the Study Session is provided as Attachment 1.

Proposed Changes

The proposal revises various sections of the Zoning Code to amend the standards for certain activities and expand the uses that are allowed through the Temporary Use Permit process. There are several sections of the Zoning Code that currently regulate these types of temporary uses including Section 106.42.106 (Itinerant Vending) and the permitting processes regulated through two sections, 106.62.030 and 106.62.070. The proposal is to classify all short-term activities as a "temporary use"

and eliminate the independent section for itinerant vendors. In addition, other related sections of the Zoning Code will be updated including the definitions and the land use table. Combining all temporary uses into one section and updating the definitions will provide a more user-friendly Zoning Code.

Staff proposes a variety of changes in regards to the temporary use regulations. Exhibits A through D provide the complete list of the changes with the text shown in “red underlined” indicating new regulations and text shown in “purple underline” indicating modified regulations. The table below provides a recap and discussion of the most notable changes.

Topic	Current Regulations	Proposed Change	Discussion
Special Event/Sale (Exemptions) (106.42.250.B.10)	Currently certain types of special events are exempt from a Temporary Use Permit. The criterion for exemption includes events held indoors or will not occur after 9 pm and is not attended by more than 100 persons.	Special events that are held within an enclosed building will remain exempt. The criterion that exempts events of less than 100 persons and not occurring after 9 pm has been removed.	The proposal clarifies the language and continues to exempt special events or sales held indoors. The proposal does remove the exemptions in regards to attendance and time. These exemptions were rarely used and requiring a permit for each event allows staff the ability to review the proposed site plan and proposed activities based upon the individual event.
Vending on Demand (106.42.250.B.12)	Currently itinerant vendors require issuance of an Itinerant Vendor Permit including mobile food vendors that travel routes (ice cream trucks, etc.)	Delete the code section that is specific to itinerant vendors and categorize under Temporary Uses. Create a new category “Vending on Demand” for vendors that only stop/park at the request of a customer and exempt these types of vendors from obtaining a Temporary Use Permit	The current permitting process requires that sellers that travel routes and only stop at the request of a customer (i.e. ice cream trucks) obtain an Itinerant Vending Permit. This permit structure has been difficult to enforce due to the influx of vendors during peak times. Staff proposes to classify these types of vendors as “Vending on Demand” and exempt them from a Temporary Use Permit. Regulations that require business license, including background check of the vendor, will remain a requirement through the City’s Business License process. Vendors that stop in a location and vend from a stationary spot would require a Temporary Use Permit.

Topic	Current Regulations	Proposed Change	Discussion
Auto Sales (Temporary Sale Events) 106.42.250.C.1	New regulation	Over time staff has received phone calls from various auto dealers interested in hosting short-term auto sales events within the City's commercial shopping centers. Currently, the regulations prohibit this type of temporary use. The proposed update would allow auto sales (including RV's, trailers, and other similar vehicles) within certain commercial zones (GC and SC) for a period of up to three consecutive days every three months not to exceed 12 days per calendar year. The intent is that auto sales events could generate customer traffic without diminishing sales from competing businesses since the City has limited locations where autos are currently sold.	
Construction Staging Areas – Off-Site 106.42.250.C.2	New regulation	<p>Off-site construction staging areas are temporary yards used by contractors for the storage of goods and equipment for construction projects that are occurring at a location other than where the yard is located. The use of a storage area allows the contractor to store the goods in close proximity to the job site, preventing excessive trips to far away locations. This practice is most commonly used for utility work (water, sewer, etc) and road work. The Zoning Code currently has provisions for storage areas "on-site" but silent in the regulation for "off-site" yards therefore the project includes the addition of regulations for this use to the Temporary Uses section of the code.</p> <p>The regulations will require contractors proposing to use off-site properties for the storage of goods and equipment to obtain a Temporary Use Permit. The issuance of the permit will provide staff the opportunity to review the proposed location to ensure the activities at the site are compatible with the surroundings including operating hours, dust control, and noise. Additionally, the contractor will be required to notify surrounding properties within 500 feet of the site of the intended use. All contractors/agencies would be subject to obtaining the Temporary Use Permit (City, County, SMUD, PGE, Sewer, etc.).</p>	
Reoccurring Community Events 106.42.250.C.9	New regulation	This new category would include events such as a farmer's market (currently one at Sunrise Mall), and possible future events such as a food truck round-up (multiple food trucks in one location). These events are typically held on a regular basis and generally include multiple vendors operating/functioning as one event. In the case of these types of events, only the "event" would require the permit, not each individual vendor. Attachment 2 provides information on a recent proposal for a type of reoccurring community event.	

Topic	Current Regulations	Proposed Change	Discussion
Special Events 106.42.250.C.12 (Allowed Uses by Issuance of a Temporary Use Permit)	Current regulations allow for a special event for no more than 10 days in a calendar year.	Allow a special event (carnivals, safety fairs, etc.) to occur up to 10 consecutive days and remove the yearly limit.	Special events bring activity to commercial areas and utilize outdoor space within the commercial centers (such as Sunrise Mall parking lot). These events rarely last more than a weekend but the code was unclear if the 10 day per year limit was per event or an allowance for all events. Staff proposal will clarify that a single event would be limited to no more than 10 consecutive days and would remove the yearly limit.
Vending 106.42.250.C.14	Currently classified as Itinerant Vending	Rename and combine under the Temporary Uses Section	Removing the Itinerant Vending and reclassify this as a Temporary Use will make the Zoning Code more user friendly by having the regulations all in one section.
<ul style="list-style-type: none"> Daily Removal 	Currently the Zoning Code requires that all evidence of vending must be removed on a daily basis.	Proposal to allow discretion that for the length of the permit, vending may remain in place without daily removal.	The City has received interest from a vendor that would like to set-up seasonally (See Attachment 3) and the type of mobile unit does not allow its removal on daily basis. Staff has proposed language that would allow flexibility in the daily removal requirement.
<ul style="list-style-type: none"> Vending within the Rights of Way 	Currently there is no vending allowed within the public rights of way	Changed from "prohibited" to allowed with an encroachment permit issued by the City	The intent is to not encourage vending in the rights-of-way but remove the prohibition and allow it through an encroachment permit in certain situations such as a parade.
<ul style="list-style-type: none"> Signage 	Currently only one sign up to 10 sf is allowed.	Remove the limit on the number and size of signs.	The size limit of 10 sf was appropriate when regulating a single-vendor but with groups of vendors (food truck round-ups) additional signage may be needed. The proposal is to not limit the number of or the size of signage but all portable signs would have to be removed at the conclusion of each day.

Topic	Current Regulations	Proposed Change	Discussion
<ul style="list-style-type: none"> Table/Chairs 	Not currently allowed unless in a plaza, park, or open space	Allow tables/chairs in areas that can demonstrate adequate space is available. If tables/chairs are provided, restrooms for customer use must also be provided.	Tables/chairs would help contribute to the atmosphere for food truck round-ups or other community events. These types of events would be held in areas that could accommodate the placement of the furniture. For example, large parking lots such as Grand Oaks Shopping Center could accommodate the use of tables/chairs for a food truck round-up.
<ul style="list-style-type: none"> Toilet and Handwashing 	Currently restrooms must be available for use by the vendor when the vendor is stopped more than four hours in a single location	Vendors stopped for more than one hour in a single location must have access to a restroom. Vendors in one location for more than four hours will be required to provide restrooms for customer use.	Revised for consistency to CA Retail Codes that require mobile food vendors conducting business for more than one hour in a location provide <i>employees</i> restroom facilities within 200 feet (this will be required by both food and non-food vendors). In addition, any vendor utilizing tables/chairs or remaining stationary four hours or more, will be required to require restrooms for <i>customer</i> use.
<ul style="list-style-type: none"> Daily Vending Time Limits 	Current regulations have a one hour time limit for food vendors and no time limit for vendors of other goods	Remove the one hour time limit for food vendors and limit hours on all vendors on a case-by-case basis.	The time limit of one hour has proven to be restrictive and has not supported the growth of food trucks or other mobile food vendors. Staff is proposing to eliminate the time limit and address the selling hours on a case by case basis depending on the surrounding businesses, proposed activity, and location.
<ul style="list-style-type: none"> Vending Area Limit 	Vending activity generally limited to 200 sq ft.	Remove the vending area size limit and review by site plan on a case-by-case basis.	The vending area limit of 200 sf was appropriate when regulating a single vendor but does not allow adequate space for community events where there may be multiple vendors in one location i.e. food truck round-ups.

Topic	Current Regulations	Proposed Change	Discussion
Fundraisers non-profit organization 106.62.030.E	Temporary fundraising sales by non-profit organizations are exempt from the Itinerant Vendors Permit.	Reclassify fundraising events into one category "Special Events" and require a permit. Non-profit organizations would require a permit but no fee would be charged.	Currently, most outdoor fundraising activities obtain a permit even though they are not technically required. Typically the property owner of where the activity is proposed to take place prefers the group to obtain a permit. The City does not currently charge non-profits for this permit and the revised regulations would continue to exempt the group from the permit fee.

In conjunction with the combining of the land use regulation of temporary uses and itinerant vending, Chapter 106.62 (Permit Application Filing and Processing) requires updating to be consistent. It's important to note that this proposal does not change the existing permit procedures; the application review process, or change any of the existing permit fees associated with obtaining a Temporary Use Permit.

Conclusion

The proposed updates to the Zoning Code will revise the regulations for temporary uses including expanding the time permitted for mobile vendors, allowing short term auto sales events, and adding standards for off-site storage areas. Staff believes the City's regulations and processes should support and attract businesses. Based upon the analysis provided within this report, staff believes the following findings can be made.

- *The proposed amendments to update and add regulations for temporary uses including food trucks, mobile vending, and off-site construction staging area is consistent with the General Plan including Policy 5.2 that discusses the review and amendment to the Zoning Code to help facilitate economic opportunities;*
- *The proposed amendments associated with temporary uses will not be detrimental to the public, interest, health, safety, convenience, or welfare of the City.*

ENVIRONMENTAL DETERMINATION

This project is exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3).

PUBLIC OUTREACH

The proposed changes were provided to the City's neighborhood associations and business groups including Sunrise MarketPlace, Antelope Crossings, Auburn Boulevard Business Association, and the Chamber of Commerce. Representatives from some of these groups attended the Study Session and expressed support for the changes. In addition, information including a copy of the draft regulations has been available on the City's website for several weeks.

A public hearing notice for the proposed project was published in a general circulating newspaper as required and staff has not received any comments at the time this report was written.

RECOMMENDATIONS

The Planning Division recommends that the Planning Commission:

- A. Recommend the City Council determine that the proposed project is exempt from CEQA under Section 15061(b)(3); and
- B. Recommend that the City Council approve the Ordinance Text Amendments as shown in Exhibit A in regards to temporary uses based on the findings contained in the staff report.

Attachments

- 1. Presentation from Study Session
- 2. Off the Grid Information
- 3. Hokulia Shaved Ice Information

Exhibits

- A. Revisions Article 4
- B. Revisions Article 6
- C. Updated Table 2-5
- D. Revisions to Article 8