



AGENDA

PLANNING COMMISSION

155 W. DURIAN, COALINGA, CA 93210

TUESDAY FEBRUARY 14, 2017

The Mission of the City of Coalinga is to provide for the preservation of the community character by delivering quality, responsive City services, in an efficient and cost-effective manner, and to develop, encourage, and promote a diversified economic base in order to ensure the future financial stability of the City for its citizens.

CALL MEETING TO ORDER (6:00 PM)

Pledge of Allegiance

CHANGES TO THE AGENDA

ROLL CALL

Commissioners:

- Chairman Stoppenbrink*
- Vice Chairman Sailer*
- Commissioner Jacobs*
- Commissioner Gonzales*
- Commissioner Helmar*

Staff:

- Sean Brewer, Community Development Director*
- Marissa Trejo, City Manager*

PUBLIC COMMENTS

Under Government Code 54954.3 members of the audience may address the Commission on any item of interest to the public or on any agenda item before or during the Commission's consideration of the item. State law prohibits the Planning Commission from acting on non-agenda items.

INFORMATION/CONSENT CALENDAR

1. Minutes from January 24, 2017 Meeting

PUBLIC HEARINGS

DISCUSSION AND/OR POTENTIAL ACTION ITEMS

1. Site Plan Review Application (SPR 16-06) 1920 Mercantile Lane
2. Site Plan Review Application (SPR 16-07) 1921 Mercantile Lane
3. Discussion Regarding Planning Commission Meeting Time
4. Discussion Regarding the Development of a Food Truck Regulatory Ordinance

DEPARTMENT REPORTS

COMMUNICATIONS

1. Staff Announcements
2. Commissioner Announcements
3. Chairman Announcements

ADJOURN



Staff Report- Chairman and Planning Commission

Subject: Minutes from January 24, 2017 Meeting
Meeting Date February 14, 2017
Project Location:
Applicant:
Owner:
Prepared By:

I. RECOMMENDATION:

Staff recommends approval of the Minutes from the Planning Commission for the January 24, 2017 meeting.

II. BACKGROUND:

III. PROPOSAL AND ANALYSIS:

IV. FISCAL IMPACT:

V. REASONS FOR RECOMMENDATION:

ATTACHMENTS:

Description

- | | |
|---|--|
| □ | Planning Commission Minutes January 24, 2017 |
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MINUTES
PLANNING COMMISSION
155 W. Durian, Coalinga, CA 93210
January 24, 2017

CALL MEETING TO ORDER (6:00 PM)

Pledge of Allegiance

CHANGES TO THE AGENDA

ROLL CALL

Commissioners: Chairman Stoppenbrink (Excused Absence)
Vice Chairman Sailer
Commissioner Jacobs (Excused Absence)
Commissioner Gonzales
Commissioner Helmar

Staff: Sean Brewer, Community Development Director
Marissa Trejo, City Manager (Not Present)

Wanda Earls, Secretary/City Clerk

PUBLIC COMMENTS (None)

INFORMATION/CONSENT CALENDAR

1. Approval of Minutes - 1-10-2017

*Motion by Gonzales, Second by Helmar to Approve Consent Calendar (Minutes of 1/10/17). Motion **Approved** by a Roll-call 3/0 Majority Vote. (Stoppenbrink/Jacobs Absent)*

PUBLIC HEARINGS

DISCUSSION AND/OR POTENTIAL ACTION ITEMS

1. **Planning Commission Reorganization**

Motions by Gonzales, Second by Helmar to Elect Ken Stoppenbrink as Chairman and Josh Sailer as Vice Chairman of the Planning Commission for year of 2017. Motions Approved by a Roll-call 3/0 Majority Vote. (Stoppenbrink/Jacobs Absent)

2. **Site Plan Review Application for a Commercial Marijuana Facility (SPR 16-**

3 9820 Cody Street.

Community Development Director Sean Brewer presented the Staff Report on this Item:

- Background
- Proposal and Analysis
- Surrounding Land Use Settings
- Site Plan Review
- Access
- Utilities
- Storm Runoff
 - Gas
 - Water
 - Sewer
 - Meters
- Parking
- Refuse Containers
- Landscaping
- Fencing
- Parking facilities are located within fifty (50) feet of and visible from right-away (State Route 198/33)
- Lighting
- Signage
- Offsite Improvements
- Environmental Considerations
 - 15332.In-fill Development Projects

Mr. Fred Barnum, Barnum & Celillo Electric, Inc. is present this evening to answer any questions.

Comments of Commissioners:

- Water Usage
 - Recycled Water – 100K gallons per month – less than 10 households

Mr. Barnum does have other locations in California with very little water use.

- Employee parking spaces
- 48 employees
- 24/7 Operation (some working only 12 hours)
- Usually two shifts

Mr. Barnum indicated they are bringing their best people into town. They save all videos for 30 days. F/T Camera System and PD has access to cameras, 24/7 on-site security. PD can gain access at anytime.

*Motion by Gonzales, Second by Helmar to Adopt Resolution Number 016P-003 with Conditions and Site Plan Review for Commercial Marijuana Facility (SPR 16-03) 9820 Cody Street. Motion **Approved** by a Roll-call 3/0 Majority Vote. (Stoppenbrink/Jacobs Absent)*

3. **Site Plan Review Application for a Commercial Marijuana Facility (SPR 16-5) 1951 Mercantile Lane**

Community Development Director Sean Brewer presented the Staff Report:

- Background
- Proposal and Analysis
- Phase 1 and 2
- Surrounding Land Use Setting
- Utilities
 - Storm Runoff
 - Gas
 - Water
 - Sewer
 - Meters
- Parking
- Refuse Containers
- Landscaping
- Fencing
- Lighting
- Signage
- Off-site Improvements
- Environmental considerations
 - 15332. In-fill Development Projects

Mr. Michael Richards, President RTcon Construction Group is present to answer any questions.

Comments by Commissioners:

- Pedestrian gate
- What will happen to semi-trucks parking there?
 - Council needs to discuss
- Water Usage
 - Water is recycled

Mr. Richards indicated there will be low water usage. They will capture rain water. They have a plan to offset 20% of water usage. There will be water tanks at location.

- Security

Mr. Richards said there would be 24/7 cameras at the temporary and permanent site. Security similar to what was previous discussed.

- Ongoing Construction to interfere with operations?

- Temporary complex will be gone
- Two links of fencing

Mr. Brewer handed out Water Consumption Report. (Recycle water) Consumption of water should be approximately 103K gallons per month for first year and 124K gallons per month for 2nd year.

- Odor

Mr. Richards said odor is clean.

- Any comments?

Mr. Brewer said they received one comment from the school district.

*Motion by Helmar, Second by Gonzales to Adopt Resolution No.017P-004 with Conditions ,(Site Plan Review I7-4) for the Development of a New Commercial Cannabis Facility to be Located at 1951 Mercantile Lane. Motion **Approved** by a Roll-call 3/0 Majority Vote. (Stoppenbrink/Jacobs Absent)*

4. **Adoption of Resolution No 017P-005 Recommending to the City Council Approval of the City of Coalinga Active Transportation Plan**

Community Development Director Sean Brewer:

Mr. Brewer said staff recommends the Planning Commission approve Resolution No. 017P-005 recommending to the City Council the City of Coalinga Active Transportation Plan.

Mr. Jeff Knowles, Alta Planning and Design is present to update you on the Plan and answer any questions you may have.

A PowerPoint presentation was made depicting the following:

- Timeline 2014-2015 \$249K
- Public Outreach – Fall 2015-Fall 2016
- Vision and Goals
 - Safety
 - Design
 - Network Programs
 - ADA – new and improved
- Plan Component
 - Trails Master Plan
 - Safe Routes to School
 - Appendices
 - Information to write Grants

- Pedestrian network
- Bike trails
- Project Interests
 - Sidewalks
 - Crosswalks
 - Spot improvements – rest islands
 - School site improvements
 - ADA improvements
 - Trail System - 10 miles of trails
- Next Steps
 - Bike boulevard needs more study
 - Future studies – Polk Street into town and Elm Avenue
 - Caltrans Funding
 - Cost to Caltrans and other elements
 - Sean – funding
- Bike Lanes and routes
- Coalinga Loop Trail
 - 14 segments
 - Cut Sheets – where?
 - Right away – public or private
 - Permitting
 - Endangered Special Species
 - West Hills Administration Building
 - Wide sidewalk in trails
- Must be done “piece by piece”

Mr. Brewer indicated impact fees could pay for some costs. Land dedicated for uses for these areas. Maybe, separate fees to help finish.

- Right-away areas
- Safe Routes to School
 - Example is crosswalk in front of Schools – Cars cannot park close to crosswalks
- Improve sidewalks and safer sidewalks
- Encourage to live healthier
- More than lifestyle
- School signage

Mr. Brewer said need high visibility crosswalks. Sidewalk improvements and school related signage and other improvements. We have some funding.

- Speakers to schools
- Concerns of District

Mr. Brewer said they received a letter from District wanting to continue dialog and share design efforts.

- Dawson – amazing impact
- Improved sidewalks on Sunset

Mr. Brewer participated in Walking School Buses

- Adults with kids
- Safety issues around schools
- Phelps and Elm – new intersection
- More people walking
- Walk audits and improved plan
- Pedestrian rodeos
- Bike education
- Walk and Roll Days at schools
- Walking School Buses and Bike training

Commissioner Comments:

- One teacher didn't know about events
- Information didn't get out

Elm Avenue

- Wide Mult-lane
- No data on speed
- Un-signalized crossings
- PTO Pack involved
- City Employees walked

Comments:

- Safety on sidewalks
- Pathways for student and safe crossings
- Police involvement
- People who drive too slowly
- Road diet
 - 4 to 3 lanes
 - Parking and bike lanes
 - Refuge Island
 - Cal-trans in favor
- College?
 - What is vision for street?
 - Costs \$19M
 - Tiers:
 - Tier 1 – 0-5 years
 - Tier 2 5-10 years
 - Tier 3 10-20 years
 - Costs of tiers
- Sidewalk funding available next year
- Estimated cost elements

Commissioner Concerns:

- Do we have active bike lobby in town?
- Cal Trans to share in costs

- Excited but too many years out to see results
- Can City move quickly?
 - Depends on funding
 - Forrest – Sidewalks/curb and gutters \$1M
 - State needs to find way to fund roads
 - Regional COG funding

Mr. Brewer asked for recommendations of Commissioners. What do you want to see within 5 years? What are priorities of projects?

- Bike Lanes
- Pedestrians – students crossing streets
- College – kids abusing
- What will benefit the most people in the shortest period of time?
- Caltrans to bare lot of costs
- Road Diet
 - Cal Trans out 2 years
- Time to develop projects; what would you like to see?
- Fluidity – projects can move back and forth
- School criteria?
 - Crosswalks on Sunset
 - Headlines in newspaper – way of presenting it.

Mr. Brewer said we can shift things and adjust and provide equity in all areas. We can look at projects again and score and balance for all users.

Commissioner Comments:

- Commission excited about project
- Sidewalk repair and public tree stumps out
- Improve and repair sidewalks – can something other than concrete be used?
- Impressed with Plan
- Road Diet

Next Steps

- Fees Plan
- Move to City Council

DEPARTMENT REPORTS

COMMUNICATIONS

1. Staff Announcements

Mr. Brewer said there will be two more meetings: February 14th and possibly 28th.

We have new subdivision plan and a Safety Enhancement Plan and Regulations for Food Trucks on February 14th and draft ordinance in March.

2. Commissioner Announcements

State has put Form 700 on Line

3. Chairman Announcements

Vice Chairman inquired about moving meetings back to 6:30 PM.

ADJOURN (8:04 PM)

Chairman/Vice Chairman

City Clerk/Deputy Clerk

Date



Staff Report- Chairman and Planning Commission

Subject: Site Plan Review Application (SPR 16-06) 1920 Mercantile Lane
Meeting Date February 14, 2017
Project Location: 1920 Mercantile Lane, Coalinga, CA 93210
Applicant: Michael Jennings, 5444 W. Sunnyside Ct, Visalia, CA 93277
Owner: Michael Jennings, 5444 W. Sunnyside Ct, Visalia, CA 93277
Prepared By: Sean Brewer, Community Development Director

I. RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 017P-006 with conditions for the development of a new commercial cannabis facility to be located at 1920 Mercantile Lane.

II. BACKGROUND:

On November 28, 2016 the Community Development Department received an application for the development of a commercial cannabis facility. The intended use of the industrial building will be for commercial cannabis cultivation and transportation operations. Once the application was deemed complete staff requested comments from all the necessary City Departments. This proposal incorporates feedback from all City Departments. The Coalinga Municipal Code requires that all applicable new structures permanent or temporary erected in the City require a site plan review and approval by the Planning Commission for consistency with all applicable zoning regulations.

III. PROPOSAL AND ANALYSIS:

The proposed project consists of the following components:

Use	Square Footage	Estimated Water Use P/Yr.
Total Building Square Footage:	35,747	N/A
Commercial Nursery Space:	3,076	3,000
Cultivation Space:	28,775	20,000 - 30,000 gallons
Transportation Space:	481	200
Office Space	3,415	

The site in which the industrial building will be built on is approximately 1.47 acres. The General Plan designation for the parcel is (MB) Manufacturing and Business with a zoning designation of Manufacturing and Business Light (MBL). The project proposal is consistent with all the development regulations for

Commercial Cannabis developments pending the outcome of the required Commercial Cannabis License. Currently, the applicant has a commercial cannabis license application under review with the police department.

Surrounding Land Use Setting:	
North	Industrial Zoned Property
South	Industrial Zoned Property
West	Industrial Zoned Property
East	Industrial Zoned Property

Site Plan Review

According to Section 9-6.402 of the City of Coalinga Municipal Code, a site plan review is required for all development projects within the City. The purpose of the site plan review is to enable the Community Development Director or the Planning Commission to make findings that a proposed development is in conformity with the intent and provisions of the Coalinga Municipal Code, and to guide the Building Official in the issuance of permits. The proposed project does not fall under the exempt projects and projects qualifying for Administrative Site Plan Review; therefore, the proposed project requires site plan approval from the Coalinga Planning Commission.

Findings for Approval

According to Section 9-6.404 of the Coalinga Municipal Code, the Planning Commission shall consider the following findings to approve a site plan:

- 1) The proposed construction/alterations are in substantial conformance with the General Plan, zoning ordinance, and any applicable plans adopted by the city.
- 2) The proposed construction/alterations conform to the requirements of the applicable Zoning Districts.
- 3) The proposed construction/alteration conforms to all applicable design standards and guidelines, as adopted by the City Council.
- 4) The construction/alteration will not have significant adverse effects on the public health, safety and welfare.

Staff Analysis

As described in more detail below, City staff has determined the proposed project is in substantial conformance with the General Plan, zoning ordinance, and any applicable plans adopted by the City.

Manufacturing and Business Development Regulations

There are several development regulations that staff reviews prior to recommending approval of a site plan review application. This site plan application has been reviewed for compliance with the Coalinga Planning and Zoning Code and meets all applicable requirements for the proposed use based on type, location and site constraints.

Access

The primary access point for the development will be located on Mercantile Lane at the northeast and southwest corners of the property. According the Fire Department and City Engineer there is adequate space

on-site for public safety maneuvering and access.

Emergency Building Access: The applicant has proposed (2) emergency access points from the building to the public right of way which will be restricted from being accessed from Enterprise and only used in case of an emergency for egress. All security measures will be applied through the applicants licensing to ensure that folks leaving are monitored in and out of said exits.

Utilities

- All utilities are readily available for connection on Mercantile Lane and Enterprise Parkway. All utility connections shall be shown on the final site plan and approved by the Planning Department and confirmed by the Public Works Department. Improvement plans will be reviewed and approved by the City Engineer.

Storm Runoff: On-site storm water drainage runoff shall run to the existing storm drain facilities at Enterprise Parkway and Mercantile Lane. As a condition of approval, it will be the responsibility of the applicant to confirm sufficient capacity exists in the storm water basin serving this site. Any work needed to the storm water basin serving this development is the responsibility of the applicant. Direct drainage of storm water runoff over public sidewalks not permitted. Storm water runoff shall be directed under sidewalks.

Gas: Public Natural Gas Facilities exist in Mercantile Lane and Enterprise Parkway and are available to serve this development. The applicant shall extend natural gas service to the project site. The applicant shall locate the natural gas meter outside of secured areas to facilitate access by City meter readers.

Water: Public Water Facilities exist in Mercantile Lane and Enterprise Parkway and are available to serve this development. The applicant shall extend a water service to the project site. The Public Works Director has recommended that water meters be located on or near the property line to ensure ease of meter reading.

Sewer: Public Sewer Facilities exist in Mercantile Lane and Enterprise Parkway and are available to serve this development. The applicant shall extend a sewer lateral to the project site. Sewer clean out will be placed at the property line.

Meters: There shall be meters for both water and natural gas which shall be identified on the final site plan when submitted to the Planning Department for final approval. There will be separate landscape and domestic meters in order to differentiate between landscaped water and domestic water per City policy. Since this is a secure facility the water meters shall be located outside the secured area and gas meters shall be placed in a location that are protected from damage. If gas meters are to be located on-site within the secured area the applicant shall work with Public Works to determine the best practice for reading meters.

Parking

In accordance with section 9-4.302 Table 4.4 of the zoning code, the parking requirement for the proposed development is 1 stall for every 1,000 square feet of building space. The proposed development has met the requirement by providing 36 vehicle stalls.

Refuse Containers

The proposed development provides for the required refuse containers and their size, shape and location are consistent with that of the City requirements.

Landscaping

The proposed landscaping exceeds the city's minimum requirement for landscaped areas as it relates to site frontage, parking, highway setbacks and equipment screening. A separate landscape plan will be submitted to the Community Development Department for review and approval prior to building permit issuance.

- Fencing: All interior fencing shall be of material allowed under the planning and zoning code. All fencing adjacent to public rights of way will be a combination of wrought iron and landscaping or of a decorative block material.

The site plan does provide for landscaped setbacks since there are proposed parking facilities adjacent to the onsite building. A ten (10) foot set back comprised of five (5) feet of landscaping and a paved pedestrian walkway has been provided which meets the development regulations.

- Lighting

Lighting has been reviewed and approved by the Police Department to ensure that there will be no spill over lighting. The Police Department is recommending as part of the conditions of approval that the site meet or exceed the standard of 1.5-foot candle of light within the site to ensure adequate lighting. A photometric plan shall be provided and reviewed and approved by the Police Chief prior to certificate of occupancy is issued. All lighting shall use decorative poles and fixtures with LED technology and avoid HPS lighting in an effort to reduce energy consumption.

- Signage

In accordance with the zoning regulations related to Commercial Cannabis facilities, no business related signage shall be provided except for those federally regulated such as ADA.

- Offsite Improvements

The applicant shall furnish and install off-site curb & gutter, sidewalk, driveway approach and street lighting on Mercantile Lane and Enterprise Parkway as approved by the City Engineer.

Environmental Considerations

The Community Development Director has determined that the proposed project supports a Planning Commission finding that it qualifies for a categorical exemption from the California Environmental Quality Act (CEQA). The project qualifies as a Class 32 exemption under CEQA Guidelines Section 15332, as described below, applies to the project:

- 15332. In-Fill Development Projects

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

In this case, the project involves an industrial infill development on a 1.47-acre vacant lot and meets all the criteria (a through e) outlined above. Therefore, the project is exempt from further analysis under CEQA.

Additionally, none of the exceptions to application of a categorical exemption in Section 15300.2 of the CEQA Guidelines apply, as described below.

- Sec. 15300.2(a): There is no evidence in the record that the project will impact an environmental resource of hazardous or critical concern in an area designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies. The project site is located within a substantially developed neighborhood and is not located in a sensitive environmental area. Therefore, it will not have a significant impact on the environment.
- Sec. 15300.2(b): There is no evidence in the record that successive projects of the same type in the area will have a significant environmental impact. The project is a small in-fill project within a substantially developed neighborhood and will not have a significant impact on the environment either alone or cumulatively with other projects in the vicinity.
- Sec. 15300.2(c): There is no evidence in the record of any possibility that the project will have a significant effect on the environment due to unusual circumstances. The project site is a vacant lot with very flat topography and no habitat value. It is zoned for industrial development and the project will involve in-fill industrial development consistent with the industrial zoning. Therefore, there are no unusual circumstances applicable to the project.
- Sec. 15300.2(d) through (f): The project is not proposed near a scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this project.

Because the project is consistent with the requirements for a Class 32 exemption and none of the exceptions to applying an exemption in Section 15300.2 apply; therefore, there is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA.

IV. FISCAL IMPACT:

None determined at this time. The City will realize revenue from licensing fees, annual taxation and job creation.

V. REASONS FOR RECOMMENDATION:

Staff is recommending approval of the following project because it meets and/or exceeds the requirements of the Coalinga zoning code in the following respects:

1. That all applicable provisions of the Code are complied with.
2. That the project is so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected, and there will be no adverse effect on surrounding properties: Facilities and improvements; Vehicular ingress, egress, internal circulation, off-street parking and loading; Setbacks; Height of buildings; Locations of services; Walls and fences; Landscaping; Site drainage; Refuse enclosures.
3. All signs related to this development shall be reviewed and approved at a later date.

ATTACHMENTS:

Description

- ▣ Resolution No. 017P-006
- ▣ Conditions of Approval SPR 16-06
- ▣ Site Plan 16-06
- ▣ Application SPR 16-06

RESOLUTION 017P-006

A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION APPROVING SITE PLAN REVIEW APPLICATION NO. 16-06 FOR THE DEVELOPMENT OF A NEW INDUSTRIAL COMMERCIAL CANNABIS FACILITY TO BE LOCATED ON 1.47 ACRES AT 1920 MERCANTILE LANE

WHEREAS, the City of Coalinga Community Development Department received an application for a Site Plan Review for the construction of a commercial cannabis facility on 1.47 acres at the 1920 Mercantile Lane (APN: 083-280-16ST); and,

WHEREAS, the subject project requires approval of a site plan review, in accordance with Title 9, Chapter 2 of the Coalinga Municipal Code; and

WHEREAS, appropriate applications were filed and deemed complete by the Coalinga Community Development Department on November 28, 2016; and

WHEREAS, the project has been determined to be exempt from CEQA processing under the provisions of Government Code Section 15332 (Infill Development), and;

WHEREAS, the subject application was reviewed for compliance with all applicable sections of the Coalinga Municipal Code; and

WHEREAS, the Planning Commission completed its review of the proposed development and information contained in the staff report at its meeting on February 14, 2017; and

WHEREAS, the Planning Commission has made the following findings based on the development proposal:

- All provisions of the Planning and Zoning Code are complied with;
- The following project is so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected, and there will be no adverse effect on surrounding property including but not limited to:
 - Facilities and improvements;
 - Vehicular ingress, egress and internal circulation;
 - Setbacks;
 - Height of buildings;
 - Location of services;
 - Fences and/or walls;
 - Landscaping.
- Proposed lighting is so arranged as to direct the light away from adjoining properties;
- Proposed signs will not by size, location, color or lighting interfere with traffic or limit visibility;
- Proposed development has adequate fire and police protection;
- Proposed development can be adequately served by city sewer and water;
- Drainage from the property can be properly handled;

- The proposed development is generally consistent with the Zoning Ordinance, the General Plan, and any other applicable plans.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission does approve the site plan review Application No. 16-06 subject to the conditions attached hereto which are also incorporated by this reference as Exhibit "A".

PASSED AND ADOPTED, by the City of Coalinga Planning Commission at their regularly scheduled meeting held on the 14th Day of February 2017.

AYES:

NOES:

ABSTAIN:

ABSENT:

Planning Commission Chairman/Vice Chairman

ATTEST:

City Clerk/Deputy City Clerk

CONDITIONS OF APPROVAL
SITE PLAN REVIEW, APPLICATION NO. 16-06

- COA-1. The approved site plan shall become void in the event that less than fifty (50) percent of the site, or an approved phase of development, has not occurred within twelve (12) months after the approval of the site plan.
- COA-2. Approval of the site plan may be extended at the discretion of the Planning Commission for an additional period or periods of one (1) year upon a written application to the Commission before the expiration of said phase.
- COA-3. An occupancy permit for the new structure(s) shown on the approved site plan shall not be issued until all proposed buildings, structures and other stated improvements are completed, or the Community Development Director authorizes its issuance upon making a finding that all on-site and off-site conditions relating to the building, structure or use have been or will be met.
- COA-4. Buildings shall provide adequate architectural articulation and detail to avoid a bulky and "box-like" appearance. The building façade at ground floor street frontage level shall be articulated with measures such as, indentation in plane, change of materials in a complimentary manner, sensitive composition and juxtaposition of openings and solid wall and/or building frame, and projecting elements, such as awnings or marquees, to provide shade and shelter.
- COA-5. All improvements shall conform to City Standards and Specifications and be approved by the City Engineer. The applicant shall furnish and install off-site Sidewalk, Driveway Approach and Street Lighting on Mercantile Lane and Enterprise Parkway as approved by the City Engineer and constructed to City standards.
- COA-6. The applicant shall furnish and install new water service, irrigation controller and backflow prevention device for all irrigated landscape areas of the project frontage. The applicant shall furnish a separate domestic water meter and a separate landscape meter.
- COA-7. The applicant shall comply with all 2016 California Building Code (CBC) Chapter 11B ADA accessibility guidelines.
- COA-8. The final site plan shall identify all easements effecting the parcel.
- COA-9. The applicant shall provide smooth AC pavement transitions from new concrete driveway to existing Mercantile Lane and Enterprise Parkway asphalt pavement.
- COA-10. The trash enclosure shall be designed and installed in conformance with City of Coalinga Standards A-4 and approved by the City Engineer.
- COA-11. Public Sewer Facilities exist in Mercantile Lane and are available to serve this development. The applicant shall extend a sewer lateral to the project site. The sewer clean out shall be placed at the property line.
- COA-12. Public Water Facilities exist in Mercantile Lane and Enterprise Parkway and are available to serve this development. The applicant shall extend a water service to the project site.

Water meters shall be located on or near the property line outside the secured area for ease of meter reading.

- COA-13. Public Natural Gas Facilities exist in Mercantile Lane and Enterprise Parkway and are available to serve this development. Gas meters that are to be located on-site within the secured area shall be reviewed and approved by public works where best practice for reading meters will be established.
- COA-14. Mailboxes shall be located outside of secured areas for access by postal workers. Obtain final approval by Postmaster prior to installation.
- COA-15. The applicant shall direct all on-site storm water drainage runoff to the existing storm drain facilities at Enterprise Parkway and Mercantile Lane. It is the responsibility of the applicant to confirm sufficient capacity exists in the storm water basin serving this site. Any work needed to the storm water basin serving this development is the responsibility of the applicant. Direct drainage of storm water runoff over public sidewalks not permitted. Storm water runoff shall be directed under sidewalks per City Standard A-14 or A-15.
- COA-16. On-site lighting shall be provided so that the parking areas are illuminated at a level of 1.5 foot candles. A photometric plan (not a full study) shall be provided to ensure that 1.5 FC has been met. All of the regulations in section 9-4.206 of the Coalinga Planning and Zoning Code shall be met as it relates to lighting and illumination.
- COA-17. All equipment located on roofs and on-site shall be screened from view as approved by the Community Development Director.
- COA-18. Construction hours shall be limited to normal working hours. All construction equipment shall be properly maintained and muffled to avoid nuisances to the surrounding or neighboring property owners.
- i. Weekdays from 7:00 a.m. to 6:00 p.m.;
 - ii. Saturday from 8:00 a.m. to 5:00 p.m.;
 - iii. Sunday and Holidays – no construction allowed unless authorization is granted by the City Manager.
- COA-19. *Landscaped setback of parking from on-site buildings.* In the MBL districts, parking spaces must be set back at least ten (10) feet from any building wall, and the area between parking and building must be landscaped. Two (2) feet of the landscaped setback shall be low growing plants to allow for vehicle overhang. Up to five (5) feet of this required landscape area may be occupied by a paved pedestrian walkway.
- COA-20. *Water efficient landscaping.* A landscaping plan shall be submitted to the Community Development Department for review and approval. The model Water Efficient Landscaping Ordinance, as published by the California Department of Water Resources, pursuant to California Water Conservation in Landscaping Act (Government Code § 65591, et seq.), was adopted in full, by reference, and effective in the City of Coalinga commencing on January 1, 2010. A copy of the Water Efficient Landscaping Ordinance is retained on file in the Office of the City Manager, the Community Development

Department, and the Office of the Coalinga City Clerk at all times. Landscaping plans must be consistent with the adopted Water Efficient Landscaping Ordinance.

- COA-21. *Shade trees.* A minimum of one shade tree for every ten (10) parking spaces shall be provided, which shall achieve fifty (50) percent canopy coverage of paved area at maturity. The shade trees shall be located so as to provide visual relief to long rows of parked vehicles, and to provide shade to pedestrian connections. Canopy-type trees should be used to provide a relatively consistent tree cover that will shade vehicles and pavement. Shade trees shall also be provided at appropriate intervals between perimeter parking spaces. The shade tree species shall be selected from a master tree list maintained by the City.
- COA-22. The 3-foot pedestrian gate shall be electronically accessed with the appropriate security access protocols. At the Mercantile Lane driveway entrance, the applicant shall provide a Public Pedestrian Sidewalk Easement for that portion of proposed public sidewalk encroaching into the property. This shall not be accessible by the general public.
- COA-23. All building doorways located outside of security fencing shall be secured per the standards of the Police Chief and be exit only.
- COA-24. Disposal of hazardous materials as part of construction and operations shall be in compliance with applicable Federal and State regulations.
- COA-25. The Mercantile Lane driveway shall be moved to provide a 3-foot minimum clearance from property line.
- COA-26. The applicant shall provide wheel stops at all parking stalls that do not provide for 2-foot vehicle overhang.
- COA-27. All other required local (Police, Fire, Finance), County, State, or Federal permits shall be obtained prior to the start of operations.
- COA-28. All fire hydrant locations shall be reviewed and approved by the Fire Chief.
- i. Provide two fire hydrants, one inside each gate entrance.
 - ii. All drives not to be less than 24 feet wide.
 - iii. All electric gates must be tied to the fire alarm system, and automatically open upon activation.
 - iv. All electric gates must be tied to the fire alarm system, and automatically open upon activation. All electric gates serving a building with a NFPA 72 Fire Alarm system, shall be wired so gates automatically open when the fire alarm activates. For all electric gates, provide lock box for fire department access. Approved model is Doorking Model 1400-080. You can find dealers on their website <http://doorking.com/accessories/lock-boxes>
- COA-29. All Community Development Department and Engineering fees shall be paid in full prior to the issuance of a building permit.

- COA-30. The Developer is responsible for paying all applicable development impact fees as well as all regional fees related to the project.
- COA-31. In the event that archaeological remains are encountered during grading, work shall be halted temporarily and a qualified archaeologist shall be consulted for evaluation of the artifacts and to recommend future action. The local Native American community shall also be notified and consulted in the event any archaeological remains are uncovered.
- COA-32. A final site plan shall be submitted to the Community Development Department to ensure that all conditions of approval have been incorporated.
- COA-33. *Actions voiding approval.* If the construction of a building or structure, or the use established in the building or structure is contrary to the project approval, therefore violating any provision of the Zoning Ordinance, or would require additional permits, then the original approval shall be deemed null and void.
- COA-34. *Periodic review or monitoring of conditions.* All approvals may be subject to periodic review to determine compliance with the permit and its conditions of approval. If a condition of approval specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring or assessments, it shall be the responsibility of the permit holder, property owner, or successor property owners to comply with such conditions.
- COA-35. *Indemnification.* The applicants/developers shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action, or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul the approval of the project when such claim or action is brought within the time period provided for in applicable State and/or local statutes. The City shall promptly notify the applicants/developers of any such claim, action, or proceeding. The City shall coordinate in the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.
- COA-36. The applicant, within 30 days of the approved site plan, shall provide in writing a letter agreeing to comply with all of the conditions of approval stated in the project resolution.

Applicant Acknowledgement

I _____, (Applicant) have read and will fully comply with all of the conditions stated above, and understand if they are not followed, my permit may be revoked in accordance with Section 13 of the above conditions.

Applicant: _____ Date: _____
Signature

CITY OF COALINGA
SITE PLAN REVIEW APPLICATION

SPR 16-06
Application Number

11/23/16
Date

APPLICANT INFORMATION:

Applicant/Property Owner Name: Michael Jennings
Mailing Address: 5944 W Sunnyside Ct Visalia Ca 93277
Telephone Number: 559 917 2222 Assessors Parcel Number: 083-280-16
Property Location (Street Address): 1920 Mercantile Ln Coalinga Ca 93210
Property is located: Southeast side of Mercantile Ln Street, between Mercantile Ln Street and Enterprise Street

PROJECT INFORMATION:

Current Zoning: _____ Proposed Zoning: _____

Existing Floor Plan: _____ Proposed Floor Area: _____

Describe structure(s) or improvements planned (two family, multi-family residential, commercial, industrial, wall sign, free standing sign etc.) _____

Is project: ☒ new construction or ☐ remodeled.

Residential

Number of dwelling units _____ Total of area (in square feet) _____

Total lot coverage of buildings or structures (in square feet) _____ Percentage of lot coverage _____ %

Number of off street parking spaces provided. Covered _____ Open _____

Total square feet of sign area _____ Total square feet devoted to recreation and open space _____ sq ft.

Give total percentage of lot devoted to recreation and open space _____ sq ft.
(See instructions or Zoning Ordinance for definitions and requirements).

Total square feet of common recreation and open space area _____

Describe type and material to be used on exterior walls and doors _____

Commercial

Gross floor area or building when complete 35,400 sq ft.

Describe sign (free standing, affixed to wall etc.) There will be no signage

Number of parking spaces provided 36 Number of customers expected per day 4

Hours and days of operation 7am - 7pm Monday - Sunday

Describe any outside storage of equipment or supplies: _____

Industrial

Describe any outside storage of equipment or supplies: _____

Maximum number of employees in any daily shift: _____

Number of delivery or shipping trucks per day: _____

Number of delivery or shipping trucks per day when construction is complete: _____

Site Plan Requirements – Mapping/Drawings

The applicant shall submit fifteen (15) prints of the site plan to the Community Development Director. The Site Plan shall be drawn to scale and indicate clearly and with full dimensions the following information:

1. The lot dimensions;
2. All building and structures, and their location, elevation, size, height and materials;
3. The yards and spaces between buildings;
4. Walls and fences, and their location, height, and material;
5. Off-street parking, including the location, number of spaces, dimensions of the parking area and internal circulation pattern;
6. Access (pedestrian, vehicular and service), points of ingress and egress, and internal circulation;
7. Signs and their location, size and height;
8. Loading, including the location, dimensions, number of spaces and internal circulation;
9. Lighting, including the location, dimensions, number of spaces and internal circulation;
10. Street Dedications and Improvements;
11. Drainage improvements;
12. Landscaping, including the location and type;
13. Fire-preventions equipment and measures, including the location and type;
14. For two-family and multi-family dwellings, the location and design of all recreation and open-space area, and the recreation equipment to be included thereon;
15. Such other data as may be required to permit the Planning Director to make the required findings.

Applicant's Certification

The undersigned hereby certify that the information presented in this application is correct.

Signature of Applicant

Date

11/15/16

Signature of Record Property Owner

Date

11/15/16



Staff Report- Chairman and Planning Commission

Subject: Site Plan Review Application (SPR 16-07) 1921 Mercantile Lane
Meeting Date February 14, 2017
Project Location: 1921 Mercantile Lane, Coalinga, CA 93210
Applicant: Michael Jennings, 5444 W. Sunnyside Ct, Visalia, CA 93277
Owner: Michael Jennings, 5444 W. Sunnyside Ct, Visalia, CA 93277
Prepared By: Sean Brewer, Community Development Director

I. RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 017P-007 with conditions for the development of a new commercial cannabis facility to be located at 1921 Mercantile Lane.

II. BACKGROUND:

On November 28, 2016 the Community Development Department received an application for the development of a commercial cannabis facility. The intended use of the industrial building will be for commercial cannabis cultivation and manufacturing. Once the application was deemed complete staff requested comments from all the necessary City Departments. This proposal incorporates feedback from all City Departments. The Coalinga Municipal Code requires that all applicable new structures permanent or temporary erected in the City require a site plan review and approval by the Planning Commission for consistency with all applicable zoning regulations.

III. PROPOSAL AND ANALYSIS:

The proposed project consists of the following components:

Use	Square Footage	Estimated Water Use P/Yr.
Total Building Square Footage:	50,630	N/A
Manufacturing Space:	798	200
Future Lease Space:	49,132	50,000 - 60,000 gallons
Office Space:	432	1,000

The site in which the industrial building will be built on is approximately 2.09 acres. The General Plan designation for the parcel is (MB) Manufacturing and Business with a zoning designation of Manufacturing and Business Light (MBL). The project proposal is consistent with all the development regulations for Commercial Cannabis developments pending the outcome of the required Commercial Cannabis License.

Currently, the applicant has a commercial cannabis license application under review with the police department.

Surrounding Land Use Setting:	
North	Agricultural Land (City Limits)
South	Industrial Zoned Property
West	Industrial Zoned Property
East	Industrial Zoned Property

Site Plan Review

According to Section 9-6.402 of the City of Coalinga Municipal Code, a site plan review is required for all development projects within the City. The purpose of the site plan review is to enable the Community Development Director or the Planning Commission to make findings that a proposed development is in conformity with the intent and provisions of the Coalinga Municipal Code, and to guide the Building Official in the issuance of permits. The proposed project does not fall under the exempt projects and projects qualifying for Administrative Site Plan Review; therefore, the proposed project requires site plan approval from the Coalinga Planning Commission.

Findings for Approval

According to Section 9-6.404 of the Coalinga Municipal Code, the Planning Commission shall consider the following findings to approve a site plan:

- 1) The proposed construction/alterations are in substantial conformance with the General Plan, zoning ordinance, and any applicable plans adopted by the city.
- 2) The proposed construction/alterations conform to the requirements of the applicable Zoning Districts.
- 3) The proposed construction/alteration conforms to all applicable design standards and guidelines, as adopted by the City Council.
- 4) The construction/alteration will not have significant adverse effects on the public health, safety and welfare.

Staff Analysis

As described in more detail below, City staff has determined the proposed project is in substantial conformance with the General Plan, zoning ordinance, and any applicable plans adopted by the City.

Manufacturing and Business Development Regulations

There are several development regulations that staff reviews prior to recommending approval of a site plan review application. This site plan application has been reviewed for compliance with the Coalinga Planning and Zoning Code and meets all applicable requirements for the proposed use based on type, location and site constraints.

Access

The primary access point for the development will be located on Mercantile Lane at the southeast corner of the property and an exit only on the northwest corner of the property on Enterprise Parkway. According to the Fire Department and City Engineer there is adequate space on-site for public safety maneuvering and access.

Emergency Building Access: The applicant has proposed emergency access from the building to the public right of way which will be restricted from being accessed by the public or employee from Enterprise Parkway and only used as egress in case of an emergency. All security measures will be applied through the applicants licensing to ensure that folks leaving are monitored in and out of said exits in case of an emergency.

Utilities

All utilities are readily available for connection on Mercantile Lane. All utility connections shall be shown on the final site plan and approved by the Planning Department and confirmed by the Public Works Department. Improvement plans will be reviewed and approved by the City Engineer.

Storm Runoff: On-site storm water drainage runoff shall run to the existing storm drain facilities at Enterprise Parkway and Mercantile Lane. As a condition of approval, it will be the responsibility of the applicant to confirm sufficient capacity exists in the storm water basin serving this site. Any work needed to the storm water basin serving this development is the responsibility of the applicant. Direct drainage of storm water runoff over public sidewalks not permitted. Storm water runoff shall be directed under sidewalks.

Gas: Public Natural Gas Facilities exist in Mercantile Lane and Enterprise Parkway and are available to serve this development. The applicant shall extend natural gas service to the project site. The applicant shall locate the natural gas meter outside of secured areas to facilitate access by City meter readers.

Water: Public Water Facilities exist in Mercantile Lane and Enterprise Parkway and are available to serve this development. The applicant shall extend a water service to the project site. The Public Works Director has recommended that water meters be located on or near the property line to ensure ease of meter reading.

Sewer: Public Sewer Facilities exist in Mercantile Lane and Enterprise Parkway and are available to serve this development. The applicant shall extend a sewer lateral to the project site. Sewer clean out will be placed at the property line.

Meters: There shall be meters for both water and natural gas which shall be identified on the final site plan when submitted to the Planning Department for final approval. There will be separate landscape and domestic meters in order to differentiate between landscaped water and domestic water per City policy. Since this is a secure facility the water meters shall be located outside the secured area and gas meters shall be placed in a location that are protected from damage. If gas meters are to be located on-site within the secured area the applicant shall work with Public Works to determine the best practice for reading meters.

Parking

In accordance with section 9-4.302 Table 4.4 of the zoning code, the parking requirement for the proposed development is 1 stall for every 1,000 square feet of building space. The proposed development has met the requirement by providing 59 vehicle stalls.

Refuse Containers

The proposed development provides for the required refuse containers and their size, shape and location are consistent with that of the City requirements.

Landscaping

The proposed landscaping exceeds the city's minimum requirement for landscaped areas as it relates to site frontage, parking, highway setbacks and equipment screening. A separate landscape plan will be submitted to

the Community Development Department for review and approval prior to building permit issuance.

- Fencing: All interior fencing shall be of material allowed under the planning and zoning code. All fencing adjacent to public rights of way will be a combination of wrought iron and landscaping or of a decorative block material.

The proposed project is located within 200 feet of a state highway and shall provide a landscaped area at least fifteen (15) feet deep between the highway right-of-way and any building or parking area for the length of the site frontage facing toward the highway. The applicant has provided the adequate setback from the state highway and will provide the required two (2) fifteen (15) gallon trees for every twenty-five (25) feet of site frontage toward the highway. This will be denoted on the final landscape plan and incorporated as a condition of approval.

There are parking facilities located within fifty (50) feet of and visible from a right-of-way (State Route 198/33) so the area must be screened by a wall or berm at least two and one-half (2.5) feet high.

The site plan does provide for landscaped setbacks since there are proposed parking facilities adjacent to the onsite building. A ten (10) foot set back comprised of five (5) feet of landscaping and a paved pedestrian walkway has been provided which meets the development regulations.

Lighting

- Lighting has been reviewed and approved by the Police Department to ensure that there will be no spill over lighting. The Police Department is recommending as part of the conditions of approval that the site meet or exceed the standard of 1.5-foot candle of light within the site to ensure adequate lighting. A photometric plan shall be provided and reviewed and approved by the Police Chief prior to certificate of occupancy is issued. All lighting shall use decorative poles and fixtures with LED technology and avoid HPS lighting in an effort to reduce energy consumption.

Signage

- In accordance with the zoning regulations related to Commercial Cannabis facilities, no business related signage shall be provided except for those federally regulated such as ADA.

Offsite Improvements

- The applicant shall furnish and install off-site curb & gutter, sidewalk, driveway approach and street lighting on Mercantile Lane and Jayne Ave/SR33 frontage as approved by the City Engineer.

Environmental Considerations

- The Community Development Director has determined that the proposed project supports a Planning Commission finding that it qualifies for a categorical exemption from the California Environmental Quality Act (CEQA). The project qualifies as a Class 32 exemption under CEQA Guidelines Section 15332, as described below, applies to the project:

15332. In-Fill Development Projects

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

In this case, the project involves an industrial infill development on a 2.09-acre vacant lot and meets all the criteria (a through e) outlined above. Therefore, the project is exempt from further analysis under CEQA.

Additionally, none of the exceptions to application of a categorical exemption in Section 15300.2 of the CEQA Guidelines apply, as described below.

- Sec. 15300.2(a): There is no evidence in the record that the project will impact an environmental resource of hazardous or critical concern in an area designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies. The project site is located within a substantially developed neighborhood and is not located in a sensitive environmental area. Therefore, it will not have a significant impact on the environment.
- Sec. 15300.2(b): There is no evidence in the record that successive projects of the same type in the area will have a significant environmental impact. The project is a small in-fill project within a substantially developed neighborhood and will not have a significant impact on the environment either alone or cumulatively with other projects in the vicinity.
- Sec. 15300.2(c): There is no evidence in the record of any possibility that the project will have a significant effect on the environment due to unusual circumstances. The project site is a vacant lot with very flat topography and no habitat value. It is zoned for industrial development and the project will involve in-fill industrial development consistent with the industrial zoning. Therefore, there are no unusual circumstances applicable to the project.
- Sec. 15300.2(d) through (f): The project is not proposed near a scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this project.

Because the project is consistent with the requirements for a Class 32 exemption and none of the exceptions to applying an exemption in Section 15300.2 apply; therefore, there is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA.

IV. FISCAL IMPACT:

None determined at this time. The City will realize revenue from licensing fees, annual taxation and job creation.

V. REASONS FOR RECOMMENDATION:

Staff is recommending approval of the following project because it meets and/or exceeds the requirements of the Coalinga zoning code in the following respects:

1. That all applicable provisions of the Code are complied with.
2. That the project is so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected, and there will be no adverse effect on surrounding properties:

Facilities and improvements; Vehicular ingress, egress, internal circulation, off-street parking and loading; Setbacks; Height of buildings; Locations of services; Walls and fences; Landscaping; Site drainage; Refuse enclosures.

3. All signs related to this development shall be reviewed and approved at a later date.

ATTACHMENTS:

Description

- ☐ Resolution No. 017P-007
- ☐ Exhibit A - Conditions of Approval SPR 16-07
- ☐ 1921 Mercantile Site Plan
- ☐ 1921 Mercantile Elevations
- ☐ SPR 16-07 Application

RESOLUTION 017P-007

A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION APPROVING SITE PLAN REVIEW APPLICATION NO. 16-07 FOR THE DEVELOPMENT OF A NEW INDUSTRIAL COMMERCIAL CANNABIS FACILITY TO BE LOCATED ON 2.09 ACRES AT 1921 MERCANTILE LANE

WHEREAS, the City of Coalinga Community Development Department received an application for a Site Plan Review for the construction of a commercial cannabis facility on 2.09 acres at the 1921 Mercantile Lane (APN: 083-280-12ST); and,

WHEREAS, the subject project requires approval of a site plan review, in accordance with Title 9, Chapter 2 of the Coalinga Municipal Code; and

WHEREAS, appropriate applications were filed and deemed complete by the Coalinga Community Development Department on November 28, 2016; and

WHEREAS, the project has been determined to be exempt from CEQA processing under the provisions of Government Code Section 15332 (Infill Development), and;

WHEREAS, the subject application was reviewed for compliance with all applicable sections of the Coalinga Municipal Code; and

WHEREAS, the Planning Commission completed its review of the proposed development and information contained in the staff report at its meeting on February 14, 2017; and

WHEREAS, the Planning Commission has made the following findings based on the development proposal:

- All provisions of the Planning and Zoning Code are complied with;
- The following project is so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected, and there will be no adverse effect on surrounding property including but not limited to:
 - Facilities and improvements;
 - Vehicular ingress, egress and internal circulation;
 - Setbacks;
 - Height of buildings;
 - Location of services;
 - Fences and/or walls;
 - Landscaping.
- Proposed lighting is so arranged as to direct the light away from adjoining properties;
- Proposed signs will not by size, location, color or lighting interfere with traffic or limit visibility;
- Proposed development has adequate fire and police protection;
- Proposed development can be adequately served by city sewer and water;
- Drainage from the property can be properly handled;

- The proposed development is generally consistent with the Zoning Ordinance, the General Plan, and any other applicable plans.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission does approve the site plan review Application No. 16-07 subject to the conditions attached hereto which are also incorporated by this reference as Exhibit "A".

PASSED AND ADOPTED, by the City of Coalinga Planning Commission at their regularly scheduled meeting held on the 14th Day of February 2017.

AYES:

NOES:

ABSTAIN:

ABSENT:

Planning Commission Chairman/Vice Chairman

ATTEST:

City Clerk/Deputy City Clerk

CONDITIONS OF APPROVAL
SITE PLAN REVIEW, APPLICATION NO. 16-07

- COA-1. The approved site plan shall become void in the event that less than fifty (50) percent of the site, or an approved phase of development, has not occurred within twelve (12) months after the approval of the site plan.
- COA-2. Approval of the phased site plan may be extended at the discretion of the Planning Commission for an additional period or periods of one (1) year upon a written application to the Commission before the expiration of said phase.
- COA-3. An occupancy permit for the new structure(s) shown on the approved site plan shall not be issued until all proposed buildings, structures and other stated improvements are completed, or the Community Development Director authorizes its issuance upon making a finding that all on-site and off-site conditions relating to the building, structure or use have been or will be met.
- COA-4. Buildings shall provide adequate architectural articulation and detail to avoid a bulky and "box-like" appearance. The building façade at ground floor street frontage level shall be articulated with measures such as, indentation in plane, change of materials in a complimentary manner, sensitive composition and juxtaposition of openings and solid wall and/or building frame, and projecting elements, such as awnings or marquees, to provide shade and shelter.
- COA-5. All improvements shall conform to City Standards and Specifications and be approved by the City Engineer. The applicant shall furnish and install off-site Sidewalk, Driveway Approach and Street Lighting on Mercantile Lane and Enterprise frontage and curb, gutter and street lighting every 150 feet on Jayne Ave/SR33 along frontage as approved by the City Engineer and constructed to Caltrans standards.
- COA-6. The applicant shall furnish and install new water service, irrigation controller and backflow prevention device for all irrigated landscape areas of the project frontage. The applicant shall furnish a separate domestic water meter and a separate landscape meter.
- COA-7. The applicant shall comply with all 2016 California Building Code (CBC) Chapter 11B ADA accessibility guidelines.
- COA-8. The final site plan shall identify all easements effecting the parcel.
- COA-9. No storm water runoff from the proposed project shall flow into the State right-of-way (SR 33) without approval from the District Hydraulic Engineer.
- COA-10. The applicant shall provide smooth AC pavement transitions from new concrete driveway to existing Mercantile Lane asphalt pavement.
- COA-11. The trash enclosure shall be designed and installed in conformance with City of Coalinga Standards A-4 and approved by the City Engineer.

- COA-12. Public Sewer Facilities exist in Mercantile Lane and are available to serve this development. The applicant shall extend a sewer lateral to the project site. The sewer clean out shall be placed at the property line.
- COA-13. Public Water Facilities exist in Mercantile Lane and Enterprise Parkway and are available to serve this development. The applicant shall extend a water service to the project site. Water meters shall be located on or near the property line outside the secured area for ease of meter reading.
- COA-14. Public Natural Gas Facilities exist in Mercantile Lane and Enterprise Parkway and are available to serve this development. Gas meters that are to be located on-site within the secured area shall be reviewed and approved by public works where best practice for reading meters will be established.
- COA-15. Mailboxes shall be located outside of secured areas for access by postal workers. Obtain final approval by Postmaster prior to installation.
- COA-16. The applicant shall direct all on-site storm water drainage runoff to the existing storm drain facilities at Enterprise Parkway and Mercantile Lane. It is the responsibility of the applicant to confirm sufficient capacity exists in the storm water basin serving this site. Any work needed to the storm water basin serving this development is the responsibility of the applicant. Direct drainage of storm water runoff over public sidewalks not permitted. Storm water runoff shall be directed under sidewalks per City Standard A-14 or A-15.
- COA-17. On-site lighting shall be provided so that the parking areas are illuminated at a level of 1.5 foot candles. A photometric plan (not a full study) shall be provided to ensure that 1.5 FC has been met. All of the regulations in section 9-4.206 of the Coalinga Planning and Zoning Code shall be met as it relates to lighting and illumination.
- COA-18. All equipment located on roofs and on-site shall be screened from view as approved by the Community Development Director.
- COA-19. Construction hours shall be limited to normal working hours. All construction equipment shall be properly maintained and muffled to avoid nuisances to the surrounding or neighboring property owners.
- i. Weekdays from 7:00 a.m. to 6:00 p.m.;
 - ii. Saturday from 8:00 a.m. to 5:00 p.m.;
 - iii. Sunday and Holidays – no construction allowed unless authorization is granted by the City Manager.
- COA-20. *Setback and screening from highways.* Any site in a Manufacturing/Business district that is fully or partially located within 200 feet of a state highway shall provide a landscaped area at least fifteen (15) feet deep between the highway right-of-way and any building or parking area for the length of the site frontage facing toward the highway. At least two (2) fifteen (15) gallon trees shall be provided for every twenty-five (25) feet of site frontage toward the highway.

- COA-21. The parking facing the highway must be screened by a wall or berm at least two and one-half (2.5) feet high. The screening wall shall be composed of brick, stone, stucco, or other quality durable material approved by the Community Development Director, and shall include a decorative cap or top finish as well as edge detail at wall ends. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Community Development Director.
- COA-22. *Landscaped setback of parking from on-site buildings.* In the MBL districts, parking spaces must be set back at least ten (10) feet from any building wall, and the area between parking and building must be landscaped. Two (2) feet of the landscaped setback shall be low growing plants to allow for vehicle overhang. Up to five (5) feet of this required landscape area may be occupied by a paved pedestrian walkway.
- COA-23. *Water efficient landscaping.* A landscaping plan shall be submitted to the Community Development Department for review and approval. The model Water Efficient Landscaping Ordinance, as published by the California Department of Water Resources, pursuant to California Water Conservation in Landscaping Act (Government Code § 65591, et seq.), was adopted in full, by reference, and effective in the City of Coalinga commencing on January 1, 2010. A copy of the Water Efficient Landscaping Ordinance is retained on file in the Office of the City Manager, the Community Development Department, and the Office of the Coalinga City Clerk at all times. Landscaping plans must be consistent with the adopted Water Efficient Landscaping Ordinance.
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 - iv. All electric gates must be tied to the fire alarm system, and automatically open upon activation. All electric gates serving a building with a NFPA 72 Fire Alarm system, shall be wired so gates automatically open when the fire alarm activates. For all electric gates, provide lock box for fire department access. Approved model is Doorking Model 1400-080. You can find dealers on their website <http://doorking.com/accessories/lock-boxes>
- COA-32. All Community Development Department and Engineering fees shall be paid in full prior to the issuance of a building permit.
- COA-33. The Developer is responsible for paying all applicable development impact fees as well all regional fees related to the project.
- COA-34. In the event that archaeological remains are encountered during grading, work shall be halted temporarily and a qualified archaeologist shall be consulted for evaluation of the artifacts and to recommend future action. The local Native American community shall also be notified and consulted in the event any archaeological remains are uncovered.
- COA-35. A final site plan shall be submitted to the Community Development Department to ensure that all conditions of approval have been incorporated.
- COA-36. *Actions voiding approval.* If the construction of a building or structure, or the use established in the building or structure is contrary to the project approval, therefore violating any provision of the Zoning Ordinance, or would require additional permits, then the original approval shall be deemed null and void.
- COA-37. *Periodic review or monitoring of conditions.* All approvals may be subject to periodic review to determine compliance with the permit and its conditions of approval. If a condition of approval specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring or assessments, it shall be the responsibility of the permit holder, property owner, or successor property owners to comply with such conditions.
- COA-38. *Indemnification.* The applicants/developers shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action, or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul the approval of the project when such claim or action is brought within the time period provided for in applicable State and/or local

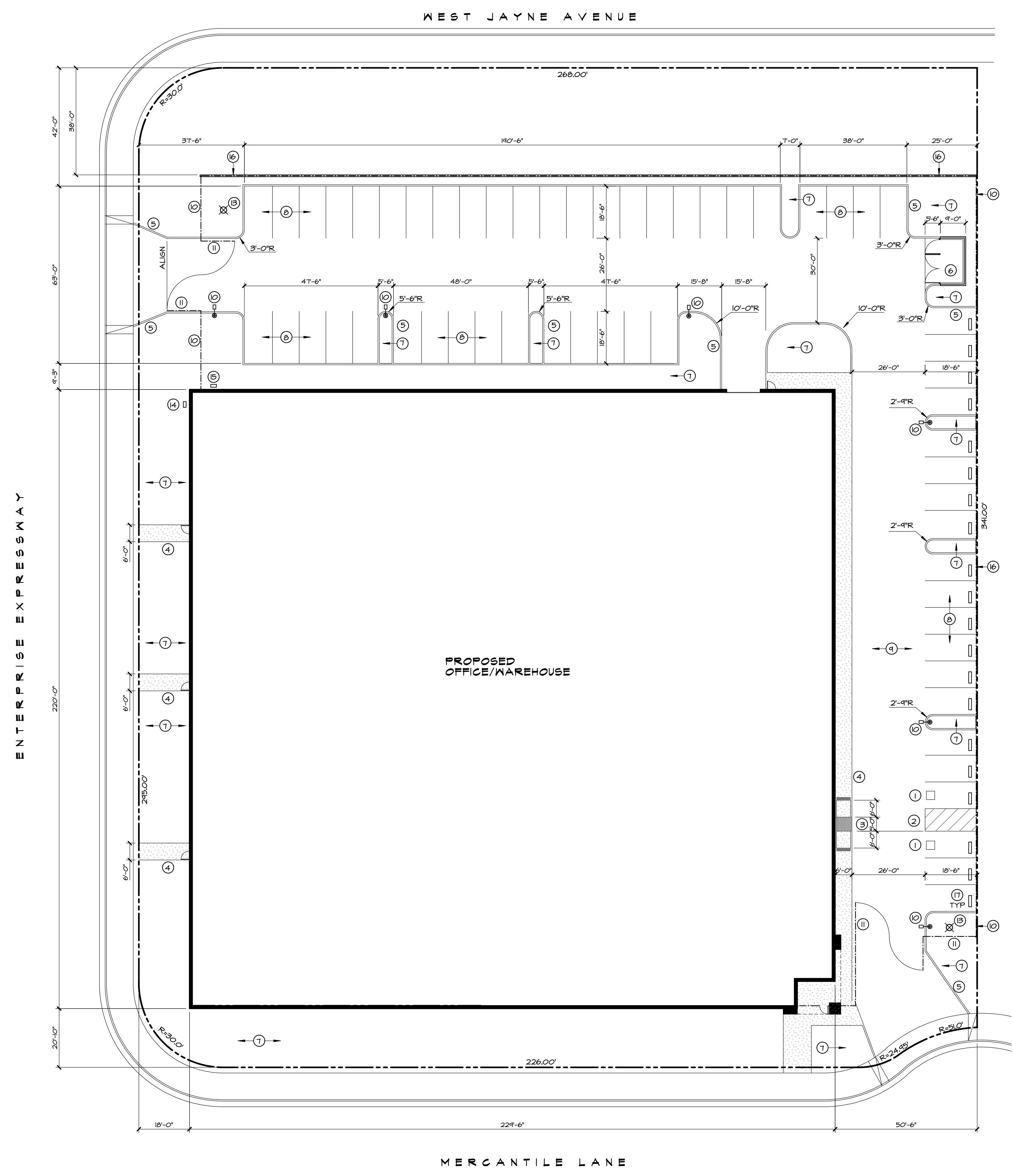
statutes. The City shall promptly notify the applicants/developers of any such claim, action, or proceeding. The City shall coordinate in the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.

COA-39. The applicant, within 30 days of the approved site plan, shall provide in writing a letter agreeing to comply with all of the conditions of approval stated in the project resolution.

Applicant Acknowledgement

I _____, (Applicant) have read and will fully comply with all of the conditions stated above, and understand if they are not followed, my permit may be revoked in accordance with Section 13 of the above conditions.

Applicant: _____ Date: _____
Signature



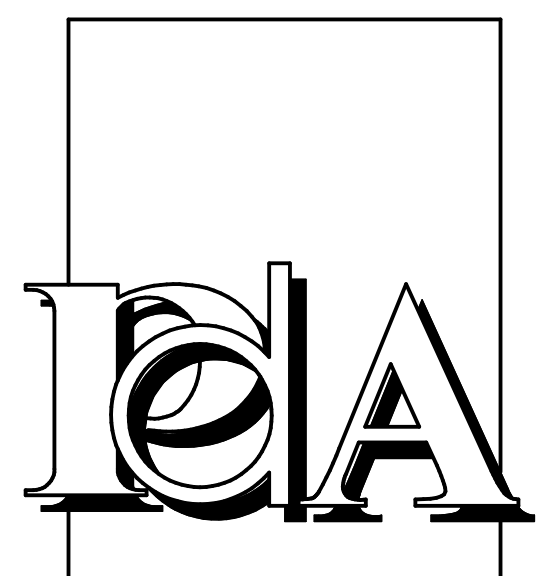
 SITE PLAN

20'

PROJECT ANALYSIS	
ASSESSORS PARCEL NUMBER:	083-280-165T
LEGAL DESCRIPTION: LOT 144 OF JUNIPER RIDGE NO. 1, TRACT NO. 430, IN THE CITY OF COALINGA, COUNTY OF FRESNO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREFORE RECORDED NOVEMBER 26, 1991 IN BOOK 53, PAGES 48-50 INCLUSIVE OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTRY	
ZONE:	M-2
CONSTRUCTION TYPE:	V-B
OCCUPANCY:	F-2
ALLOWABLE AREA: PER CBC TABLE 503: SPRINKLER INCREASE PER 504.2	13,000 SF 34,000 SF 52,000 SF
GROSS BUILDING AREA:	50,360 SF
PARKING REQUIRED RETAIL (50,360/1000):	51 SPACES
PARKING PROVIDED STANDARD: HANDICAP: TOTAL:	57 SPACES 2 SPACES 59 SPACES

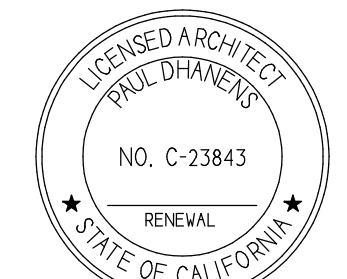
- NOTES:
- SECURITY CAMERAS WILL BE LOCATED TO CREATE A 360 DEGREE FIELD OF VIEW AROUND THE PERIMETER OF BUILDING AS NOTED BELOW:
A. CAMERAS WILL BE MOUNTED ON NORTHWEST, SOUTHWEST, NORTHEAST AND SOUTHEAST CORNERS WITH 270 DEGREE VIEW
B. CAMERAS WILL BE MOUNTED ON NORTH AND SOUTH WALLS EVERY +/- 30 FEET
C. CAMERAS WILL BE MOUNTED AT EACH DOOR AND WALKWAY
 - ALL CAMERAS SHALL HAVE 24 HOUR BATTERY AND CLOUD BACKUP
 - SITE LIGHTING SHALL BE COMBINATION OF BUILDING MOUNTED LED AND POLE MOUNTED AND PROVIDE 15 FOOT CANDLES MINIMUM ACROSS PARKING AREA
 - ALL INTERIOR LIGHTING SHALL BE LED TO MEET TITLE 24 REQUIREMENTS

- KEYNOTES
- 9'-0" WIDE HANDICAP PARKING STALL WITH 3'-0"x3'-0" PAINTED STALL SIGN AND 10"x10" POLE MOUNTED PARKING SIGN DISPLAYING THE INTERNATIONAL SYMBOL OF ACCESSIBILITY WITH AN ADDITIONAL SIGN OR LANGUAGE STATING "MINIMUM FINE \$250.00" INCLUDE SIGN MOUNTED BELOW STATING "VAN ACCESSIBLE" WHERE APPROPRIATE PER CBC SECTION 124B-80" MINIMUM HEIGHT TO THE BOTTOM OF ALL POLE SIGNS
 - 8'-0" WIDE HANDICAP ACCESS AISLE FOR VAN ACCESS WITH THE WORDS "NO PARKING" IN 12" HIGH CONTRASTING LETTERS- SLOPE NOT TO EXCEED 1/4 IN
 - HANDICAP ACCESSIBLE CURB RAMP- SLOPE SHALL NOT EXCEED 120 WITH 4'-0" MINIMUM LANDING AT TOP AND 1'-0" BORDER OF 1/4" WARNING GROOVES AT TOP PER CBC STANDARDS - PROVIDE RAISED TRUNCATED DOME TILES FOR THE FULL WIDTH OF BOTTOM LANDING PER CITY STANDARDS
 - CONCRETE WALK WITH MAX SLOPE AT 120 AND MAX CROSS SLOPE OF TWO PERCENT
 - NEW 6" CONCRETE CURB TO MATCH AND ALIGN WITH EXISTING
 - NEW CONCRETE BLOCK TRASH ENCLOSURE WITH CONCRETE APRON PER CITY STANDARDS
 - LANDSCAPE AREA - INSTALL FLOWER BED ALONG NORTH SIDE OF BUILDING
 - 9'-6" x 18'-0" STANDARD PARKING STALL
 - A.C. PAVING PER CITY STANDARDS
 - 6'-0" WROUGHT IRON FENCE
 - 6'-0" WROUGHT IRON GATE
 - 18'-0" x 9'-6" STANDARD STREET PARKING
 - FIRE HYDRANT
 - APPROXIMATE LOCATION OF WATER METER
 - APPROXIMATE LOCATION OF GAS METER
 - WROUGHT IRON TO 6'-0" ON 2'-6" CONCRETE BLOCK WALL
 - CONCRETE WHEEL STOP



PAUL DHANENS • ARCHITECT

ARCHITECT



5100 CALIFORNIA AVE, SUITE 107
BAKERSFIELD, CALIFORNIA 93309
TELEPHONE: (805) 328-8838
FACSIMILE: (805) 328-8837

CONSULTANT

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NOTICE TO CONTRACTORS
Written dimensions on these drawings shall take precedence over scaled dimensions. Contractor shall verify and be responsible for confirming all dimensions and shall notify the architect immediately of any discrepancies or field variations discovered.

PROJECT

**OFFICE
WAREHOUSE B**

1921 MERCANTILE LANE
COALINGA, CA

DATE	ISSUED FOR
1-28-16	OWNER REVIEW
1-30-16	PLANNING DEPT REVIEW
2-1-17	PLANNING DEPT REVIEW

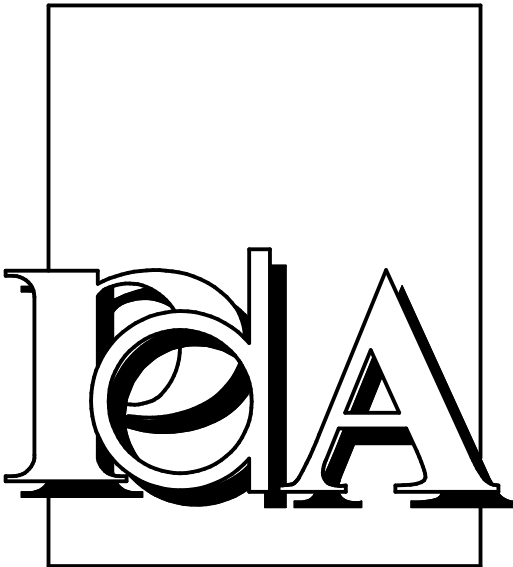
NO.	REVISIONS
1	
2	
3	
4	

SITE PLAN

FILE NAME: 1871BASE3A

SHEET

A-1.0



PAUL DHANENS • ARCHITECT

ARCHITECT

LICENSED ARCHITECT
PAUL DHANENS
NO. C-23843
RENEWAL
STATE OF CALIFORNIA

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PROJECT

OFFICE
WAREHOUSE B

1921 MERCANTILE LANE
COALINGA, CA

DATE	ISSUED FOR
1-28-16	OWNER REVIEW
1-29-16	PLANNING DEPT REVIEW
2-1-17	PLANNING DEPT REVIEW

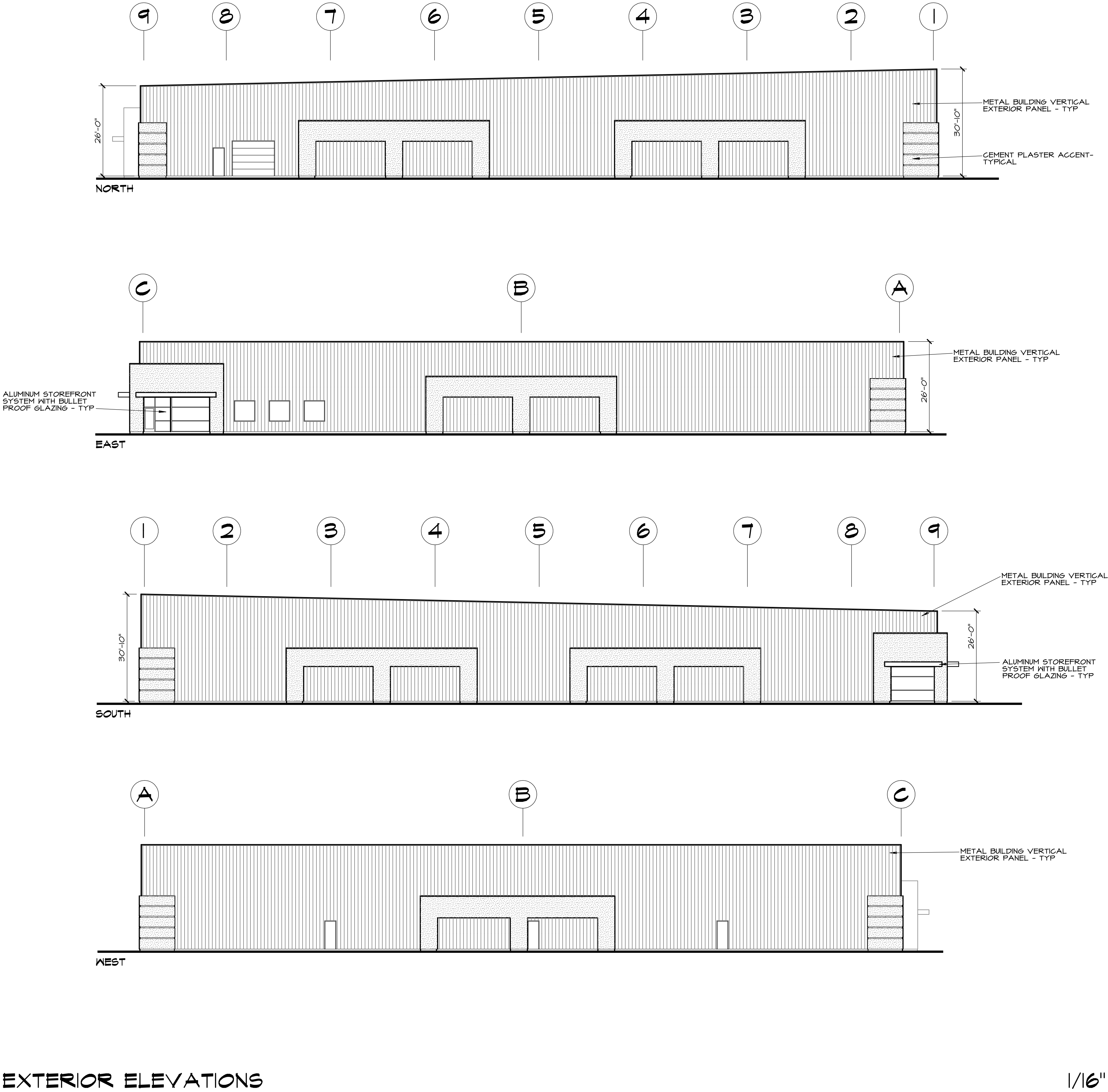
NO.	REVISIONS
1	
2	
3	
4	

EXTERIOR ELEVATIONS

FILE NAME: 1871BASE3A

SHEET

A-3.0



EXTERIOR ELEVATIONS

1/16"

CITY OF COALINGA
SITE PLAN REVIEW APPLICATION

SPR 14-07
Application Number

11/28/16
Date

APPLICANT INFORMATION:

Applicant/Property Owner Name: Michael L Jennings
Mailing Address: 5944 W Sunnyside Ct Uxelia Ca 93277
Telephone Number: 559 917 2222 Assessors Parcel Number: 083-280-12
Property Location (Street Address): 1921 Mercantile
Property is located: north side of Mercantile Ln Street, between _____ Street and
east of Enterprise Parkway

PROJECT INFORMATION:

Current Zoning: _____ Proposed Zoning: _____

Existing Floor Plan: _____ Proposed Floor Area: _____

Describe structure(s) or improvements planned (two family, multi-family residential, commercial, industrial, wall sign, free standing sign etc.) _____

Is project: ☐ new construction or ☐ remodeled.

Residential

Number of dwelling units _____ Total of area (in square feet) _____

Total lot coverage of buildings or structures (in square feet) _____ Percentage of lot coverage _____ %

Number of off street parking spaces provided. Covered _____ Open _____

Total square feet of sign area _____ Total square feet devoted to recreation and open space _____ sq ft.

Give total percentage of lot devoted to recreation and open space _____ sq ft.
(See instructions or Zoning Ordinance for definitions and requirements).

Total square feet of common recreation and open space area _____

Describe type and material to be used on exterior walls and doors _____

Commercial

Gross floor area or building when complete _____ sq ft.

Describe sign (free standing, affixed to wall etc.) There will be no external signage

Number of parking spaces provided 57 Number of customers expected per day 2

Hours and days of operation 7am - 7pm Monday through Sunday

Describe any outside storage of equipment or supplies: _____

Industrial

Describe any outside storage of equipment or supplies: _____

Maximum number of employees in any daily shift: _____

Number of delivery or shipping trucks per day: _____

Number of delivery or shipping trucks per day when construction is complete: _____


Site Plan Requirements – Mapping/Drawings

The applicant shall submit fifteen (15) prints of the site plan to the Community Development Director. The Site Plan shall be drawn to scale and indicate clearly and with full dimensions the following information:

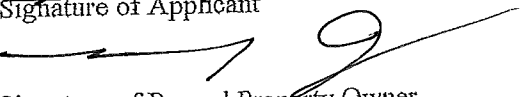
1. The lot dimensions;
2. All building and structures, and their location, elevation, size, height and materials;
3. The yards and spaces between buildings;
4. Walls and fences, and their location, height, and material;
5. Off-street parking, including the location, number of spaces, dimensions of the parking area and internal circulation pattern;
6. Access (pedestrian, vehicular and service), points of ingress and egress, and internal circulation;
7. Signs and their location, size and height;
8. Loading, including the location, dimensions, number of spaces and internal circulation;
9. Lighting, including the location, dimensions, number of spaces and internal circulation;
10. Street Dedication and Improvements;
11. Drainage improvements;
12. Landscaping, including the location and type;
13. Fire-preventions equipment and measures, including the location and type;
14. For two-family and multi-family dwellings, the location and design of all recreation and open-space area, and the recreation equipment to be included thereon;
15. Such other data as may be required to permit the Planning Director to make the required findings.

Applicant's Certification

The undersigned hereby certify that the information presented in this application is correct.


Signature of Applicant

11/15/16
Date


Signature of Record Property Owner

11/15/16
Date



Staff Report- Chairman and Planning Commission

Subject: Discussion Regarding Planning Commission Meeting Time
Meeting Date February 14, 2017
Project Location:
Applicant:
Owner:
Prepared By: Sean Brewer, Community Development Director

I. RECOMMENDATION:

There is no staff recommendation as this is a future agenda item brought before the Commission by Vice Chairman Sailer to discuss changing the meeting times for Planning Commission.

II. BACKGROUND:

Currently the Planning Commission meets at 6:00 pm on the second and fourth Tuesday of each month.

III. PROPOSAL AND ANALYSIS:

IV. FISCAL IMPACT:

V. REASONS FOR RECOMMENDATION:



Staff Report- Chairman and Planning Commission

Subject: Discussion Regarding the Development of a Food Truck Regulatory Ordinance
Meeting Date February 14, 2017
Project Location:
Applicant:
Owner:
Prepared By: Sean Brewer, Community Development Director

I. RECOMMENDATION:

At this time staff does not have a recommendation as this is a discussion and potential action item for staff and the Commission to begin preparing an ordinance that regulates Food Trucks in the City that will then be brought before the City Council for adoption.

II. BACKGROUND:

On January 5, 2017 the City Council directed staff to begin working with the Planning Commission to develop a regulatory framework for permitting food trucks in the city of Coalinga since the current regulation in place prohibits the ability for food trucks to operate in the City. The Council directed staff to work with the Commission to develop an ordinance to be presented to the Council in the near future for adoption.

III. PROPOSAL AND ANALYSIS:

The Community Development Department has provided some information to help facilitate the Commission's initial discussion related to developing a regulatory ordinance that will reflect what the Council would like to see in a food truck ordinance.

Currently the City has a definition for a mobile vendor and mobile vendor vehicle:

Mobile vendor. Any person that sells, or causes or allows another, whether as an employee or as an independent contractor leasing or renting equipment, to sell any food, drinks or merchandise on any street, sidewalk, alley, or other public right-of-way, by means of a stand, wagon, pushcart, handcart, bicycle, motorized cart or other vehicle, or from a basket or other container carried on a person. Mobile vendors must obtain a business license from the City of Coalinga prior to the start of business operations. Mobile Vendor shall not mean any person operating under a concession agreement or other agreement with the city as a party to the agreement. A mobile vendor is different from a peddler, who visits private residences to sell goods, as defined and regulated in Title 5, Chapter 9 of the Coalinga Municipal Code.

Mobile vendor vehicle. A truck, push-cart, bicycle, hand-cart, van, wagon, automobile, car, stand, table, or any other apparatus or device used by mobile vendors to sell their food, drinks or merchandise. Mobile vendor vehicle shall not include delivery vehicles used to transport food or drink from a store having a valid food permit to a customer's home or a vehicle transporting food or drink from a wholesale establishment to a retail outlet.)

NOTE: Commission could consider including the term Food Truck to work within the definition of mobile vendor or creating a separate section for Food Trucks (temporary food facility) since the current definition only addresses public rights of way and mobility of vehicles not stationary placement.

Attached is a copy of regulations that are applicable to mobile vendors and how they are implemented today. In addition to the City's existing regulation, staff has attached several different ordinances that have been adopted by different cities and counties regulating food trucks and mobile vendors. When considering adopting a regulatory framework for food trucks the Community Development Director recommends considering these various outlining topics of discussion which will then be refined during the ordinance development:

- Approval Process and/or Permit Type if any (Administrative, Planning Commission Approval, Conditional Use Permit or Temporary Use Permit)
- Location/Zones Permitted (industrial, commercial, residential zones, vacant lots, existing businesses, on the street, parking lots, ect.)
 - COUNCIL INPUT: Commercial and Industrial Zones – No Residential Zones, Consider distance from Schools and other sensitive uses such as parks and churches.
- Time Limitations
- Distance from existing brick and mortar restaurants and residences
 - COUNCIL INPUT: Consideration to existing businesses.
- Utilities (self-sufficient, can then hook up?)
- Parking Standards (surface type, length of time, vacant lots or existing business, ADA Accessibility)
- Shall alcohol be permitted
- Hours of Operation
- Noise Standards (music, loud speakers, sound from vehicle while driving)
- Signage (on site signage, free standing and vehicle signage)
- Type of Vehicle (self-propelled)
- Concentration of Vendors
 - Possible Exception: Food Truck Roundups
- Ability to use tables, chairs, and canopy's
- License and Insurance Requirements (County Health Department, State, Local, General Liability)
- Toilet and Handwashing Station Requirements (if stationary for more than 1 hour or provides open air BBQ)
- ADDITIONAL COUNCIL ITEMS:
 - Trash and Site Cleanliness
 - Maintenance of Vehicles

Below are some links and attachments to various food truck ordinances as well as which ordinances are located in the attached document.

City	Code	Link
Benicia	17.70.380	Section 17.70.380
Turlock	9-2-124	Ordinance in attachment
Los Banos	9-3.3602	Ordinance in attachment
Victorville	16-3.07.050	Link

Davis	22.05.210	Flyer inattachment
Colma	5.03	<u>Link</u>
Emeryville	5.27, 9-2.104, 9-7.606	Ordinance inattachment
Claremont	8.04	Ordinance inattachment
Indian Wells	Ord 680	Ordinance inattachment
Citrus Heights	106.42.250	Ordinance in attachment

IV. FISCAL IMPACT:

None at this time. Staff time to draft the ordinance once a framework is established.

V. REASONS FOR RECOMMENDATION:

The City Council has directed staff to work with the Planning Commission to develop an ordinance to allow for food trucks as a way to encourage economic development opportunities within the community.

ATTACHMENTS:

	Description
<input type="checkbox"/>	Citrus Heights Staff Report
<input type="checkbox"/>	Citrus Heights Ordinance
<input type="checkbox"/>	City of Claremont
<input type="checkbox"/>	Davis MobileFoodVendorRequirements_Final
<input type="checkbox"/>	Emeryville Planning Regulations - Temporary Uses
<input type="checkbox"/>	Emeryville Sidewalk and Street Vendor Regulations
<input type="checkbox"/>	Indian Wells
<input type="checkbox"/>	Los Banos
<input type="checkbox"/>	Turlock
<input type="checkbox"/>	Coalinga Mobile Vendors and Temporary Uses



**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.
• 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.
• 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.
• 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

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REPEALING IN THE ENTIRETY***ITINERANT VENDING 106.42.106 (ARTICLE 4 – SPECIFIC LAND USES)*****ADD NEW SECTION*****TEMPORARY USES 106.42.250 (ARTICLE 4 – SPECIFIC LAND USES) AS SHOWN BELOW***

106.42.250 - TEMPORARY USES (NEW SECTION UNDER SPECIFIC LAND USES AND COMBINES THE FORMER ITINERANT VENDOR REGULATIONS INTO THIS SECTION)

This section describes short-term activities that may not comply with normal development standards of the applicable zoning district, but may otherwise be acceptable because of their temporary nature.

- A. **Permit Requirement.** Short-term activities as described below may be authorized through the issuance of a Temporary Use Permit. An application for a Temporary Use Permit shall be filed and processed in compliance with Chapter 106.60 (Permit Application Filing and Processing). It is the responsibility of the applicant to produce evidence supporting the required findings.
- B. **Exempt temporary activities.** The following temporary activities are allowed without a Temporary Use Permit. Temporary activities that do not fall within the following categories shall comply with Subsection C below.
1. **Agricultural products grown on-site.** The sale of agricultural products on the site where product is grown.
 2. **City-sponsored events.** Special events approved and sponsored by the City.
 3. **Construction Staging Areas - On-site.** On-site contractors' staging areas for an approved construction project. The construction area shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the construction project, whichever occurs first.
 4. **Deliveries.** Delivery activities of any establishment with a fixed place of business, which only delivers its products, services, or goods to a specified address in response to a customer request, order, or invoice previously placed through that fixed place of business.
 5. **Door-to-Door Solicitation.** Door-to-door solicitation in a residential area (this provision does not grant permission to solicit where an individual homeowner has posted a notice of "No Solicitation" or similar wording).
 6. **Emergency facilities.** Emergency public health and safety facilities and activities.
 7. **Garage sales.** No parcel may have more than three sales per year, and no sale may exceed two consecutive days.
 8. **Public park events.** Organizations selling goods or merchandise on park property with prior written authorization from the Sunrise Recreation and Park District.
 9. **Public property.** Activities conducted on public property including parks, schools or property under control of the City.
 10. **Special Event or Sale.** Special event or sale that is held within a completely enclosed building and would be permitted under the applicable land use table.
 11. **Temporary work trailers.** A trailer or mobile home used as a construction office, or a temporary work site for employees of a business, provided that:
 - a. The use is authorized by a Building Permit for the trailer, and the Building Permit for the permanent structure;

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- b. The use is appropriate because:
 - (1) The trailer or mobile home will be in place during the construction of a subdivision, or the construction or remodeling of a permanent commercial or manufacturing structure for a maximum of one year, or upon expiration of the Building Permit for the permanent structure, whichever first occurs; or
 - (2) The applicant has demonstrated that the temporary work site is a short-term necessity for a maximum of one year, while a permanent work site is being obtained; and
- c. The trailer is removed prior to final building inspection or the issuance of a certificate of occupancy for the permanent structure.

12. Vending On Demand. Vendor shall maintain a valid City business licenses, County health permit, and comply at all times with all other applicable City and governmental requirements.

C. **Allowed temporary uses.** A Temporary Use Permit may authorize the following temporary activities within the specified time limits. Other temporary or short-term activities that do not fall within the categories defined below shall instead comply with the planning permit requirements and development standards that otherwise apply to the property.

- 1. Auto and RV Sales. The temporary outdoor sales of autos, mobile homes, boats, and RV's may occur on any paved site within a GC, SC, AC, or commercial SPA zone for a period of three consecutive days every three months not to exceed 12 days in a calendar year. The temporary sale may be set up one day prior to the three-day sale and taken down one day following the sale.
- 2. Construction staging areas – Off-site. Off-site contractors' staging areas, for an approved construction project subject to the following development standards:
 - a. Appearance/Safety. The Contractor shall erect and maintain temporary fencing and/or screening as needed to keep the site safe. Perimeter fencing shall be setback a minimum of five feet from the curb/sidewalk or street in the case of no sidewalks, to allow passage by pedestrians. The City may require additional fencing and screening methods depending on location of the temporary construction staging area.
 - b. Dust Control. The Contractor shall implement and maintain appropriate "Best Management Practices" at the site and along adjacent streets to minimize dust, erosion and sediment in accordance with State and local laws and to the satisfaction of the City.
 - c. Noise. All activities shall comply with the City's Noise Ordinance.
 - d. Notification. The contractor shall notify in writing all residents within 500 feet of the construction staging area of the activities that will be occurring at the site. The notice shall include a contact name and phone number of a person responsible for the management of the temporary construction staging area.
 - e. Permit Time Limit. A Temporary Use Permit for an off-site construction yard may authorize the yard for up to one year. In the circumstance that a project extends beyond one year, the applicant shall file for a new Temporary Use Permit.
 - f. Setbacks. Loose material (dirt, rock, sand, etc) shall not be stored within 20 feet of a residential building.
 - g. Signage. The contractor shall erect and maintain a sign at the entrance to the temporary construction staging area indicating: "Temporary Construction Staging Area", the name of the Contractor performing the work, and a 24 hour emergency phone number of a person responsible for the management of the temporary construction staging area.

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- h. **Vacation of area.** Within 10 working days of substantial completion of the project, the Contractor shall remove all construction materials, equipment, and temporary fencing and apply appropriate permanent erosion control measures to the satisfaction of the City.
- 3. **Location filming.** The temporary use of a specific site for the location filming of commercials, movies, videos, etc., for the time specified by the Director, but not to exceed one year.
- 4. **Mobile home or travel trailer for night watchman.** A mobile home or travel trailer at an existing business, as a temporary residence for a night watchman.
- 5. **Model homes.** A model home or model home complex may be authorized prior to the completion of sales in a residential subdivision.
- 6. **Temporary real estate sales offices.** A temporary real estate sales office may be established within the area of an approved development project, solely for the first sale of homes. An application for a temporary real estate office may be approved for a maximum of one year. An extension may be granted by the Director.
- 7. **Temporary structures.** A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved for a maximum of one year from the date of approval, as an accessory use or as the first phase of a development project. An extension of one year may be granted by the Director. A temporary structure proposed for a longer time period shall comply with all provisions of this Zoning Code applicable to a permanent structure on the same site.
- 8. **Promotional sale associated with permanent on-site use.** An outdoor promotional sale may be permitted for 30 days at a grand opening and for 10 days per year thereafter. The promotional sale shall be for the purpose of promoting a use regularly and lawfully in operation on the premise.
- 9. **Reoccurring Community Events.** Outdoor events similar to a farmer's market, street fair, food truck round-up, or similar activity that occurs on a regular schedule may be authorized for up to one year. Event coordinator shall file a new Temporary Use Permit annually.
- 10. **Seasonal sales.** Seasonal sales (i.e., Christmas trees, and pumpkins) are permitted for up to 30 days.
- 11. **Similar temporary activities.** A temporary activity that the Director determines is similar to the other activities listed in this Subsection, and compatible with the applicable zoning district and surrounding land uses.
- 12. **Special events.** A single special event held outdoors including carnivals, safety fairs, fundraisers, or other similar activity in any zone may be authorized for no more than 10 consecutive days. At the discretion of the Director, the applicant shall be responsible for notifying adjoining property owners of the event.
- 13. **Storage Containers.** Storage containers are allowed in commercial zones with the approval of a Temporary Use Permit subject to the following development standards:

 - a. **Number of Containers Allowed.** One (1) container for the temporary storage of merchandise is allowed. One additional container may be allowed if the user's business exceeds 100,000 square feet of gross floor area.
 - b. **Multi-tenant sites.** For sites with multiple tenants, the City may limit the number of containers within the center or within an area.
 - c. **Allowable Container Size.** The container may not exceed 40 feet in length or 400 square feet per container.
 - d. **Permit Time Limit.** No more than one Temporary Use Permit may be allowed per calendar year. At no time shall a container be kept on site for more than 90 consecutive days, except that containers allowed for construction activities may be permitted until such time the construction activities are completed. Temporary storage containers, except containers allowed as construction activities, not removed by the

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end of the 90 day period may be issued a fine for each day over the allowed 90 days that the container remains on the site, unless an extension is obtained from the Director.

- e. **Allowable Location.** The container shall be placed in the least conspicuous location available. The final location shall be determined by the Director.

- (1) The storage containers shall be placed on a level concrete or asphalt surface at all times.
- (2) Storage containers shall not be stacked on top of another container.
- (3) To the maximum extent possible, the storage containers should not be visible to the motoring public or from residential neighborhoods immediately adjacent to the property where they are located. The containers may be required to be screened by use of temporary fencing or some other method if the containers are visible from public rights of way or residences, as determined by the Director.

- f. **Other Development Standards.** The storage containers shall be used as an accessory to a primary use, located in an enclosed adjoining building.

- (1) The containers must be maintained in good condition as they were originally approved so as not to become unsightly or a nuisance.
- (2) A storage container shall not remain on a site if the use it is appurtenant to is abandoned.
- (3) No signage whatsoever shall be allowed on containers.

14. Vending. Vending is allowed in commercial zones with the approval of a Temporary Use Permit subject to the following standards:

- a. **Appearance and storage.** The vendor shall maintain the area within which vending activities occur in a clean, safe, sanitary, and dust-controlled condition. Unless authorized through the Temporary Use Permit, the vendor shall remove all evidence of vending and leave the site in a clean state at the close of each business day.
- b. **Location on particular roadways.** Vending may be restricted or prohibited along specific roadways, or portions thereof, which, as a result of limited parking, limited line-of-sight, traffic control impacts, high traffic flow, or other reasons specified, are determined to be unsafe for vending. This may include restrictions against operating during peak traffic hours, as determined by the City.
- c. **Obstructions, hazards.** No vendor shall obstruct vehicular traffic, bicycle traffic, sidewalk pedestrian traffic, or accessibility to vehicles parked adjacent to the curb, and shall not create public health or safety hazards. No vending activity shall occur within the traffic safety visibility area described in Section 106.30.060.E (Height Limit at Street Corners).
- d. **Proximity to other items.** No vending shall occur within 10 feet of a fire hydrant, fire escape, building entrance, bus stop, loading zone, handicapped parking space or access ramp, fire station driveway, or police station driveway. A greater distance or separation from other uses may be required, under the permit, in order to preserve line-of-sight, or for other safety reasons. The vending shall not damage landscaped areas.
- e. **Residential zoning districts.** With the exception of food products, vending shall not be permitted in a residential zone.
- f. **Rights-of-way.** Vending shall not be permitted in a roadway median, or within any other public right-of-way unless authorized through an encroachment permit issued by the City.
- g. **Permit display.** Each vendor shall maintain a copy of the Temporary Use Permit and Business License at the location of vending.

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- h. **Signs.** Portable signage shall be removed daily. At no time are signs allowed to be placed within the public right-of-way, on a sidewalk, or in a location that would impede vehicular or pedestrian traffic.
 - i. **Vending vehicles or devices.** The width, length, and height of all vendor vehicles and devices shall be subject to review as a part of consideration of the Temporary Use Permit. The City's review shall include but not be limited to color, materials, and appearance of the vending vehicle or device; shade umbrellas; accessories (including ice chests and trash receptacles); and maneuvering necessary for set-up and takedown. All vehicles shall comply with the California Vehicle Code and California Health and Safety Code.
 - j. **Tables.** Tables for use by customers are prohibited unless authorized through the Temporary Use Permit. The vendor must be able to demonstrate that areas proposed for the use of tables, i.e. a plaza, open space area, or similar area has adequate room to not interfere with on-site travel movements. Sites using tables must demonstrate that adequate restroom facilities are available for use by customers.
 - k. **Time Limits.** Stationary vending is intended to be a temporary activity and may not occur in a single location more than 180 days within a twelve month period.
 - l. **Toilet and handwashing facilities.** Vendors that remain in place more than one hour must be situated within two hundred feet travel distance of a legally approved and permitted toilet and handwashing facility for use by the vendor. Vendors that remain in place more than four hours must demonstrate that adequate restroom facilities are available for use by customers.
 - m. **Other applicable regulations.** Each vendor shall comply at all times with all applicable City and other governmental requirements, including without limitation, health permit, the Americans with Disabilities Act, health and safety regulations, this Zoning Code.
- D. **Development standards.** The Director may establish the following standards based on the type of temporary use using the requirements of the applicable zoning district, and Articles 3 (Site Planning and Project Design Standards) and 4 (Standards for Specific Land Uses) for guidance:
- 1. Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Code;
 - 2. Limitation on the duration of approved "temporary structures," so that they shall not become permanent or long-term structures; and
 - 3. Other requirements as appropriate to minimize any adverse impacts of the use.

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Article 6

REPEAL IN THE ENTIRETY**ITINERANT VENDOR PERMITS 106.62.070 (PLANNING PERMIT PROCEDURES)****REPEAL AND REPLACE****TEMPORARY USE PERMITS 106.62.030 (PLANNING PERMIT PROCEDURES)
AND REPLACE AS SHOWN BELOW****106.62.030 – TEMPORARY USE PERMIT (PLANNING PERMIT PROCEDURES)**

- A. **Purpose.** This Section establishes procedures for the granting of Temporary Use Permits for short-term activities. This use is a special privilege, not a matter of right; it is subject to a revocable permit in compliance with Section 106.64.090 (Permit Revocation and Modification).
- B. **Applicability.** A Temporary Use Permit is required to authorize activities or events as described in Section 106.42.250.
- C. **Review Authority.** Temporary Use Permits may be approved or disapproved by the Director, in compliance with this section.
- D. **Application filing and processing.** An application for a Temporary Use Permit shall be filed and processed in compliance with Chapter 106.60 (Permit Application Filing and Processing). It is the responsibility of the applicant to provide evidence in support of the findings required. Only one Temporary Use Permit is required for special events; each individual participant is not required to obtain a Temporary Use Permit. All vendors participating in the event must obtain an individual City Business License.
- E. **Fee Exemptions.** A recognized 501(c)(3) organization shall not be required to pay a fee for the Temporary Use Permit, provided that the organization requests no more than one permit per year.
- F. **Health Permit.** The vending of food, produce, or other edible items requires a valid health or other permit issued by the appropriate agency.
- G. **Project review, notice and hearing.** Each application shall be reviewed by the Director to ensure that the proposal complies with all applicable requirements of this Zoning Code. Public notice and a hearing are not required prior to a decision on a Temporary Use Permit unless the Director determines that a hearing should be conducted. In the event that a hearing is required, notice shall be provided and the hearing shall be conducted by the Director in compliance with Chapter 106.76 (Public Hearings).
- H. **Findings and decision.** A Temporary Use Permit may be approved by the Director only after the Director first finds that the requested activity complies with applicable standards, and therefore, that the establishment, maintenance, or operation of the temporary activity would not be detrimental to the public health, safety, or welfare of persons residing or working in the neighborhood of the proposed activity. In the authorizing of a permit for vending, the Director may consider the location of nearby businesses, other high traffic generators, or proximity to other vendors to prevent the proliferation of vendors in an area thus negatively impacting traffic and pedestrian safety.
- I. **Post approval procedures.** The procedures and requirements in Chapter 106.64 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Zoning Code Administration), shall apply following the decision on a Temporary Use Permit application.
- J. **Condition of the site following temporary activity.** Each site occupied by a temporary activity shall be cleaned of debris, litter, or other evidence of the temporary activity on completion or removal of the activity, and shall thereafter be used in compliance with the provisions of this Zoning Code. A bond may be required before initiation of the activity to ensure cleanup after the activity is finished.

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- K. **Indemnification.** As a condition of issuance, the applicant agrees to indemnify, hold harmless, and defend the City and its representatives against liability and/or loss arising from activities connected with and/or undertaken in compliance with the Temporary Use Permit. The City is not liable for any business loss, property loss, or other damage that may result from use of the permit, or suspension or revocation of the permit, and no applicant shall maintain any claim or action against the City, its officials, officers, employees, or agents on account of any suspension or revocation.
- L. **Term of permit, renewal.** Each permit shall be valid for the time specified in the permit up to a maximum of one year. The permit may be renewed subject to compliance with all terms and conditions of the permit, the standard established in the Section 106.42.250, and payment of applicable fees.
- M. **Transferability.** The permit is not transferable to any other entity or person and is valid only as to the original applicant.

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TABLE 2-5 Allowed Land Uses and Permit Requirements for Commercial and Industrial Zoning Districts		P Permitted Use, Zoning Clearance required MUP Conditional use, Minor Use Permit required UP Conditional use Permit required S Permit requirement set by Specific Use Regulations — Use not allowed						
LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	BP	LC	SC	GC	AC	CR	MP	

RESIDENTIAL USES

Emergency shelter	—	—	—	S	—	—	—	106.42.090
Home occupation	P	P	P	P	—	—	—	106.42.100
Live/work unit	MUP	MUP	UP	UP	—	—	—	106.42.110
Mixed use project residential component	—	S	S	S	S	—	—	106.42.130
Multi-unit dwelling	—	P	P	P	—	—	—	106.42.150
Single room occupancy (SRO) facility	—	—	—	UP	—	—	—	
Work/live unit	—	—	UP	UP	—	—	UP	106.42.110

RETAIL TRADE

Accessory retail uses	P	P	P	P	P	P	P	
Alcoholic beverage sales	—	S	S	S	—	S	—	106.42.020
Bar	—	UP	UP	UP	—	UP	—	106.42.020
Brew Pub/Tavern	—	P	P	P	—	—	—	106.42.020
Building/landscape materials sales	—	—	P	P	—	—	—	
Construction and heavy equipment sales and rental	—	—	—	UP	P	—	P	
Convenience store	S	S	S	S	S	—	S	106.42.070
Drive-through retail	—	UP	UP	UP	—	—	—	106.42.080
Fuel dealer (propane for home and farm use, etc.)	—	—	—	P	—	—	—	
General retail	—	P	P	P	P	—	—	
Groceries, specialty foods	—	P	P	P	—	—	—	
Itinerant vendor	S	S	S	S	S	S	S	106.42.106
Mixed use project	—	S	S	S	S	—	—	106.42.130
Night club	—	—	UP	UP	—	—	—	
Office-supporting retail	S	P	P	P	—	—	S	106.26.030.C
Outdoor displays and sales	—	P	P	P	P	—	—	106.42.160
Public auction, flea market	—	—	—	UP	—	—	—	
Restaurant, café, coffee shop	S	P	P	P	P	MUP	S	106.26.030.C
Smoking paraphernalia establishment	S	S	S	S	S	S	S	106.42.230
Wood yard (firewood sales)	—	—	—	MUP	—	—	—	

Key to Zone Symbols

BP	Business and Professional Office	AC	Auto Commercial
LC	Limited Commercial	CR	Commercial Recreation
SC	Shopping Center	MP	Industrial/Office Park
GC	General Commercial		

Notes:

ARTICLE 8

SECTION 106.80.020

Definitions, "I."

~~Itinerant Vending.~~ The following terms and phrases are defined for the purposes of Section 106.42.106) (Itinerant Vending).

1. ~~Itinerant Vending.~~ The conduct or housing of retail sales using a table, stand, cart, vehicle, or other device rather than from a permanent building. An "Itinerant Vendor" may travel from place to place and vend along an approved route and/or within an approved area, or may vend from a single or several locations on a regular basis.
2. ~~Point of Vending.~~ The location or approved route/area at/within which vending occurs.
3. ~~Stationary Vending.~~ Vending from the same location on a regular basis. Vending from any one location for more than two consecutive hours is stationary vending.
4. ~~Vending.~~ Selling, offering for sale, or displaying or dispensing of any goods or merchandise for sale or purchase to the public from any carrying device, box, bag, stand, human-powered device (including but not limited to any pushcart, wagon, bicycle, tricycle, or other wheeled container), portable stand, or any other device used for carrying goods or merchandise. This includes hawking, operating noise making devices, and any other activity or signage to attract attention to the vendor or the goods or merchandise. A vendor may be both stationary and itinerant depending on the vendor's method of operation. Examples of vending activity include hot dog carts/vehicles, flower carts/stands/sales, ice cream carts/vehicles, roadside sales, stationary food carts/vehicles, and similar activities.
5. ~~Vendor.~~ An individual or entity that engages in itinerant vending, including both owners and operators.

Definitions, "V."

Vending. The following terms and phrases are defined for the purposes of Section 106.42.250) (Temporary Uses).

1. **Vending.** Selling, offering for sale, or displaying or dispensing of any goods or merchandise for sale or purchase to the public from any carrying device, box, bag, stand, human-powered device (including but not limited to any pushcart, wagon, bicycle, tricycle, or other wheeled container), portable stand, or any other device used for carrying goods or merchandise. This includes hawking, operating noise-making devices, and any other activity or signage to attract attention to the vendor or the goods or merchandise. Examples of vending activity include hot dog carts/vehicles, flower carts/stands/sales, ice cream carts/vehicles, roadside sales, stationary food carts/vehicles, and similar activities. The sale of agricultural products grown on-site is not considered vending.
2. **Stationary Vending.** Vending from a single location for more than two consecutive hours is considered a day of stationary vending. For the purpose of this definition, a single location shall mean any location within a 1000 feet radius of the original location.
3. **Temporary Vending.** Stationary vending for a period not to exceed 180 days within a twelve month period shall be considered temporary. Stationary vending exceeding the 180 days shall be considered permanent and must comply with the applicable commercial development standards.
4. **Vending on demand.** Food vendors such as ice cream trucks or similar food vendors that stop or park only at the request of a bonafide purchaser for the purpose of making a sale and only so long as it take to make a sale.

Claremont Municipal Code

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Chapter 8.04 FOOD ESTABLISHMENTS

8.04.005 Findings.

The City Council adopts the regulations set forth in this chapter based on the following findings:

- A. Regulating the hours and location of mobile vendors benefits the health, safety and welfare of Claremont residents because the operation of these vehicles at inappropriate hours or locations creates traffic hazards, blocks adjacent sidewalks to pedestrians, results in unwanted noise, littering and loitering at that location and/or creates hazards for children. Moreover, the locational requirements set forth in Section [8.04.050\(C\)](#) are necessary for the public safety to ensure adequate sight lines for drivers and pedestrians, space for public transportation vehicles and otherwise provide safe, accessible use of the right-of-way by vehicles and pedestrians.
- B. Regulating the manner and type of mobile vendors benefits the health, safety and welfare of the City because the inappropriate operation and uncontrolled proliferation of these vehicles creates traffic hazards, blocks adjacent sidewalks to pedestrians, results in unwanted noise, littering and loitering at that location and/or creates hazards for children.
- C. Regulating mobile vendors on private property is consistent with the City's interests in the aesthetics of the community, ensuring that the City complies with applicable waste water and storm water regulations and promoting the permanent development of property.
- D. Prohibiting mobile vendors from operating within City parks and recreation facilities is consistent with the City's interest in the aesthetics of the community, fair competition and otherwise ensuring the proper use of City property. (14-07)

8.04.010 Definitions.

"Food establishment" shall have the same meaning as set forth in Section [8.04.141](#) of the Los Angeles County Code, which is adopted as part of Chapter [8.02](#) of this Code.

"Mobile food vendor" shall mean a person or business that operates or assists in the operation of a vending vehicle.

"Vending vehicle" shall mean any self-propelled, motorized device or vehicle by which any person or property may be propelled or moved upon a highway or street or any vehicle, trailer or other device which may be drawn or towed by a self-propelled, motorized vehicle, from which food or food products are sold, offered for sale, displayed, bartered, exchanged or otherwise given. However, vending vehicle shall not include a device moved exclusively by human power. (14-07)

8.04.020 Regulations for food establishments.

- A. Food Preparation and Dispensing. Any person, group, corporation or association, which prepares food for, or dispenses food to members of the public, shall comply with the provisions of the Public Health Licensing Requirements and Health Code of Los Angeles County, adopted by

reference and incorporated as part of Chapter 8.02 of this Code.

B. Enforcement. The City of Claremont, having adopted and incorporated the Public Health Licensing Requirements and Health Code of Los Angeles County as part of Chapter 8.02 of this Code, authorizes the County of Los Angeles to enforce licensing requirements and code provisions requiring licensing and inspections of food establishments and the posting of food establishment inspection grades. (14-07)

8.04.030 Mobile food vendor permit.

- A. No mobile food vendor may vend in the City without first obtaining and having in his or her possession a mobile food vendor permit issued by the Community Development Director in accordance with this chapter.
- B. To receive a mobile food vendor permit, a mobile food vendor must complete a permit application on the form approved by the City and file it with the City. The applicant must provide the following information:
1. Applicant's full name and address.
 2. Proof of applicant's identity.
 3. Proof of insurance coverage satisfactory to City.
 4. A brief description of the type of food products to be sold. This shall include the nature, character and quality of the product.
 5. The location where the applicant plans to vend.
 6. If applicant is employed by another to vend, the name and business address of the employer.
 7. A description of the vending vehicle, its registration number, its license number, and the streets the applicant intends to use.
 8. A copy of the valid Los Angeles County Department of Health permit.
 9. A copy of the applicant's business tax certificate.
 10. A certification that he or she complies with all local, State and Federal laws regarding food product vending, including this chapter.
- C. No application for a new or renewed mobile food vendor permit shall be accepted unless the application is accompanied by a fee in an amount set by City Council resolution. (14-07)

8.04.040 Mobile food vendor permit issuance and denial.

- A. Upon receipt of a written application for a mobile food vendor permit, the Community Development Director shall conduct an investigation as he or she deems appropriate to determine whether a mobile food vendor permit should be approved. A permit shall be approved, conditionally approved, or denied within thirty (30) days of the filing of an application. The mobile food vendor permit shall be approved unless one of the following findings is made:
1. The applicant has knowingly made a false, misleading or fraudulent statement of fact to the City in the application process.
 2. The application does not contain the information required by this chapter.

3. The applicant has not satisfied the requirements of this chapter.
- B. The City may condition the approval of any mobile food vendor permit to ensure compliance with this chapter and other applicable laws.
- C. Any mobile food vendor permit shall be valid for the term of one year. Upon the expiration of the mobile food vendor permit, an application for renewal shall be filed in a like manner as an application for an original mobile food vendor permit, and such renewal permit shall be approved only when the requirements for the issuance of an original permit are met.
- D. Any mobile food vendor permit may be suspended or revoked by the Community Development Director for failure to comply with the terms and conditions of this chapter. Such suspension or revocation shall be made with written notice to the permit holder, stating the grounds for the revocation and the procedures for appealing the same. The permit holder may appeal this decision by filing a written request for appeal with the City Clerk within fifteen (15) days of the date of the notice. Any revocation or suspension shall be stayed during the pendency of the appeal unless the immediate public health or safety requires otherwise. The hearing on the appeal shall be held within sixty (60) days of the appeal request unless otherwise agreed to by the parties. The City Council may conduct the hearing or designate a hearing officer, consistent with applicable law, to do so. The City Council's or hearing officer's decision shall be final.
- E. A mobile food vendor permit shall not be assignable or transferable. (14-07)

8.04.050 Regulations for mobile food vendors in public right-of-way.

Notwithstanding Section [10.32.190](#), mobile food vendors may operate within the public right-of-way subject to the following time, place, and manner requirements:

- A. The vending vehicle shall comply with all parking and [Vehicle Code](#) provisions which apply to the location at which it is parked.
- B. The vending vehicle shall not obstruct pedestrian or vehicular traffic in any manner.
- C. No mobile food vendor may operate a vending vehicle:
 1. Within twenty (20) feet from the outer edge of any entrance of any business during the hours that such business is open to the public. This prohibition may be waived with the written consent of such business. For purposes hereof, the term "entrance" includes, but is not limited to, doors, vestibules, driveways, outdoor dining area entries, and emergency exits.
 2. Within fifty (50) feet of any street intersection controlled by a traffic light, crosswalk, or stop sign.
 3. Within fifty (50) feet of a bus stop.
 4. Unless permitted in writing by the applicable public school, within three hundred (300) feet of the nearest property line of any property in which a public school building is located, between the hours of 7:00 a.m. and 5:00 p.m. of any school day. For purposes of this section, "public school" shall be defined as a school governed or operated by a unified school district or other similar public entity. Any mobile food vendor having received written permission to operate within three hundred (300) feet of a public school shall provide a copy of such permission upon request to any City official.
- D. The mobile food vendor shall keep the vending area litter free. The mobile food vendor must remove litter caused by its products from any public and private property within a twenty-five (25) foot radius of the vending vehicle's location.

- E. The mobile food vendor shall not discharge any liquid (e.g., water, grease, oil, etc.) onto or into City streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the mobile food vendor.
- F. Vending is prohibited on the exposed street and/or traffic side of the vending vehicle.
- G. A vending vehicle may not stand or park in the public right-of-way between the hours of 12:00 a.m. and 6:00 a.m. in commercial and industrial zones, and between 10:00 p.m. and 6:00 a.m. in residential zones.
- H. The mobile food vendor must have a valid mobile food vendor permit and City business tax certificate. The mobile food vendor shall also maintain insurance, as deemed acceptable in the reasonable discretion of the City, against liability for death or injury to any person as a result of ownership, operation, or use of its vending vehicles.
- I. The mobile food vendor shall comply with Section [8.04.020](#) and be subject to all applicable requirements for food establishments. All required Los Angeles County health permits must be in the possession of the mobile food vendor at all times during which it operates within the City.
- J. Mobile food vendors shall be located within two hundred (200) feet travel distance of a readily available toilet and hand washing facility to ensure that restroom facilities are available to customers whenever the mobile food vendor is stopped to conduct business for more than a one-hour period.
- K. The mobile food vendor shall otherwise comply with all applicable State and local laws. (14-07)

8.04.060 Regulations for mobile food vendors on private or City property.

Mobile food vendors operating on private property or on public property outside of the public right-of-way shall comply with the following requirements:

- A. The written approval of the owner of the location shall be obtained. The vendor shall maintain proof of the owner's approval in the vending vehicle. The person operating the vending vehicle shall present this proof upon the demand of a peace officer or City employee authorized to enforce this chapter.
- B. The mobile food vendor must have a valid mobile food vendor permit and City business tax certificate. The mobile food vendor shall also maintain insurance, as deemed acceptable in the reasonable discretion of the City, against liability for death or injury to any person as a result of ownership, operation, or use of its vending vehicles.
- C. The vending vehicle shall only be stopped, standing or parked on surfaces paved with concrete, asphalt or another impervious surface.
- D. Mobile food vendors shall not use or permit use of parking spaces on the site (e.g., customer queuing, tables, chairs, portable restrooms, signs, and any other ancillary equipment) if doing so will adversely affect the required off-street parking available for the primary use(s) of the site, as determined by the Community Development Director.
- E. The vending vehicle and surrounding property shall be maintained in a safe and clean manner at all times.
- F. The mobile food vendor shall not discharge any liquid (e.g., water, grease, oil, etc.) onto or into City streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the mobile food vendor.
- G. All signs shall comply with Title 18 of this Code.

- H. No tables, chairs or other site furniture shall be permitted.
- I. Temporary shade structures shall be removed whenever the mobile vendor vehicle is not operating.
- J. The property shall be located in an area where vending is permitted under Title 16 of this Code.
- K. Pursuant to Section [11.02.090](#) of this Code, no mobile food vendor shall operate within any City park and recreation facility, except as permitted in that section.
- L. The mobile food vendor must have a valid business license issued by the City.
- M. The mobile food vendor shall comply with Section [8.04.020](#) and be subject to all applicable requirements for food establishments. All required Los Angeles County health permits must be in the possession of the mobile food vendor at all times during which it operates within the City.
- N. The mobile food vendor shall otherwise comply with all applicable State and local laws. (14-07)

8.04.070 Solicitation permit—Exemption.

Mobile food vendors operating in compliance with this chapter shall be exempted from the provisions of Chapter [5.40](#) of this Code. (14-07)

8.04.080 Exemptions.

Notwithstanding anything to the contrary, this chapter shall not apply to the following:

- A. Any publicly owned or operated vending vehicle.
- B. Any mobile food vendor conducted in connection with a private event or party in a residential zone located either on the site of the event or in the public right-of-way with no retail sale to the general public. This exemption does not excuse a vendor from obtaining and maintaining a business tax certificate as required Chapter [4.10](#).
- C. Any mobile food vendor conducted in connection with a special event permitted under Chapter [12.42](#) of this Code. (14-07)

8.04.090 Violations and penalties.

All penalties for violations of this chapter shall be as set forth in Chapter [1.12](#) General Penalty of the Claremont Municipal Code. The penalties provided in Chapter [1.12](#) are cumulative to any other penalty provided by law. (14-07)

View the [mobile version](#).



COMMUNITY DEVELOPMENT &
SUSTAINABILITY DEPARTMENT
23 Russell Blvd – Davis, CA 95616
PH: 530.757.5610 FAX: 530.757.5660 TDD: 530.757.5666

Mobile Food Vendor Requirements

Mobile food vending is defined as any vehicle, wagon, or pushcart that is self-propelled or can be pushed/pulled down a street or sidewalk, on which food is displayed, prepared, or processed for the purpose of selling food to a consumer.

Requirements for a mobile food vendor to operate in Davis:

- **Public health permit** from Yolo County
- **Business license** from the City of Davis
- **Zoning permit** from Community Development to operate on private property **OR** an **encroachment permit** from Public Works to operate on public property. Vendors operating on public property for less than ten minutes per location are exempt from this requirement.

County Permitting Requirement: Public Health Permit from Yolo County

The California Retail Food Code (CalCode) governs health standards for retail food sales. CalCode and City Municipal Code Section 17.01.020 require a Public Health Permit before any public sales occur.

- The annual permit is obtained from the **Yolo County Environmental Health Department**.
- Vendors must complete an application and have their cart or vehicle inspected before a permit can be obtained.
- **Inspections:** 8:00-9:00 AM daily at the Environmental Health Department offices (call for appointment).
- **Fees:** mobile food preparation vehicles: \$316; ice cream trucks and hot dog carts: \$142
- All questions pertaining to health standards and the public health permit should be directed to the Yolo County Environmental Health Department.

Yolo County Environmental Health Department

137 N. Cottonwood Street, Ste. 2400
Woodland, CA 95695
Telephone: (530) 666-8646
FAX: (530) 669-1448

E-mail:

environmental.health@yolocounty.org

Additional information available at:

<http://www.yolocounty.org/org/health/eh/general/fo od.asp>.

City Permitting Requirements

1. Business License

Davis requires a business license for all mobile food vendors.

- The business license form is available at <http://www.cityofdavis.org/finance/BusinessLicenses.cfm> or directly from the **Finance Department** at City Hall.
- **Fees:** Daily or yearly fee plus a \$10 registration fee. Fee schedule on a form available at the Finance Dept.

City of Davis Finance Department

23 Russell Boulevard

Davis, CA 95616

Telephone: (530) 757-5651

FAX: (530) 758-0204

E-mail: FinanceWeb@cityofdavis.org

2. Zoning or Encroachment Permit

A zoning or encroachment permit is required based on the intended location of sales.

- Vendors operating on private property for any length of time must obtain a **commercial zoning permit** from **Planning Division of the Community Development Department**.
- Vendors operating on public property for more than ten minutes in each location must obtain an **encroachment permit** from **Public Works**.
- **Vendors operating on public property for less than ten minutes in each location do not need zoning or encroachment permits.**

Commercial Zoning Permit and Encroachment Permit requirements are included in this packet.

Commercial Zoning Permit Requirements: Operating on Private Property

The Planning Division of the Community Development Department must issue a commercial zoning permit for vendors operating on private property. The following requirements must be met for each location:

- A commercial **zoning permit** application form must be submitted to the Community Development Department.
 - Form available from the Community Development Department at City Hall or online at http://www.cityofdavis.org/finance/pdf/commercial_businesses_zoning_permit.pdf
 - There is no cost associated with the zoning permit
- The vendor must submit written proof of permission from the property owner with the zoning permit application.
- Community Development staff must determine mobile vending a permitted or conditionally permitted use for the location.

**City of Davis
Community Development and
Sustainability Department**
23 Russell Blvd.
Davis, CA 95616
Telephone: (530) 757-5610
FAX: (530) 757-5660

Areas where Mobile Food Vending is Permitted by Right and Conditionally Permitted

Permitted by Right:

- Industrial (I) District
- Any Planned Development (PD) where Industrial Light Industrial / Business Parks are permitted
- Office Zones (PD)

Conditionally Permitted:

- Auto Center (A-C) District
- Commercial Service (C-S) District
- Commercial Mixed Use (C-M-U) District
- Industrial Administration and Research (I-R) District

A **Conditional Use Permit (CUP)** is required for all areas where mobile food vending is conditionally permitted. A CUP requires a \$3,000 deposit, \$154 Categorical Exemption fee, and a public hearing. A CUP requires 2 or more months for processing. Contact the Community Development Department for more information.

Encroachment Permit Requirements

Requirements for Operating on Public Property (public streets or sidewalks):

Mobile food vendors may stand or park only at the request of a customer and for **no more than ten minutes in any one place**, unless the mobile food vendor is delivering articles upon order of, or by or distribution (Municipal Code Section 22.08.210(a)).

- Mobile food vendors, including commercial vehicles selling food or other merchandise, are not allowed to sell in public parks.
 - Profit making activities in the parks except fund-raisers sponsored and organized by non-profit groups are prohibited.
- A mobile food vendor may park or stand on a street for a period of time **exceeding ten minutes only if the vendor first obtains a written permit from the city traffic engineer or the city council** (Municipal Code Section 22.08.210 (b)).
 - In order for the permit to be issued, the proposed location must not impede or endanger vehicular or pedestrian traffic (22.08.210 (b)).
 - Any permit issued by the city traffic engineer shall not be good for more than 24 hours.
 - A mobile food vendor permit is good only at the location for which it is issued (22.08.210 (d)).

Special Location Permit Requirements

Davis Farmers' Market

Vendors must be approved by the **Davis Farmer's Market Association (DFMA)**. Approval requirements include:

- An application and copies of all appropriate permits and licenses be submitted to the DFMA (contact DFMA for specific permit requirements).
- Approval from the DFMA governing board.
- Compliance with the Davis Farmers Market Rules.

Fees: Stall Fees are calculated as a percentage of the seller's gross sales for that Market Day. A stall fee will be collected for each space used, even in case of no sales.

- **Members:** 6% of gross sales, \$20.00 min. per space
- **Non-Members:** 8% of gross sales, \$26.00 min. per space

More information may be obtained by contacting the Davis Farmer's Market Association.

Davis Farmer's Market Association

Central Park – 4th & C Streets

P.O. Box 1813

Davis, CA 95617

Telephone: (530) 756-1695

<http://www.davisfarmersmarket.org/info/>

E & H Street Plazas

Vendors must obtain a license agreement from the City's **Economic Development Division**.

License requirements include:

- A business plan and visual representation of proposed cart.
- A yearly license agreement with the city.
- Plaza vendors may only sell perishable goods.

Fees: vary.

More information may be obtained by contacting the Economic Development Division.

City of Davis Economic Development Division

23 Russell Boulevard

Davis, CA 95616

Telephone: (530) 757-5610

Attachments:

- Yolo County Health Department Health Permit Application
- City of Davis Business License Application
- City of Davis Commercial Zoning Permit

9-2.104 Permanent and Temporary Uses.

Except as otherwise provided in this Title, any use may be permanent or temporary, as defined in this Section. Temporary uses shall be subject to the applicable provisions for Temporary Use Permits in [Article 6 of Chapter 7](#).

- (a) **Permanent Use.** A use that is intended to be continuously ongoing at the same location for more than 60 days.
- (b) **Temporary Use.** A use that is either not intended to be ongoing for more than 60 days, or that is not intended to be continuously ongoing.
 - (1) **One-Time Temporary Use.** A use that is intended to be ongoing at the same location for 60 days or less. Typical uses include carnivals, Halloween pumpkin lots, and Christmas tree lots.
 - (2) **Recurring Temporary Use.** A use that is intended to recur at the same location at regular or irregular intervals, where each occurrence lasts for seven days or less, the interval between occurrences is at least twice the length of each occurrence, and the total number of occurrences may or may not be limited. The lengths of individual occurrences and the intervals between them shall be measured in whole days. Typical uses include farmers markets and similar recurring events. If an occurrence lasts for more than seven days, each such occurrence shall be considered a separate One-Time Temporary Use pursuant to subsection (b)(1) above. If the interval between occurrences is less than twice the length of each occurrence, the use shall be considered a Permanent Use pursuant to subsection (a) above.

ARTICLE 6. TEMPORARY USE PERMITS

9-7.601 Purpose.

This Article establishes a process for review and approval of uses that are intended to have a limited duration and will not permanently alter the character or physical facilities of the property where they occur.

9-7.602 Applicability.

Except as specified in [Section 9-7.603](#), all temporary uses, as defined in [Section 9-2.104\(b\)](#), require the approval of a Temporary Use Permit, including, but not limited to, carnivals, Halloween pumpkin lots, Christmas tree lots, farmers markets on private or public property, mobile food vendors on private or public property, and other vendors, peddlers, solicitors, or events on private or public property.

9-7.603 Exemptions.

The following temporary uses shall be exempt from the requirement for a Temporary Use Permit:

- (a) On-site temporary construction offices and on-site contractors' storage yards, including debris containers.
- (b) On-site offices for real estate sales or rental.
- (c) Garage and yard sales operated by a resident of the premises where such sales operate for a period of less than two days per quarter per year.
- (d) Any use operating on a public street or sidewalk, including, but not limited to, farmers markets as regulated by [Chapter 35 of Title 5](#), and mobile food vendors and other vendors, peddlers, and solicitors as regulated by [Chapter 27 of Title 5](#).
- (e) Any other temporary uses otherwise regulated by the Emeryville Municipal Code, including, but not limited to, community events regulated by [Chapter 23 of Title 5](#).

9-7.604 Procedures.

An application for a temporary use permit shall be filed and processed in accordance with the provisions of [Article 2](#), Common Procedures. Applications for temporary use permits shall be considered by the Planning and Building Director, in consultation with the Public Works Director, Chief Building Official, Fire Marshal, Police Chief, and other City staff as deemed appropriate. The application shall be submitted at least 14 days before the temporary use is intended to begin. It shall include a site plan of the proposed use that shows any electrical or plumbing connections, the relation of the temporary use to existing buildings, parking spaces, landscaping, and other features of the site; a description of operating characteristics, including dates, hours, number of employees, expected visitors, and security if appropriate; and any other information deemed necessary by the Director. The Director, at his or her discretion, may give such notice as is deemed appropriate to adjacent property owners or other interested parties. The Director may approve or disapprove an application or require changes or conditions of approval which, in his or her judgment, are necessary to ensure conformity with the provisions of this Article. The Director's decision may be appealed to the Planning Commission.

9-7.605 Findings.

To grant a temporary use permit, all of the following findings must be made:

- (a) The proposed use will not adversely affect adjacent properties, their owners and occupants, or the surrounding neighborhood.
- (b) The proposed use will not interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use.
- (c) The proposed use will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.
- (d) The proposed use will not conflict with the intent or requirements of any design review permit, conditional use permit, variance, or planned unit development applicable to the subject property.
- (e) Appropriate controls are in place that will ensure that the premises will be kept clean, sanitary, and free of litter.

9-7.606 Duration.

Temporary use permits shall be approved for no longer than the following initial time periods and may be renewed for subsequent time periods of the same duration or less. Each renewal shall require a new application and fee.

- (a) **One Time Temporary Uses** (as defined in [Section 9-2.104\(b\)\(1\)](#)):
 - (1) Mobile Food Vendors located on private or public property (i.e. not on a public sidewalk or public street): one year.
 - (2) All other One-Time Temporary Uses: 60 days.
- (b) **Recurring Temporary Uses** (as defined in [Section 9-2.104\(b\)\(2\)](#)): one year.

9-7.607 Conditions of Approval.

Unless waived by the Director, the following conditions of approval shall apply to all temporary use permits. In approving a temporary use permit, the Director may impose any additional conditions that are deemed necessary to make the findings required by [Section 9-7.605](#).

- (a) Any construction or other work shall conform to all applicable codes.
- (b) Fire protection and access for fire vehicles shall be maintained, as specified by the Fire Marshal.
- (c) All signage shall comply with the Sign Regulations in [Article 16 of Chapter 5](#).
- (d) The site of the temporary use shall be maintained free of weeds, litter, and debris for the duration of the temporary use.
- (e) The site of the temporary use shall be completely cleaned and all trash, debris, signs, sign supports, and temporary structures and electrical and/or plumbing service shall be removed, within three days following the date specified for termination of the temporary use.

9-7.608 Revocation.

A temporary use permit issued pursuant to this Article shall be subject to suspension, revocation, or modification for the violation of any provisions of this code or for any grounds which would warrant the denial of the issuance of such original permit. The Director may issue a notice of violation for any failure to comply with any requirement of this Article or any condition of the permit. Such notice shall set forth the action necessary to come into compliance and a time frame for compliance. If the noncompliance is not abated, corrected, or rectified within the time specified by the Director in said notice, the Director may revoke, suspend, or modify the permit, upon 30 days' notice. If the Director decides to revoke or suspend the permit, the temporary use shall be removed within 30 days of the Director's decision unless appealed pursuant to [Section 9-7.609](#).

9-7.609 Appeals.

The Director's decision on a temporary use permit application or revocation may be appealed to the Planning Commission pursuant to [Article 14](#).

CHAPTER 27. SIDEWALK AND STREET VENDORS

Sections:

Article 1. Sidewalk and Street Vendors

5-27.1.01 Definitions

5-27.1.02 Business Tax Certificate

5-27.1.03 Health and Sanitation Requirements

5-27.1.04 Vendor Permit to Operate

5-27.1.05 Vending Locations

5-27.1.06 Cleanliness

5-27.1.07 Open-Air Barbeques or Outdoor Wood-Burning Ovens

5-27.1.08 Operation Within Specified Distance of Toilet and Handwashing Facility

5-27.1.09 Certified Farmers' Markets

5-27.1.10 Penalties

Article 2. Peddlers and Solicitors

5-27.2.01 Definitions

5-27.2.02 Business Tax Certificate

5-27.2.03 Permit to Operate

5-27.2.04 Permit Denial or Revocation

5-27.2.05 Peddling or Soliciting Locations

5-27.2.06 Hours When Prohibited

5-27.2.07 Certified Farmers' Markets

5-27.2.08 Penalties

Article 1. Sidewalk and Street Vendors

5-27.1.01 Definitions.

For purposes of this article, the following definitions apply:

- (a) "Certified farmers' market" shall be defined as provided in California Administrative Code Title 3, Section 1392.2(a) or any successor provision.
- (b) "City" shall mean the City of Emeryville.
- (c) "Code" shall mean the Emeryville Municipal Code.
- (d) "Commissary" shall be defined as provided in Health and Safety Code Section [113751](#) or any successor provision.
- (e) "Community event" shall be defined as provided in Health and Safety Code Section [113755](#) or any successor provision.
- (f) "Eating and drinking establishments" shall be defined in Section 9-4.4.320, or any successor provision.
- (g) "Enforcement agency" shall be defined as provided in Health and Safety Code Section [113773](#) or any successor provision.
- (h) "Enforcement officer" shall be defined as provided in Health and Safety Code Section [113774](#) or any successor provision.
- (i) "Food" shall be defined as provided in Health and Safety Code Section [113781](#) or any successor provision.
- (j) "Food facility" shall be defined as provided in Health and Safety Code Section [113789](#) or any successor provision.
- (k) "Mobile food facility" shall be defined as provided in Health and Safety Code Section [113831](#) or any successor provision.
- (l) "Open-air barbeque" shall be defined as provided in Health and Safety Code Section [113843](#) or any successor provision. An "open-air barbeque" may include a fire box for heating, storage and disposal of hot coals, heated lava, hot stones or other material utilized to cook food and no more than one (1) worktable of a size not in excess of fifteen (15) square feet which may not be used for dining by the general public.
- (m) "Other public gathering" shall include for purposes of this article the operation of a mobile food facility that stops to conduct business for more than one (1) hour in the same location.
- (n) "Permanent food facility" shall be defined as provided in Health and Safety Code Section [113849](#) or any successor provision.
- (o) "Police Chief" means the Chief of Police or his/her designee.
- (p) "Temporary food facility" shall mean, consistent with Health and Safety Code Section [113930](#) or any successor provision, a food facility approved by the enforcement officer that operates at a fixed location for the duration of an approved community event and only as a part of the community event.

(q) "Vehicle" shall mean a mobile food facility, temporary food facility, catering truck, wagon, pushcart, or other motorized or non-motorized conveyance upon which food is sold, offered for sale or distributed.

(r) "Vendor" shall mean a sidewalk vendor or a street vendor.

(s) "Sidewalk vendor" shall mean any person engaged in selling, offering for sale, or distributing food on a public sidewalk.

(t) "Street vendor" shall mean any person engaged in selling, offering for sale, or distributing food from a vehicle located within a public street.

(Sec. 2 (part) (9-4.2001), Ord. 88-012, eff. Nov. 5, 1988; Sec. 3 (part), Ord. 10-016, eff. Dec. 16, 2010; Sec. 3 (part), Ord. 11-005, eff. June 2, 2011; Sec. 2 (part), Ord. 12-006, eff. Mar. 8, 2012. Formerly 5-27.01)

5-27.1.02 Business Tax Certificate.

It shall be unlawful to sell, offer for sale, or distribute any food on any public street or public sidewalk within the City without first obtaining a business tax certificate and paying the applicable business license tax for each sidewalk vendor or street vendor, pursuant to Chapter [1](#) of Title [3](#). Notwithstanding those provisions, no business tax certificate shall be issued without evidence that the vendor has obtained all permits required by this article. The original of the City business tax certificate shall be displayed conspicuously at all times on the street vendor's vehicle and at the location of the sidewalk vendor.

(Sec. 2 (part) (9-4.2002), Ord. 88-012, eff. Nov. 5, 1988; Sec. 3 (part), Ord. 10-016, eff. Dec. 16, 2010; Sec. 3 (part), Ord. 11-005, eff. June 2, 2011; Sec. 2 (part), Ord. 12-006, eff. Mar. 8, 2012. Formerly 5-27.02)

5-27.1.03 Health and Sanitation Requirements.

Vendors shall obtain a health permit from the enforcement agency. The health permit shall be displayed conspicuously at all times on the street vendor's vehicle and at the location of the sidewalk vendor. Evidence of such health permit shall be made available to the Finance Department as part of the business tax certificate application or renewal.

(Sec. 2 (part) (9-4.2004), Ord. 88-012, eff. Nov. 5, 1988; Sec. 3 (part), Ord. 10-016, eff. Dec. 16, 2010; Sec. 3 (part), Ord. 11-005, eff. June 2, 2011; Sec. 2 (part), Ord. 12-006, eff. Mar. 8, 2012. Formerly 5-27.04)

5-27.1.04 Vendor Permit to Operate.

(a) It shall be unlawful to sell, offer for sale, or distribute any food on any public street or public sidewalk within the City without first obtaining a vendor permit from the Police Department pursuant to the provisions of this article for each sidewalk vendor or street vendor location. The vendor permit shall be displayed conspicuously at all times on the street vendor's vehicle and at the location of the sidewalk vendor. Evidence of such vendor permit shall accompany the business tax certificate application or renewal application to the Finance Department.

(b) Any vendor permit issued pursuant to this article shall automatically expire, terminate and be of no further force and effect at 5:00 p.m. on December 31 of each year.

(c) Any vendor permit issued pursuant to this article is nontransferable.

(d) A vendor applicant desiring a vendor permit shall file an annual application with the Chief of Police, on a form furnished by the Police Department, setting forth the following information and including the accompanying data:

- (1) Names, addresses and telephone numbers of the vendor applicant and of all persons financially interested in the business;
- (2) A statement of the type of food to be sold;
- (3) The location at which the sidewalk vendor applicant intends to operate;
- (4) Number of vehicles the street vendor applicant intends to operate, along with a copy of the current registration of each vehicle;
- (5) For street vendors, the desired street location(s) of the vehicle(s);
- (6) Intended day(s) and hours of operation at such location(s);
- (7) Whether the vendor applicant intends to operate an open-air barbeque at such location(s);
- (8) The location of the toilet and handwashing facility required by this article;
- (9) If the toilet and handwashing facility required by this article is on private property, a copy of an enforceable contract between the private property owner and the vendor applicant allowing vendor to utilize such facilities on the day(s) and hours of operation;
- (10) A copy of the health permit required by this chapter;
- (11) An acknowledgement by the vendor applicant of the obligation to comply with Chapter [14](#) of Title [6](#) regarding food service waste reduction;
- (12) Agreement by the applicant to indemnify and hold harmless the City, its officers and employees from any and all damages or injury to persons or property proximately caused by the act or neglect of the applicant or by hazardous or negligent conditions maintained at the applicant's sales location;
- (13) Evidence of general liability and automobile liability insurance in a form and at levels of coverage acceptable to the City;
- (14) Previous vending permits issued to the vendor applicant in other cities and the status of those permits;
- (15) Such further information as the Police Department may require.

(e) The application shall be accompanied by an application fee for each vehicle of a street vendor and/or each location of a sidewalk vendor. If the application is denied, the application fee shall not be returned to the vendor applicant. The application fee shall be set forth in the City's Master Fee Schedule.

(f) The Police Department shall conduct an investigation of the application and may issue a vendor permit to the vendor applicant within thirty (30) days of its receipt if the Police Chief finds that all of the following conditions have been met:

- (1) An accurate application has been filed;
 - (2) The required application fee has been paid;
 - (3) All applicable provisions of this article have been or will be met;
 - (4) The vending locations are in compliance with Section [5-27.1.05](#), will not cause evident traffic congestion, impede pedestrian or bicycle movement, or violate applicable Federal or State accessibility laws; and
 - (5) The applicant and all the persons listed in subsection (d)(1) of this section have no previous convictions under State law concerning theft, possession of stolen property, or the sale of narcotics.
- (g) The Police Chief may deny the application if it is inaccurate, incomplete or unable to meet the requirements of subsection (f) of this section, or if no application fee has been submitted.
- (h) The Police Chief may revoke a vendor permit if it is determined and found thereafter that the application was inaccurate, that the permit holder failed to meet requirements of this article, or that the vendor is operating in a manner detrimental to public health, safety or the general welfare of the City.
- (i) Any revocation of a vendor permit or denial of a vendor permit application may be appealed to the City Council pursuant to the provisions of Chapter [4](#) of Title [1](#).

(Sec. 2 (part) (9-4.2005), Ord. 88-012, eff. Nov. 5, 1988; Sec. 3 (part), Ord. 10-016, eff. Dec. 16, 2010; Sec. 3 (part), Ord. 11-005, eff. June 2, 2011; Sec. 2 (part), Ord. 12-006, eff. Mar. 8, 2012. Formerly 5-27.05)

5-27.1.05 Vending Locations.

A vendor with a valid vendor permit shall be permitted on public streets and sidewalks from the hours of 6:00 a.m. until 12:00 a.m. daily, subject to the conditions set forth below:

- (a) No vendor shall locate within three hundred feet (300') of the grounds of any elementary or secondary school on any school day;
- (b) No vendor shall locate within five hundred feet (500') of a freeway entrance or exit;
- (c) No vendor shall locate within fifty feet (50') of any street or roadway intersection, crosswalk, fire hydrant, or bus stop;
- (d) No vendor shall locate their operation in such a way that would restrict the ingress to or egress from the adjoining property;
- (e) No vendor shall locate on any public sidewalk or within any public street adjacent to a curb which has been duly designated by the City as a white, yellow, blue or red zone;
- (f) No vendor shall locate within two hundred feet (200') of a permanent food facility during that facility's operating hours;
- (g) No vendor shall locate within two hundred feet (200') of any other vendor operating during the vending hours specified in this section;

(h) Vendors shall not operate in the RM Medium Density Residential Zone or the S-M Shoreline Management Zone, as those zones are described in Chapter [6](#) of Title [9](#), or any successor provision.

(Sec. 2 (part) (9-4.2006), Ord. 88-012, eff. Nov. 5, 1988; Sec. 2, Ord. 10-010, eff. July 15, 2010; Sec. 3 (part), Ord. 10-016, eff. Dec. 16, 2010; Sec. 3, Ord. 10-020, eff. Jan. 20, 2011; Sec. 3 (part), Ord. 11-005, eff. June 2, 2011; Sec. 2 (part), Ord. 12-006, eff. Mar. 8, 2012. Formerly 5-27.06)

5-27.1.06 Cleanliness.

The vendor shall not leave any location without first picking up, removing and disposing of all trash or refuse from their operation that remains within twenty feet (20') of the vendor's location.

(Sec. 2 (part) (9-4.2008), Ord. 88-012, eff. Nov. 5, 1988; Sec. 3 (part), Ord. 10-016, eff. Dec. 16, 2010; Sec. 3 (part), Ord. 11-005, eff. June 2, 2011; Sec. 2 (part), Ord. 12-006, eff. Mar. 8, 2012. Formerly 5-27.07)

5-27.1.07 Open-Air Barbeques or Outdoor Wood-Burning Ovens.

Consistent with Health and Safety Code Section [114143](#), any open-air barbeque or outdoor wood-burning oven permitted to operate on any public street or sidewalk shall meet all of the following requirements:

- (a) The open-air barbeque or outdoor wood-burning oven is operated on the same premises as, in reasonable proximity to, and in conjunction with a temporary food facility, or a mobile food facility that is operating at a community event. The vendor permit holder of the temporary food facility or mobile food facility shall be deemed to be the vendor permit holder of the open-air barbeque or outdoor wood-burning oven, and shall be responsible for ensuring it is operated in full compliance with this chapter.
- (b) The open-air barbeque or outdoor wood-burning oven is not operated in, or out of, any motor vehicle, or in any location that may constitute a fire hazard, as determined by the local enforcement officer and/or the City Fire Marshal.
- (c) The open-air barbeque or outdoor wood-burning oven is separated from public access to prevent food contamination or injury to the public by using ropes or other approved methods.
- (d) The open-air barbeque shall be equipped with an impervious and easily cleanable floor surface that extends a minimum of five feet (5') from the open-air barbeque or outdoor wood-burning oven facility on all open sides.
- (e) An open-air barbeque or outdoor wood-burning oven shall not operate on any day in which a "Spare the Air" alert or "No Burn" announcement has been issued by the Bay Area Air Quality Management District.
- (f) All ashes and coals shall be cooled before disposal. Ashes and coals shall be doused and saturated with water and the fire shall be completely extinguished. The ashes and coals shall then be placed into a metal container with a tight-fitting lid that is only used to collect ashes and coals and properly disposed of off-site of the farmers' market. Ashes and coals shall not be placed into any City trash can at any time.
- (g) The Fire Chief or his/her designee may order the immediate suspension of open-air barbeque and/or outdoor wood-burning oven operations which are conducted in violation of this section, or which are deemed unsafe or constitute a public nuisance or hazard, as determined by the Fire Chief or his/her designee.

(Sec. 3 (part), Ord. 10-016, eff. Dec. 16, 2010; Sec. 3 (part), Ord. 11-005, eff. June 2, 2011; Sec. 2 (part), Ord. 12-006, eff. Mar. 8, 2012. Formerly 5-27.08)

5-27.1.08 Operation Within Specified Distance of Toilet and Handwashing Facility.

A mobile food facility or temporary food facility shall be operated within two hundred feet (200') travel distance of an approved and readily available toilet and handwashing facility to ensure that restroom facilities are available to the vendor permit holder and any of its employees whenever the mobile food facility or temporary food facility is stopped to conduct business for more than a one (1) hour period or if the mobile food facility or temporary food facility operates an open-air barbeque or outdoor wood-burning oven.

(Sec. 3 (part), Ord. 10-016, eff. Dec. 16, 2010; Sec. 3 (part), Ord. 11-005, eff. June 2, 2011; Sec. 2 (part), Ord. 12-006, eff. Mar. 8, 2012. Formerly 5-27.09)

5-27.1.09 Certified Farmers' Markets.

Notwithstanding the provisions of this article, vendors operating within a certified farmers' market, permitted by this code, shall comply with all of the provisions of Chapter [35](#) of Title [5](#).

(Sec. 2 (part), Ord. 12-006, eff. Mar. 8, 2012)

5-27.1.10 Penalties.

Any violations of this article shall be punishable as an infraction as provided in Chapter [2](#) of Title [1](#). Every day of vending without a valid vendor permit constitutes a separate offense.

(Sec. 2 (part) (9-4.2009), Ord. 88-012, eff. Nov. 5, 1988; Sec. 3 (part), Ord. 10-016, eff. Dec. 16, 2010; Sec. 3 (part), Ord. 11-005, eff. June 2, 2011; Sec. 2 (part), Ord. 12-006, eff. Mar. 8, 2012. Formerly 5-27.10)

Article 2. Peddlers and Solicitors

5-27.2.01. Definitions.

For purposes of this article, the following definitions apply:

(a) "Certified farmers' market" shall be defined as provided in California Administrative Code Title 3, Section 1392 or any successor provision.

(b) "Code" means the Emeryville Municipal Code.

(c) "Food" shall be defined as provided in Health and Safety Code Section [113781](#) or any successor provision.

(d) "Peddle" means to sell and make immediate delivery, or offer for sale and immediate delivery, any nonfood goods, wares, merchandise, or thing in possession of the seller, or services of seller, at any place within the City other than from a fixed place of business.

(e) "Peddler" means any person who peddles, as herein defined.

(f) "Person" means an individual.

(g) "Police Chief" means the Chief of Police or his/her designee.

(h) "Solicit" means to sell or take orders, or offer to sell or take orders, for any nonfood goods, wares, merchandise, or thing, for future delivery, or for services to be performed, at any place within the City other than a fixed place of business.

- (i) "Solicitor" means any person who solicits, as defined herein.

(Sec. 3 (part), Ord. 11-005, eff. June 2, 2011; Sec. 2 (part), Ord. 12-006, eff. Mar. 8, 2012)

5-27.2.02. Business Tax Certificate.

It shall be unlawful to peddle, solicit, or distribute any merchandise or services on any public street or sidewalk within the City without first obtaining a business tax certificate and paying the applicable business license tax for each peddler or solicitor, pursuant to Chapter [1](#) of Title [3](#). Notwithstanding those provisions, no business tax certificate shall be issued without evidence that the peddler or solicitor has obtained all permits required by this article. The original of the City business tax certificate shall be displayed conspicuously at all times at the location of a peddler or solicitor located on the public right-of-way or, in the case of a mobile peddler or solicitor, on demand from any law enforcement officer or upon demand of any person to whom the peddler or solicitor is peddling or soliciting.

(Sec. 3 (part), Ord. 11-005, eff. June 2, 2011; Sec. 2 (part), Ord. 12-006, eff. Mar. 8, 2012)

5-27.2.03. Permit to Operate.

(a) No person shall peddle or solicit on any public street or public sidewalk in the City without a valid permit issued by the Police Department. Evidence of such permit shall accompany the business tax certificate application or renewal application to the Finance Department.

(b) Any permit issued pursuant to this article shall automatically expire, terminate, and be of no further force and effect at 5:00 p.m. on December 31 of each year.

(c) Any permit issued pursuant to this article is nontransferable.

(d) A peddler or solicitor applicant desiring a peddler or solicitor permit shall file an annual application with the Chief of Police, on a form furnished by the Police Department, setting forth the following information and including the accompanying data:

- (1) Names, addresses and telephone numbers of the applicant and of all persons financially interested in the business;

- (2) A statement of the type of goods, property, or service to be peddled or solicited;

- (3) The names and addresses of at least two (2) references as to the applicant's moral character, honesty and integrity;

- (4) Identification of any vehicle intended to be used for peddling or soliciting;

- (5) The intended location of peddling or soliciting activities;

- (6) Agreement by the applicant to indemnify and hold harmless the City, its officers and employees from any and all damages or injury to persons or property proximately caused by the act or neglect of the applicant or by hazardous or negligent conditions maintained at the applicant's sales location;

- (7) Evidence of general liability and automobile liability insurance in a form and at levels of coverage acceptable to the City;

- (8) Previous peddling or soliciting permits issued to the applicant in other cities and the status of those permits; and
 - (9) Such further information as the Police Department may require.
- (e) The applicant shall also furnish his/her fingerprints and thumbprints to be taken by the Police Department.
- (f) The application shall be accompanied by an application fee. If the application is denied, the application fee shall not be returned to the applicant. The application fee shall be set forth in the City's Master Fee Schedule.
- (g) The Police Department shall conduct an investigation of the application and may issue a peddler or solicitor permit to the applicant within thirty (30) days of its receipt if the Police Chief finds that all of the following conditions have been met:
- (1) An accurate application has been filed;
 - (2) The required application fee has been paid;
 - (3) All applicable provisions of this article have been or will be met; and
 - (4) The applicant and all the persons listed in subsection (d)(1) of this section have no previous convictions under State law concerning theft, possession of stolen property, the sale of narcotics, or a crime involving moral turpitude.
- (h) Every peddler or solicitor, at all times while engaged in peddling or soliciting, shall have in his/her immediate possession the permit issued under the provisions of this section and when so peddling or soliciting shall display the same upon demand of any law enforcement officer and upon demand of any person to whom the peddler or solicitor is peddling or soliciting.
- (i) Every vehicle used for peddling or soliciting shall display the permit issued pursuant to this article in a conspicuous place in said vehicle.

(Sec. 3 (part), Ord. 11-005, eff. June 2, 2011; Sec. 2 (part), Ord. 12-006, eff. Mar. 8, 2012)

5-27.2.04 Permit Denial or Revocation.

- (a) The Police Chief may deny a permit application if it is inaccurate, incomplete or unable to meet the requirements of Section [5-27.2.03](#), or if no application fee has been submitted.
- (b) The Police Chief may revoke a permit if any of the following are determined and found after permit issuance:
- (1) The application was inaccurate;
 - (2) Any violation of this article;
 - (3) Conviction of the permit holder of any felony or crime involving moral turpitude; or

(4) Peddling or soliciting in an unlawful manner or in such a manner which is detrimental to public health, safety or the general welfare of the City.

(c) Any revocation of a permit or denial of a permit application may be appealed to the City Council pursuant to the provisions of Chapter [4](#) of Title [1](#).

(Sec. 3 (part), Ord. 11-005, eff. June 2, 2011; Sec. 2 (part), Ord. 12-006, eff. Mar. 8, 2012)

5-27.2.05. Peddling or Soliciting Locations.

A peddler or solicitor with a valid permit shall be permitted on public streets and sidewalks from the hours of 8:00 a.m. until 7:00 p.m. daily, subject to the conditions set forth below:

(a) No peddler or solicitor shall operate within three hundred feet (300') of the grounds of any elementary or secondary school on any school day;

(b) No peddler or solicitor shall locate within five hundred feet (500') of a freeway entrance or exit;

(c) No peddler or solicitor shall locate within fifty feet (50') of any street or roadway intersection, crosswalk, fire hydrant, or bus stop;

(d) No peddler or solicitor shall locate their operation in such a way that would restrict the ingress to or egress from the adjoining property;

(e) No peddler or solicitor shall locate on any public sidewalk or within any public street adjacent to a curb which has been duly designated by the City as a white, yellow, blue or red zone;

(f) No peddler or solicitor shall locate within two hundred feet (200') of any other peddler or solicitor operating during the vending hours specified in this section;

(g) Peddlers and solicitors shall not operate in the RM Medium Density Residential Zone or the S-M Shoreline Management Zone, as those zones are described in Chapter [6](#) of Title [9](#), or any successor provision.

(Sec. 3 (part), Ord. 11-005, eff. June 2, 2011; Sec. 2 (part), Ord. 12-006, eff. Mar. 8, 2012)

5-27.2.06. Hours When Prohibited.

It is unlawful for any person to peddle or solicit before 8:00 a.m. or after 7:00 p.m. of any day.

(Sec. 3 (part), Ord. 11-005, eff. June 2, 2011; Sec. 2 (part), Ord. 12-006, eff. Mar. 8, 2012)

5-27.2.07. Certified Farmers' Markets.

Notwithstanding the provisions of this article, peddlers and solicitors operating within a certified farmers' market, permitted by this code, shall comply with all of the provisions of Chapter [35](#) of Title [5](#).

(Sec. 3 (part), Ord. 11-005, eff. June 2, 2011; Sec. 2 (part), Ord. 12-006, eff. Mar. 8, 2012)

5-27.2.08. Penalties.

Any violations of this article shall be punishable as an infraction as provided in Chapter [2](#) of Title [1](#). Every day of peddling or soliciting without a valid permit constitutes a separate offense.

(Sec. 3 (part), Ord. 11-005, eff. June 2, 2011; Sec. 2 (part), Ord. 12-006, eff. Mar. 8, 2012)

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The Emeryville Municipal Code is current through Ordinance 16-003, passed February 2, 2016.

Disclaimer: The City Clerk's Office has the official version of the Emeryville Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.emeryville.ca.us>

City Telephone: (510) 596-4300

[Code Publishing Company](#)

ORDINANCE NO. 680

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, ADDING CHAPTER 8.42 TO THE INDIAN WELLS MUNICIPAL CODE REGARDING THE REGULATION OF MOBILE FOOD FACILITIES

WHEREAS, the City of Indian Wells is authorized to regulate mobile food facilities within its jurisdiction subject to the limitations set forth in Vehicle Code section 22455; and

WHEREAS, the City wishes to adopt mobile food facility regulations in compliance with applicable law; and

WHEREAS, the City's regulations are based on the following findings:

1. Regulating the hours and location of mobile vendors benefits the health, safety and welfare of City residents because the operation of these vehicles at inappropriate hours or locations creates traffic hazards, blocks adjacent sidewalks to pedestrians, results in unwanted noise, littering and loitering at that location and/or creates hazards for children.

2. Regulating the manner and type of mobile vendors benefits the health, safety and welfare of the City because the inappropriate operation and uncontrolled proliferation of these vehicles creates traffic hazards, blocks adjacent sidewalks to pedestrians, results in unwanted noise, littering and loitering at that location and/or creates hazards for children.

3. Regulating mobile vendors on private property is consistent with the City's interests in the aesthetics of the community.

4. Prohibiting mobile vendors from operating within City parks and recreation facilities is consistent with the City's interest in the aesthetics of the community, fair competition and otherwise ensuring the proper use of City property.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 8.42 is hereby **ADDED** to the Indian Wells Municipal Code to read in full as set forth in the attached Exhibit "A" and incorporated by this reference.

SECTION 2. Severability. If any provision, clause, sentence or paragraph of this Ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable. This Ordinance amends, adds to, or deletes (as applicable) sections of the Indian Wells Municipal Code.

SECTION 3. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after passage.

SECTION 4. Publication. The City Clerk is directed to publish this Ordinance in the manner and in the time required by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at an adjourned regular meeting of the City Council held on 18th day of September, 2014.



TED J. MERTENS
MAYOR

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss.
CITY OF INDIAN WELLS)

CERTIFICATION FOR ORDINANCE NO. 680


I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance No. 680, having been regularly introduced at the meeting of August 21, 2014, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at an adjourned regular meeting of the City Council held on this 18th day of September, 2014, and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES: Hanson, Mertens, Mullany, Peabody, Roche
NOES: None

and was thereafter on said day signed by the Mayor of the City of Indian Wells

ATTEST:

APPROVED AS TO FORM:



WADE G. MCKINNEY
CITY MANAGER/CITY CLERK



STEPHEN P. DEITSCH
CITY ATTORNEY

EXHIBIT "A"

**"Chapter 8.42
MOBILE FOOD FACILITIES**

Sections:

- 8.42.010 Definitions.**
- 8.42.020 Mobile Food Facility on Public or Private Property.**
- 8.42.030 Mobile Food Facility in the Right of Way.**
- 8.42.040 Mobile Food Facility Permit.**
- 8.42.050 Mobile Food Facility Permit Issuance and Denial.**
- 8.42.060 Violations and Penalties.**

8.42.010 Definitions.

For purposes of this chapter, the following words or phrases shall have the following meanings:

"Food or food products" means any type of edible victuals or beverage.

"Mobile food facility" means any self-propelled, motorized device or vehicle by which any person or property may be propelled or moved upon a highway, excepting a device moved exclusively by human power, or which may be drawn or towed by a self-propelled, motorized vehicle, from which food or food products are sold, offered for sale, displayed, bartered, exchanged or otherwise given. Mobile food facility shall not include any vehicle only vending prepackaged food provided that the owner or operator of the vehicle has obtained all applicable state, local and City permits and approvals.

"Prepackaged Food" means any properly labeled and processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, and prepared at an approved source.

"Vend" or "vending" means to sell, offer for sale, display, barter, exchange, or otherwise give food or food products from a mobile food facility.

"Vendor" means a person who vends, including an employee or agent of a vendor.

8.42.020 Mobile Food Facility on Public or Private Property.

(a) No mobile food facility may vend or locate on any private property or City property except as permitted in this section. All permitted operations on private property or City property shall comply with the operational standards set forth in Subsection (a), (b), (f) to (q), and (t) of Section 8.42.030 (Mobile Food Facility in the Right of Way).

(b) Mobile food facilities may vend or locate on non-residential private property with written permission from the property owner pursuant to a site permit issued under this section or if approved as part of a Temporary Use Permit (TUP) for a special event as outlined in Section 21.60.060 (Temporary Uses). In addition, any mobile food facility participating in a City

sponsored event shall not be required to obtain a site permit or TUP and may vend as part of the City sponsored event.

(c) Mobile food facilities wishing to obtain a site permit to vend on private property located in a non-residential zone or City property outside of the public right-of-way shall file a written request to do so at least ten (10) days prior to the requested date of vending. Such request may be made on a form prescribed by the Community Development Director and shall include, at a minimum, the location, date, and time of the requested vending. Mobile food facilities may request, and the Community Development Director may grant, a site permit covering multiple dates and times and locations. No application for a site permit shall be accepted unless the application is accompanied by a fee in an amount set by City Council resolution.

(d) The Community Development Director shall evaluate and consider any request for a site permit. The Community Development Director may approve, conditionally approve or deny the request consistent with the requirements of this chapter and the public health, safety, and welfare. The Community Development Director's decision may be appealed in the same manner as a mobile food facility permit.

(e) Violation of any site permit shall be grounds for suspension or revocation of a mobile food facility permit. A site permit may be suspended or revoked in the same manner as a mobile food facility permit.

8.42.030 Mobile Food Facility in the Right of Way.

A vendor may locate its mobile food facility in the public right-of-way as long as the vendor adheres to the following standards and conditions:

(a) The vendor has a valid mobile food facility permit and business license from the City, including insurance as defined in Subsection (o) below.

(b) The mobile food facility is in full compliance with all parking and Vehicle Code provisions which apply to the location at which it is parked.

(c) The mobile food facility does not obstruct pedestrian or vehicular traffic.

(d) Vending is prohibited on the exposed street and/or vehicular traffic side of the mobile food facility.

(e) The vendor shall not distribute any item from the mobile food facility in a manner that causes any person to stand in that portion of the street that is between the vehicle and the center of the street.

(f) The vendor shall not encroach onto a public sidewalk with any part of its mobile food facility or any other equipment or furniture related to the operation of its business.

(g) The mobile food facility has a valid permit, certificate or other required approval from the Riverside County Department of Health.

(h) All food products sold or provided from the mobile food facility shall comply with all applicable food labeling requirements established by the State of California and the vendor must obtain all required permits, including without limitation, health permits, to sell or provide such items.

(i) No alcohol beverage, general merchandise or commercial sales other than food are permitted.

(j) No amplified music is permitted.

(k) A mobile food facility is limited to two (2) signs excluding exterior graphics. The exterior sign shall be secured at all times that the mobile food facility is moving. No sandwich board or other signs are permitted on the ground in the area or on the mobile food facility.

(l) No vendor may engage in vending or otherwise operate a mobile food facility:

(1) Within one hundred and fifty (150') feet from the outer edge of any entrance of any business on private property during the hours such business is open to the public. This prohibition may be waived with the written consent of such business.

(2) Within twenty-five (25') feet of any street intersection controlled by a traffic light, crosswalk, or stop sign.

(3) Within twenty-five (25') feet of a bus stop.

(4) No mobile food facility may be locate within three hundred (300') feet of the nearest property line of any property on which a public or private school building is located, between the hours of 7:00 a.m. and 5:00 p.m. of any school day..

(m) A mobile food facility may only stand or park in the public right of way between the hours of 9:00 a.m. and dusk.

(n) No vendor shall engage in vending unless he or she maintains a clearly designated litter receptacle in the immediate vicinity of the mobile food facility, marked with a sign requesting use by patrons. Prior to leaving the location, the vendor shall pick up, remove and dispose of all trash generated by the vendor's operation located within a twenty-five-foot (25') radius of the mobile food facility's location. This does not include picking up trash in the street in an unsafe manor.

(o) The vendor shall maintain insurance, as deemed acceptable in the reasonable discretion of the City, and provide to the City written certification thereof, against liability for death or injury to any person and damage to property as a result of ownership, operation, or use of its mobile food facilities. The City Council may adopt insurance requirements as set by resolution. In addition, the vendor shall indemnify, defend and hold the City harmless from any claims arising out of or related to the vendor's ownership, operation, or use of its mobile food facilities, except as otherwise permitted by applicable law.

(p) The vendor shall not discharge any liquid (e.g. water, grease, oil, etc.) onto or into City streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the vendor.

(q) A mobile food facility shall be operated within two hundred (200') feet travel distance of an approved and readily available toilet and handwashing public facility to ensure that restroom facilities are available to customers or truck employees whenever the mobile food facility is stopped to conduct business for more than a one-hour period.

(r) A mobile food facility may not stand or park in the public right of way with a street speed limit of 35 mph or less, regardless if it is posted.

(s) A mobile food facility may not stand or park in one spot in the public right of way for more than one (1) hour.

(t) Mobile food facilities shall comply with all applicable state and local laws.

8.42.040 Mobile Food Facility Permit.

(a) No mobile food facility or vendor may vend in the City without first obtaining and having in his or her possession an annual mobile food facility permit issued by the City's Community Development Director in accordance with this chapter.

(b) To receive a mobile food facility permit, a vendor must complete a permit application on the form approved by the City and file it with the City. The Applicant must provide the following information:

- (1) Applicant's full name and address.
- (2) Proof of Applicant's identity.
- (3) Proof of insurance coverage satisfactory to City.
- (4) A brief description of the type of food products to be sold. This shall include the nature, character and quality of the product.
- (5) The location and/or streets where the Applicant plans to vend.
- (6) If Applicant is employed by another to vend, the name and business address of the employer.
- (7) A description of the vending vehicle, including logo and color scheme, its registration number, and its license number.
- (8) A copy of the valid Riverside County Department of Health permit.
- (9) A copy of the Applicant's City business license.
- (10) A certification that he or she complies with all local, state and federal laws regarding food product vending, including all applicable sales tax requirements and this chapter.

(c) No application for a new or renewed mobile food facility permit shall be accepted unless the application is accompanied by a fee in an amount set by City Council resolution.

8.42.050 Mobile Food Facility Permit Issuance and Denial.

(a) Upon receipt of a written application for a mobile food facility permit, the Community Development Director shall conduct such investigation as he or she deems appropriate to determine whether a mobile food facility permit should be approved. A permit shall be approved, conditionally approved, or denied within thirty (30) calendar days of the filing of an application. The mobile food facility permit shall be approved unless one of the following findings is made:

(1) The Applicant has knowingly made a false, misleading or fraudulent statement of fact to the City in the application process.

(2) The application does not contain the information required by this chapter.

(3) The Applicant has not satisfied the requirements of this chapter.

(b) The City may condition the approval of any mobile food facility permit to ensure compliance with this chapter and other applicable laws.

(c) Any mobile food facility permit shall be valid for the term of one (1) calendar year (January – December). Upon the expiration of the mobile food facility permit, an application for renewal shall be filed in a like manner as an application for an original mobile food facility permit, and such renewal permit shall be approved or conditionally approved only when the requirements for the issuance of an original permit are met.

(d) Any mobile food facility permit may be suspended or revoked by the Community Development Director for failure to comply with the terms and conditions of this chapter. Such suspension or revocation shall be made with written notice to the permit holder, stating the grounds for the revocation and the procedures for appealing the same. The permit holder may appeal this decision by filing a written request for appeal with the City Clerk within fifteen (15) days of the date of the notice. Any revocation or suspension shall be stayed during the pendency of the appeal unless the immediate public health or safety requires otherwise. The hearing on the appeal shall be held within sixty (60) calendar days of the appeal request unless otherwise agreed to by the parties. The City Council may conduct the hearing or designate a hearing officer, consistent with applicable law, to do so. The City Council's or hearing officer's decision shall be final.

(e) A mobile food facility permit shall not be assignable or transferable.

8.42.060 Violations and Penalties.

All penalties for violations of this chapter shall be as set forth in Chapter 1.16 General Penalty of the Indian Wells Municipal Code. The penalties provided in Chapter 1.16 are cumulative to any other penalty provided by law."

ORDINANCE NO. 1130

AN ORDINANCE OF THE CITY OF LOS BANOS AMENDING ARTICLE 36 CHAPTER 3 TO TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO MOBILE FOOD VENDING

WHEREAS, the Planning Commission directed the Community and Economic Development Department to prepare a proposed update the City's current mobile vendor ordinance;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on the proposed ordinance on March 25, 2015 and April 22, 2015 at which time all individuals desiring to comment on the proposed ordinance were heard and on May 13, 2015 the Planning Commission recommended that the City Council adopt the proposed ordinance amending Article 36 to Chapter 3 Title 9 of the Los Banos Municipal Code;

WHEREAS, the City Council conducted a duly noticed public hearing on the recommended changes to the Zoning Code pertaining to mobile vending on June 3, 2015, July 1, 2015, and August 5, 2015 at which time all individuals desiring to comment on the proposed amendments were heard.

THE CITY COUNCIL OF THE CITY OF LOS BANOS DOES ORDAIN AS FOLLOWS:

Note: "Existing" as referred to in this Ordinance shall mean the relevant Article or Section in existence prior to amendment or renumbering.

Section 1. The title to Article 36 of Chapter 3 Title 9 of the Los Banos Municipal Code is amended to read as follows:

Article 36. Mobile Food Vending

Section 3. Section 9-3.3601 is amended to read as follows:

Sec. 9-3.3601 Purpose.

The general purpose of this Article is to promote the health, safety, comfort, convenience, prosperity and general welfare of the citizens, businesses and visitors of the City of Los Banos by requiring that new and existing mobile food vendors provide the community and customers with a minimum level of cleanliness, quality, safety and security. It is the purpose and intent of the City Council in enacting this Article, to provide mobile food vendors with clear and concise regulations to prevent safety, traffic and health hazards, as well as to preserve the peace, safety and welfare of the community.

Section 4. Section 9-3.3602 is amended to read as follows:

Sec. 9-3.3602 Definitions.

(a) "Mobile food vending unit" shall mean any vehicle, trailer, pushcart, motorized food wagon, stand, tent; or structure; not affixed to a permanent foundation, with or without wheels, which may be moved from one place to another under its own power or by other means.

(b) "Mobile food vendor" shall mean any person who owns, controls, manages or is otherwise engaged in the business of selling prepared, pre-packaged or unprepared, unpackaged food or foodstuffs of any kind, from a mobile vending unit on private or public property.

(c) "Persons" shall mean any person, firm, partnership, association, corporation, or business entity, and includes, but is not limited to, owners, operators, drivers, employees, agents, lessors and lessees of a mobile vending unit.

(d) "Vend" or "vending" shall mean the sale, offer for sale, soliciting, preparation, display, barter, or exchange, of prepared, pre-packaged or unprepared, unpackaged food or foodstuffs of any kind, from a mobile food vending unit on private or public property.

Section 5. Section 9-3.3603 is amended to read as follows:

Sec. 9-3.3603 Permit required.

No person may vend from a mobile food vending unit in the City without first obtaining and having in his or her possession a mobile food vendor permit issued by the City in accordance with this Article. No permit granted herein shall confer any vested right to any person or business for more than the permit period. All mobile food vendors subject to this Article shall comply with the provisions of this Article as they may be amended hereafter.

Section 6. Section 9-3.3604 is amended to read as follows:

Sec. 9-3.3604 Permit period.

Except as otherwise provided herein, all mobile food vendor permits issued by the City shall expire one year from the date of issuance.

Section 7. Section 9-3.3605 is amended to read as follows:

Sec. 9-3.3605 Application for permit to operate.

A person desiring to engage in a mobile food vendor operation shall submit a written application for a permit to operate in a form acceptable to and with all supporting information required by the Community and Economic Development Department. Such application shall be accompanied by a nonrefundable, nontransferable application fee in an amount as established by resolution of the City Council. Any such permit shall be required to be renewed annually and a separate nonrefundable, nontransferable application fee shall be paid yearly for such renewal application. Mobile food vendors must have the permit in their possession when vending. Permits to operate are nontransferable and shall be specific to an identified vending unit(s).

(a) A background check through the Los Banos Police Department must be obtained for the mobile food vendor and each person operating or vending out of the mobile food vending unit.

(b) Every mobile food vendor operator shall obtain a City of Los Banos Business License.

(c) As part of the permit to operate application, the mobile food vendor shall provide the following:

(1) Mailing address for notification purposes. If during the term of the permit, the permit holder has any change in the mailing address submitted on the original or renewal application, the permit holder shall notify the Community and Economic Development Department of such change in writing within ten (10) business days thereafter. Failure to provide updated contact information shall be grounds for permit suspension;

(2) Legal names of the mobile food vendor and all persons operating or vending out of the mobile food vending unit;

(3) Proof of current vehicle registration (for mobile food vending unit if applicable);

(4) Four (4) photographs (showing different exterior views) of each mobile food vending unit;

(5) Dimensioned sample or rendering of proposed signage;

(6) A copy of a current Merced County Environmental Health permit;

(7) Proof of automobile insurance as required by the Vehicle Code (for mobile vending unit if applicable);

(8) No person shall engage in, conduct or carry on the business of a mobile food vendor in the public right of way or on public property unless there is on file with the Community and Economic Development Department, in full force and effect at all times, documents issued by an insurance company authorized to do business in the State of California evidencing that the operator is insured (and naming the City as an additional insured) under a liability insurance policy providing minimum coverage of One

Million and No/100ths (\$1,000,000.00) Dollars for injury or death arising out of the operation of the mobile food vending unit;

(9) If the mobile food vendor is operating in the public right of way or on public property the mobile food vendor shall be required to execute a hold harmless agreement in a form approved by the City.

(10) If the mobile food vendor is operating on private property, the mobile food vendor shall provide the following:

(A) An affidavit in a form approved by the City from the property owner (if other than self) permitting the mobile food vendor to locate on the site;

(B) A site plan, including sufficient parking for the primary use and the mobile food vendor, for all proposed stationary location(s). Parking spaces shall be marked as required by zoning regulations;

(C) An affidavit from the business or location providing the required restroom facilities for food service workers, stating the hours that those facilities are being made available.

(d) The following may constitute grounds for denial of a permit to operate or renewal application:

(1) The proposed mobile food vending activity does not comply with all applicable laws including, but not limited to, the applicable building, zoning, housing, fire, safety and health regulations;

(2) The applicant is unable to obtain a business license due to a criminal background check or Fire Department approval;

(3) The applicant has, within three (3) years immediately preceding the application filing date, had a permit to operate, vending license or similar permit suspended or revoked in another California jurisdiction;

(4) The applicant has knowingly made a material misstatement in the application for a permit to operate;

(5) Failure to obtain clearance from Merced County Environmental Health.

(e) The Planning Commission shall be the decision-making authority for any initial application of a permit to operate. The Community and Economic Development Director or designee shall be the decision making authority for any renewal application of a permit to operate and/or temporary administrative mobile food vendor permit.

Section 8. Section 9-3.3606 is amended to read as follows:

Sec. 9-3.3606 Location.

(a) Public Right of Way. A mobile food vendor may locate in the public right-of-way subject to the following conditions:

(1) A mobile food vendor shall not operate within three hundred (300') feet of any church, school grounds, park (except as set forth in Section 9-3.3608(b)), playground or City-operated recreation center;

(2) A mobile food vendor shall not operate within one hundred (100') feet of any street intersection;

(3) In addition to the above, a mobile food vendor must comply with the following regulations, depending upon the type of use in which it is located:

(A) Residential Zones.

(i) In a residential zone, a mobile food vendor shall move not less than four hundred (400') feet at least every ten (10) minutes and may not return more than three (3) times to a previous location or within four hundred (400') feet of a previous location on the same calendar day.

(ii) Permitted hours of operation are from 9:00 a.m. to 7:00 p.m.

(iii) A mobile food vendor may not be located within four hundred (400') feet of another mobile food vendor.

(B) Commercial Zones.

(i) In a commercial zone, a mobile food vendor shall move not less than four hundred (400') feet at least every two (2) hours and may not return more than three (3) times to a previous location or within four hundred (400') feet of a previous location on the same calendar day.

(ii) Permitted hours of operation are from 8:00 a.m. to 9:00 p.m.

(iii) If a mobile food vendor is located in a commercial zone and is within one hundred (100') feet of a residence, it shall comply with the requirements listed above for residential zones.

(C) Industrial Zones.

(i) In an industrial zone, a mobile food vendor may operate eighteen (18) hours a day or as long as businesses within three hundred (300') feet of the mobile food vendor location are open, whichever is shorter.

(ii) If a mobile food vendor is located in an industrial zone and is also within one hundred (100') feet of a residence, it shall comply with the requirements listed above for residential zones.

(D) Construction Zones and Business Parks. Permitted days and hours of operation are Monday through Saturday from 8:00 a.m. to 5:00 p.m.

(4) Except as set forth in Section 9-3.3608(b) no mobile food vendor shall be located or maintained on public property, including bicycle pathways, walking trails, public parks or inconsistent with any other City regulations;

(5) Shall not interfere with access, driveways, aisles, circulation or fire lanes and hydrants and shall not operate in a place where the operation will create an unsafe condition; and

(6) Shall comply with the requirements of the Merced County Environmental Health Department.

(b) Private Property. A mobile food vendor may locate on private property subject to the conditions as follows:

(1) Be incidental to a primary use with a valid business license, if required; a mobile vending unit shall not be the primary use of a parcel. Mobile food vending units shall not be permitted as an accessory use to a standalone parking lot;

(2) Be located in a commercial or industrial zoning district. Mobile food vendors shall not be located on private property in a residential zoning district, except as set forth in Section 9-3.3609(c);

(3) Not be located on a vacant parcel;

(4) Be located on pavement per City standards;

(5) Not utilize, or be located on, parking spaces required for the primary use. At least two (2) onsite parking spaces, in addition to those required for the primary use, shall be provided for the mobile food vending unit operation;

(6) Not interfere with access, driveways, aisles, circulation or fire lanes and hydrants and shall not operate in a place where the operation will create an unsafe condition;

(7) Comply with the requirements of the Merced County Environmental Health Department;

(8) Not interfere with pedestrian movement or create a hazard for pedestrians; and

(9) One mobile food unit shall be allowed for each 1000 square feet of paved level area not to exceed three (3) mobile food vending units operating on the same parcel at the same time unless in connection with a special event permit.

Section 9. Section 9-3.3607 is amended to read as follows:

Sec. 9-3.3607 Operational requirements.

(a) Mobile Food Vending Unit.

(1) The mobile food vendor shall display, in plain view and at all times, current permits and licenses and the vendors permit shall be affixed to the mobile vending unit.

(2) While vending, drive wheels of the mobile food vending unit shall be chocked in such a manner as to prevent movement.

(3) The mobile food vending unit shall be entirely self-sufficient in regards to gas, water and telecommunications. All mobile food vending units that use a generator, propane, compressed natural gas, open flame, heat source, or appliance to operate the mobile food vending unit shall obtain Fire Department approval and shall be subject to inspection by the Los Banos Fire Department prior to issuance or renewal of a business license involving use of the mobile food vending unit. All mobile food vending units shall comply with California Fire Code, California Code of Regulations, and California Mechanical Code. Should any utility hook-ups or connections to on-site utilities be used or required, the mobile food vendor shall be required to apply for appropriate permits or receive approval by the appropriate City department to ensure building and public safety and consistency with applicable building and zoning regulations.

(4) The mobile food vendor shall not discharge items onto the sidewalk, gutter, storm drainage inlets or streets.

(5) Any person engaged in mobile food vending shall wear, on their person, identification with a picture and name while vending. Such identification is to be obtained from the Los Banos Police Department.

(b) Appearance of Site.

(1) The site shall be maintained in a safe and clean manner at all times.

(2) No tables, chairs, fences, shade structures or other site furniture, (permanent or otherwise) or any freestanding signs shall be permitted in conjunction with the mobile food vendor.

(3) Any site improvements required for mobile food vendor operations shall require application for the appropriate permits to ensure building and public safety and consistency with applicable building and zoning regulations.

(4) Exterior storage of refuse, equipment or materials associated with the mobile food vendor is prohibited.

(c) Amplification. While moving, a mobile food vending unit may utilize amplified music, provided that such music shall not exceed eighty (80) decibels at ten (10') feet from the source as measured by a sound level meter. Any amplified music shall cease while the mobile food vending unit is stopped for vending purposes.

(d) Sanitation.

(1) All mobile food vendors operating a mobile food facility as defined by the Health and Safety Code shall operate out of a commissary pursuant to Health and Safety Code Section 114295.

(2) All mobile food vending units shall be equipped with refuse containers large enough to contain all refuse generated by the operation of such a unit, and the vendor of the mobile unit shall pick up all refuse generated by such operation within a twenty-five (25') foot radius of the vehicle before such unit is moved. No mobile food vendor shall dispose of any trash or refuse in any such public or private trash receptacle other than a trash receptacle owned, operated or otherwise provided by and under the control of such vendor.

(3) All mobile food vendors operating a mobile food facility as defined by the Health and Safety Code shall comply with Health and Safety Code Section 114315, as may be amended, regarding the availability of adequate toilet facilities for use by food service personnel.

(e) Safety and Security.

(1) No vending shall be permitted except after the mobile food vending unit has been brought to a complete stop and parked in a lawful manner.

(2) The mobile food vendor shall install signage in a visible location on the mobile vending unit indicating that loitering is not permitted.

(3) The mobile food vendor shall enforce the no loitering rule.

Section 10. Existing Section 9-3.3608 is renumbered to 9-3.3609 and amended to read as follows:

Sec. 9-3.3609 Exemptions.

The following shall be exempt from the requirements of this Article:

(a) Any person engaged in vending where such person has been authorized by the City of Los Banos to engage in such activity by a special event permit, in connection with a certified farmer's market, or other permit or entitlements issued by the City of Los Banos.

(b) Any person delivering any goods by vehicle where such goods have been ordered in advance for such delivery from any business located at a permanent location and which goods are being delivered from such location to the customer by vehicle, regardless of the point of sale.

(c) Any person on private property in a residential zone operating solely for private catering purposes when (i) the mobile food vending unit is parked entirely on private property; (ii) service is limited to the guests of the catered event; (iii) no admission is charged for attending the event; and (iv) no payment is required from the guests for individual orders from the mobile food vending unit.

Section 11. Existing Section 9-3.3609 is renumbered to 9-3.3610 and amended to read as follows:

Sec. 9-3.3610 Application of other laws and regulations.

(a) The provisions of this Article prohibiting the stopping or parking of a vehicle shall apply at all times or at those times specified by this Article, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

(b) The provisions of this Article imposing a time limit on stopping or parking shall not relieve any person from the duty to observe other more restrictive provisions of the Vehicle Code, this Code or any other ordinances of the City, prohibiting or limiting the stopping or parking of vehicles in specified places or at specified times.

(c) The provisions of this Article shall not relieve any person from the provisions of the Health and Safety Code pertaining to the regulation of Mobile Food Facilities.

Section 12. Existing Section 9-3.3610 is renumbered to 9-3.3611 and amended to read as follows:

Sec. 9-3.3611 Suspension/revocation of permit to operate.

(a) Violation and Noncompliance. The Community and Economic Development Director or designee may refuse to renew a permit or may revoke or suspend an existing permit on the grounds that the permit holder has failed to comply with the permit conditions or other requirements of this Article. If a suspended permit lapses during the suspension period, a new application must be filed at the end of the suspension period. In any such case, the permit holder shall have the right to appeal in the time and manner set forth in this section.

(b) Revocation and Suspension of Permit to Operate. When the City concludes that grounds for denial, suspension, revocation or refusal to renew a permit to operate exist, he or she shall serve the applicant or permit holder, either personally or by certified mail addressed to the business or residential address of applicant or permit holder, with a notice of denial or notice of intent to suspend, revoke or refuse to renew permit.

This notice shall state:

- (1) The reasons for the proposed action;
- (2) The effective date of the decision;
- (3) The right of the applicant or permit holder to a hearing; and
- (4) That the decision will be final if no hearing request is filed within five (5) business days.

(c) Hearings and Appeals. Hearings and appeals of the decision of the Community and Economic Development Director or designee or the Planning Commission shall be conducted in the same manner provided by Sections 9-3.2330 through 9-3.2334.

Section 13. Existing Section 9-3.3611 is renumbered to 9-3.3612 and amended to read as follows:

Sec. 9-3.3612 Applicability of ordinance to existing businesses.

(a) The provisions of the ordinance codified in this Article shall be applicable to all mobile food vendors established after the effective date of the ordinance.

(b) All existing mobile food vendors operating within the City shall be required to obtain a permit to operate and otherwise comply with this Article upon the expiration of a current business license and/or application of a renewal of a current business license.

Section 14. A new Section 9-3.3608 is added to read as follows:

Sec. 9-3.3608 Temporary Administrative Mobile Food Vendor Permit.

(a) A mobile food vendor that otherwise meets all the requirements of this Article shall be eligible to obtain temporary administrative mobile food vendor permit issued over the counter by the Community and Economic Development Department for the temporary operation of a mobile food vending unit not to exceed one (1) day per any one week period. A mobile food vendor shall be eligible for a maximum of six (6) temporary administrative mobile food vendor permits per twelve month period.

(b) Notwithstanding the provisions of this Article, a temporary administrative mobile food vending permit may allow the mobile food vending unit, not to exceed two

units at the same time, to be located in the drive lane adjacent to the northern boundary of Pacheco Park except immediately before and after and during the time of a special event at the park subject to such other reasonable conditions as deemed appropriate by the Community and Economic Development Director.

Section 15. The provisions of this Article as enacted in this Ordinance shall apply to all unattended donation boxes located within the City of Los Banos as of the effective date of this Ordinance. All persons who have one or more unattended donation boxes located on their real property as of the effective date of this Ordinance shall have sixty (60) days from that date to file an application for a permit as provided for in this Article. Any person who has filed a timely application for a permit shall not be subject to the provisions of this Article relating to unattended donation boxes until a permit is issued or denied to the applicant.

Section 16. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 17. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness 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 subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

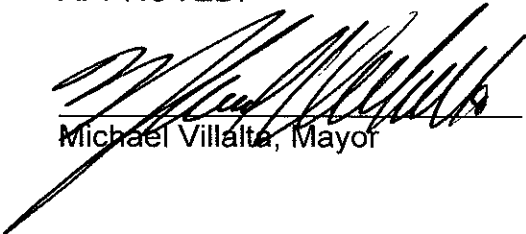
Section 18. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member Silveira and seconded by Council Member Faria on the 1st day of July, 2015.


Passed on the 5th day of August, 2015 by the following vote:

AYES: Council Members Faria, Lewis, Silveira, Stonegrove, Mayor Villalta
NOES: None
ABSENT: None

APPROVED:


Michael Villalta, Mayor

ATTEST:


Lucille L. Mallonee, City Clerk

9-2-124 Mobile food facilities. Revised 6/15

(a) **Purpose.** The purpose of this section is to allow mobile food facilities to operate within the City through an expedited permitting process that ensures that such uses are operated in a manner that is safe and secure, and will not create adverse impacts to either the property on which they are located or to the immediate neighborhood.

(b) **Mobile food facility permit required.** Any person must obtain a mobile food facility permit prior to operating a mobile food facility on private property within the City. The approval shall be specific to a location and shall not be transferable to other locations or operators.

Operation of a mobile food facility shall not be permitted on public property under this section.

An application for a permit shall be submitted for approval of a mobile food facility permit not less than fifteen (15) days before the use is intended to begin. The application shall be on a form prescribed for that purpose, and shall include the written consent of the owner of the property on which the use is to be located and, if different, the business owner providing restroom facilities within two hundred (200') feet as prescribed by the California Health and Safety Code [Section 114250.1](#).

(c) **Mobile food facility permit application: Review and approval.**

(1) Once an application has been accepted as complete, the Development Services Director or designee shall take action within fifteen (15) days.

(2) Once an application has been accepted as complete, the Development Services Director or designee shall refer the permit application to City departments and any other agencies deemed appropriate by the Development Services Director.

(3) In considering an application for a permit pursuant to this section, the Development Services Director or designee shall approve the permit only if it makes the following findings and subject to the limitations and conditions of this section:

(i) The proposed location is on an improved property that is entirely paved and shall not interfere with the operation of any approved uses on the site;

(ii) The site is adequate to support the operation of the mobile food facility and the mobile food facility will not adversely affect adjacent structures and uses, or the surrounding neighborhood;

(iii) The proposed use will not adversely affect the circulation and flow of vehicular and pedestrian traffic in the immediate area;

(iv) The proposed use will not create a demand for additional parking which cannot be met safely and efficiently in existing parking areas;

(v) The proposed use will not conflict with the terms or intent of any planned unit development permit or conditional use permit currently in effect on the property;

(vi) The proposed use and location complies with all applicable requirements of the Turlock Municipal Code, the California Building and Fire Codes, and any other applicable local, regional, State or Federal laws or regulations; and

(vii) The proposed use will not otherwise constitute a nuisance or be detrimental to the public welfare of the community.

(d) **Limitations of use by zoning district.** A mobile food facility may be permitted to operate on any property zoned for commercial or industrial uses, except the C-O commercial office district and the DC downtown core, DCT downtown core transition, and OR office residential overlay districts.

(e) **Limitation on number and concentration of mobile food facilities.** On properties of less than one (1) acre in size, no more than one (1) mobile food facility shall be permitted at one (1) time.

(f) **Mobile food facility permit and renewals.** The mobile food facility permit shall expire on December 31st each calendar year. Applications received after October 1st of each calendar year shall be given a renewal date that ends on December 31st of the following year. Each renewal shall be subject to the findings and conditions outlined in this section. There shall be no limit on the number of renewals that may be granted.

(g) **Conditions.** In authorizing an application for a mobile food facility permit, the Development Services Director shall include as conditions of approval the following minimum provisions:

- (1) The use shall be conducted entirely upon private property and not within any public right-of-way;
- (2) The use shall conform to all applicable building, electrical, fire, plumbing, engineering, solid waste, wastewater, water quality, and environmental regulations and laws;
- (3) No permanent structures may be constructed on the site to support the operation of the mobile food facility;
- (4) No signs, balloons, or flags may be displayed on or off the site to promote the mobile food facility except those permanently affixed to the mobile food vehicle/trailer;
- (5) No outdoor music, live or amplified, is permitted;
- (6) Temporary canopies or tents less than one hundred twenty (120) square feet may be erected but must be removed at the end of each business day;
- (7) No more than two (2) small tables seating up to a total of ten (10) people may be permitted and must be removed at the end of each business day;
- (8) Vehicle and temporary canopies or tents shall not be located closer than twenty (20') feet to a building or structure;
- (9) Vehicle and any temporary canopies or tents shall not be located on the same parcel, or closer than one hundred (100') feet from the lot line of an adjacent parcel, on which a flammable, combustible, or liquid petroleum gas dispensing or storage container is located;
- (10) Provisions for fire protection and fire vehicle access shall be made as prescribed by the Fire Marshal;
- (11) The site shall be continuously maintained free of weeds, litter, and debris;

(12) Within three (3) days after ceasing operation of the mobile food facility at any location, the site shall be completely cleaned; all trash, debris, signs, sign supports, and temporary electrical service will be removed;

(13) The mobile food facility operator shall obtain and maintain a valid Turlock business license at all times;

(14) An agreement for the use of properly operating restroom facilities within two hundred (200') feet of the vehicle's location shall be maintained at all times; and

(15) Any additional limitations or conditions as required by the Development Services Director as conditions of approval.

(h) **Fee.** A fee shall be paid by the applicant to cover the costs of processing and administering the mobile food facility permit application. Such fee shall be set by City Council resolution, and may be amended from time to time.

(i) **Suspension or revocation of mobile food facility permit.** Any mobile food facility permit may be suspended or revoked in accordance with the procedures and standards of Article 11 of [Chapter 9-5](#) TMC (Enforcement). The permit shall be automatically suspended and may be revoked when the permit issued by the Stanislaus County Environmental Resources Department is suspended or revoked for any reason.

(j) **Appeal.** The decision of the Development Services Director may be appealed as provided by [Chapter 1-4](#) TMC.

(1208-CS, Amended, 05/28/2015; 1207-CS, Rep&ReEn, 05/28/2015)

Article 2. - Definitions

Abandoned. A use that has ceased or a structure that has been vacated for a time period as specified in this title. Abandonment does not include temporary or short-term interruptions to a use or occupancy of a structure during periods of remodeling, maintaining, or otherwise improving or rearranging a facility.

Accessory building. See building, accessory.

Accessory dwelling unit. See second dwelling unit.

Accessory structure. See structure, accessory.

Accessory use. See use, accessory.

Acre, gross. A measure of total land area of a lot or site, including areas to be dedicated for public rights-of-way, streets, schools, or other dedications.

Acre, net. A measure of land area of a lot or site remaining after dedication of all areas for public rights-of-way, streets, schools, or other dedications.

Adjacent. Contiguous, having a common border, boundary, or lot line. Lots or parcels of land that touch at corners only shall not be deemed adjacent. Includes properties directly across an alley.

Adjoining. See "adjacent".

Adult-oriented business. An establishment or concern that, as a regular and substantial course of conduct, offers, sells or distributes adult-oriented merchandise, or that offers to its patrons materials, products, merchandise, services, entertainment or performances that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, or are characterized by an emphasis on specified sexual activities or specified anatomical areas and are not customarily open to the general public because they exclude minors by virtue of their age. This classification does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologists, social workers, marriage and family counselors, osteopaths, and persons holding licenses or certificates under applicable State law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate. Includes sexually oriented businesses. See Section 9-5.102, Adult-Oriented Businesses.

Affordable housing. Residential units for rent or sale which are intended for or restricted to households of very low, low and moderate income as defined by Sections 50079.5, 50093 and 50105 of the Health and Safety Code.

Agriculture. The art, science or practice of cultivating the ground, harvesting the crops, rearing and management of livestock, tillage, husbandry, farming, horticulture, and forestry.

Aggrieved person. Any person who, in person or through a representative, appeared at a City public hearing in conjunction with a decision or action appealed or who, by other appropriate means prior to a hearing, informed the local government of the nature of his or her concerns or who, for good cause, was unable to do either.

Aircraft sales, services and storage. Uses related to the rental, sales, manufacturing, maintenance, repair and storage of aircraft.

Alley. A public or private vehicular way typically providing a secondary means of access to adjoining property, and not meant to provide a through traffic route, the longitudinal boundaries of which are defined by property lines or easements.

Alteration. Any change, addition or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs. See also "structural alterations" for modifications to any of the supporting members of a structure.

Americans with Disabilities Act (ADA). United States Public Law 101-336, 104 Stat. 327 (July 26, 1990), codified at 42 U.S.C. Section 12101 et seq.

Ancillary. Accompanying, auxiliary.

Animal keeping. The raising of animals as an accessory use to a primary residential use. See Chapter 5, Article 1.104, Animal Keeping.

Animal raising. The raising, grazing, or feeding of animals for animal products, animal increase, or value increase, and dairying as an accessory use on farms with dairy cattle. It includes the raising of livestock, poultry and fish.

Animal-related terms.

Animal husbandry. The care and breeding of domestic farm animals such as cattle, hogs, sheep and horses.

Household pet. Any domesticated animal customarily permitted and kept in a dwelling and kept only for the company or pleasure provided to the occupants of the dwelling, such as a dog, cat, bird, rodent (including a rabbit), fish, reptile or turtle, to the extent allowed by California law.

Kennels. Facilities for keeping, boarding, training, breeding or maintaining for commercial purposes, four (4) or more dogs, cats, or other household pets not owned by the kennel owner or operator. This classification excludes pet shops and animal hospitals that provide twenty-four (24) hour accommodation of animals receiving medical or grooming services.

Livestock. Any domestic animals such as cattle, horses, donkeys, mules, burros, sheep, hogs, or goats. Includes fish.

Pet stores. Retail sales of animals and/or services, including grooming, for animals on a commercial basis. This classification excludes dog walking and similar pet care services not carried out at a fixed location, and excludes pet supply stores that do not sell animals or provide on-site animal services.

Veterinary services. Medical care for small animals on a commercial basis. This classification allows twenty-four (24) hour accommodation of animals receiving medical or grooming services but does not include kennels.

Apartment. A multiple residence with three (3) or more units, in which residential units are rented for a month or longer. See also residence, multiple.

Area, gross. The horizontal area within the boundaries of a lot or site including any area for future streets, parks, and other dedications.

Artists' studios. Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. Incidental retail sales of items produced on the premises is required.

Assembly plant. A plant with an arrangement of machines, tools and workers assembled in a particular sequence along a direct line or route.

Authority. The appropriate person, official, or body designated to hear, grant, deny, modify, condition, revoke permits required by the Coalinga Zoning Ordinance.

Automobile/vehicle sales and services.

Automobile/vehicle rentals. Rental of automobiles, including storage and incidental maintenance.

Automobile/vehicle sales and leasing. Sales or leasing of automobiles, boats, motorcycles, trucks, and motor homes, including storage and incidental maintenance.

Automobile/vehicle repair, major. Repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, including the sale, installation, and servicing of related equipment and parts, generally on an overnight basis. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, auto glass services, and tire sales and installation, but excludes vehicle dismantling or salvaging and tire retreading or recapping.

Automobile/vehicle service and repair, minor. The service and repair of automobiles, light-duty trucks, boats, and motorcycles, including the sale, installation, and servicing of related equipment and parts. This classification includes quick-service oil, tune-up and brake and muffler shops where repairs are

made or service provided in enclosed bays and no vehicles are stored overnight. This classification excludes establishments providing engine repair, body and fender work, vehicle painting, or towing. It also excludes repair of heavy trucks or construction vehicles.

Automobile/vehicle washing. Washing, waxing, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities.

Large vehicle and equipment sales, service and rental. Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other equipment used for construction, agricultural, or landscape gardening activities. Includes large vehicle operation training facilities. Sales of new or used automobiles or trucks are excluded from this classification.

Service station. Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing repair services; selling automotive oils, replacement parts, and accessories; and/or providing food services.

Towing and impound. Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services. (For automobile/dismantling, see salvage yards)

Balcony. A platform that projects from the wall of a building thirty (30) inches or more above grade.

Bakery. A shop where baked goods are made and/or sold.

Banks and financial institutions.

Banks and credit unions. Financial institutions providing retail banking services. This classification includes only those institutions engaged in the on-site circulation of money, including credit unions, but excluding check-cashing businesses.

Check cashing businesses. Establishments that, for compensation, engage in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes the business of deferred deposits, whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in Civil Code 1789.31. Check Cashing Businesses do not include state or federally chartered banks, savings associations, credit unions, or industrial loan companies. They also do not include retail sellers engaged primarily in the business of selling consumer goods, such as consumables to retail buyers, that cash checks or issue money order incidental to their main purpose or business.

Bar. See eating, drinking and smoking establishments.

Base district. A zoning district that includes use, height, bulk, space, and development standards for the regulation of development in a particular area.

Bed and breakfast. A residence or commercial building with six (6) or fewer rooms, serving meals to registered guests for accommodation of travelers staying fewer than thirty (30) days.

Bedroom. Any room located within a dwelling unit that is used primarily for sleeping purposes by its residents and that contains at least seventy (70) square feet of floor area.

Rooms designated as a "den", "library", "study", "loft" or other extra room that satisfies this definition and is not a kitchen, living room, or bath will be considered a bedroom.

Bicycle parking, long-term. Bicycle parking that is designed to serve employees, students, residents, commuters, and others who generally stay at a site for four (4) hours or longer.

Bicycle parking, short-term. Bicycle parking that is designed to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for a period of less than four (4) hours.

Block. All property fronting upon one side of a street, between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, dead-end street or unsubdivided land.

Blockface. All property between two (2) intersections that fronts upon a street or is adjacent to a public right-of-way.

Boardinghouse. A residence where lodging or meals are provided to persons renting rooms for a month or longer.

Building. Any structure enclosed by a roof and by walls on three or more sides, and having a fixed location upon the ground.

Building footprint. See footprint.

Building front. That portion of the main building which affords public entry. In the case of a building with more than one public entry, the entrance with the assigned address shall be considered the main public entry.

Building height. See height.

Building materials and services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include contractors' yards and hardware stores less than 10,000 square feet in floor area (see retail sales).

Building, accessory. A subordinate building, the use of which is incidental to that of the main building on the same lot.

Building, main. The building in which the principal use on a lot is conducted.

Building Official. The Building Official is the City Manager or his or her designee. The Building Official is under general administrative direction, to manage and coordinate the activities of the building and inspection functions of the City; to assume responsibility for implementing City activities related to setting and ensuring compliance with building standards including plan check, inspection and zoning matters. Work may be conducted by the Building Official or his or her division staff.

Business. A commercial use involving the purchase, sale or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management of offices, structures and premises; or the maintenance and use of recreational or amusement enterprises; or the maintenance and use of offices and facilities by professions and trades rendering service.

Business office. A building or part of a building in which one or more persons are employed primarily in the administration, management, or conducting of a business, sometimes incidental to other business activities.

Business services. Establishments that primarily provide goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, computer services, data processing, accounting and bookkeeping, advertising and mailing, equipment rental and leasing, office security, custodial services, photo finishing, and model building, but excluding vehicle rentals, bulk items, or print shops.

Café. See eating and drinking establishments.

California Environmental Quality Act (CEQA). State law, pursuant to California Public Resources Code Section 21000 et. seq. or any successor statute, that requires public agencies to document and consider the environmental effects of a proposed action before a decision.

Card room. An establishment where legal gambling is conducted.

Caretaker. A person, living on-site, who is the owner, manager or any employee with responsibility for security, care of people, animals, equipment or other conditions on the property.

Caretaker residence. A living unit provided for an on-site caretaker.

Carport. An accessory structure that is roofed but permanently open on at least two (2) sides and maintained for the storage of motor vehicles.

Car wash. An establishment with mechanical facilities for washing motor vehicles including self service operations.

Cemetery. Establishments primarily engaged in operating sites or structures reserved for the interment of human or animal remains, including mausoleums, burial places, and memorial gardens.

Cinema/theaters. Facilities for indoor display of films, motion pictures, or dramatic, musical, or live performances. This classification may include incidental food and beverage services to patrons.

Large-scale. This classification includes large outdoor facilities such as amusement and theme parks, casinos, sports stadiums and arenas, racetracks, amphitheaters, drive-in theaters, driving ranges, golf courses, and facilities with more than 10,000 square feet in building area, including fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities; ice or roller skating rinks; swimming or wave pools; miniature golf courses; bowling alleys; archery or indoor shooting ranges; riding stables; campgrounds; or stables. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

Small-scale. This classification includes small, generally indoor facilities that occupy less than 10,000 square feet of building area, such as billiard parlors, card rooms, health clubs, dance halls, small tennis club facilities, poolrooms, and amusement arcades. This classification may include restaurants, snack bars, and other incidental food and beverage services to patrons.

City. The City of Coalinga, California.

City Council. The City Council of the City of Coalinga.

City Engineer. The City Engineer of the City of Coalinga.

Clubs and lodges. Meeting, recreational, or social facilities of a private or nonprofit organization or association primarily for use by members or guests. This classification includes union halls and social clubs.

Cocktail lounge. A bar or area serving primarily alcoholic beverages, within a restaurant.

Code Enforcement Officer. A Code Enforcement Officer is defined under Section 2-4.113 of the City of Coalinga Municipal Code.

Coffee shop. See eating and drinking establishment.

Colleges and trade schools, public or private. Institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes business and computer schools, management training, technical and trade schools, but excludes personal instructional services such as music lessons.

Commercial entertainment and recreation. Provision of participant or spectator entertainment to the general public.

Commercial vehicle. Any vehicle currently registered as such with the state Department of Motor Vehicles or equivalent out-of-state or federal agency and is used primarily in the conduct of a business as opposed to private family or individual use. See Section 4-4.801 to 4-4.807 of the City of Coalinga Municipal

Code.

Community center. Any noncommercial facility established primarily for the benefit and service of the population of the community in which it is located. Examples include youth centers and senior centers.

Community Development Director. The Community Development Director is the City Manager or his or her designee. The Community Development Director is under general administrative direction, to plan, direct, manage, and oversee the planning functions of the City; to assume responsibility for the enforcement of zoning, subdivision, and land use laws, ordinances, and regulations in accordance with the general plan; to provide consultation on planning issues to the City Council, Planning Commission, and other boards and advisory committees; and to do related work as required. Work may be conducted by the Community Development Director and his or her department staff.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a residential or commercial building, such as an apartment or an office building. A condominium may include in addition a separate interest in other portions of such real property. Condominium, also refers to townhouses, cooperative housing, and similar residential developments.

Compatible. That which is harmonious with and will not adversely affect surrounding buildings and/or uses.

Condition of use. A development standard determined to be necessary to permit the harmonious classification of a use as listed in a district and therefore a prerequisite to place, or for application to place, such use as classified.

Conditionally permitted. Permitted subject to approval of a Conditional Use Permit or Site Plan Review.

Construction. Construction, erection, enlargement, alteration, conversion or movement of any building, structures, or land together with any scientific surveys associated therewith.

Construction and material yards. Storage of construction materials or equipment on a site other than a construction site.

Conversion. A change of a residential dwelling, including a mobile home lot in a mobile home park, as defined in Section 18214 of the Health and Safety Code, or a residential hotel, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, to a condominium, cooperative, or similar form of ownership; or a change of a residential dwelling, including a mobile home lot in a mobile home park, or a residential hotel to a nonresidential use.

County. The County of Fresno, California.

Courtyard. An open, unoccupied space, unobstructed to the sky, other than a yard, on the same lot with a building or group of buildings and which is bounded on three (3) or more sides by such building or buildings.

Crop cultivation. The cultivation of tree, vine, field, forage, and other plant crops intended to provide food or fibers. The classification excludes wholesale or retail nurseries, vineyards and ancillary wineries and distilleries.

Cultural institutions. Public or non-profit institutions engaged primarily in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes performing arts centers for theater, dance, and events; buildings of an educational, charitable or philanthropic nature; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens.

Day care centers. Establishments providing non-medical care for persons on a less than 24-hour basis other than family day care home. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

Day care, commercial. A facility that regularly provides care, protection, and supervision for any number of persons as a principal business use of the site.

Day care, institutional. A facility that regularly provides care, protection, and supervision for any number of persons, and is operated in conjunction with and on the same site as a public or private school, church or other institutional use which is permitted and established in the district.

Family day care home. A home that regularly provides care, protection, and supervision for fourteen (14) or fewer children, in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home as follows.

Family day care: small. A facility or home that for compensation regularly provides care, protection and supervision for six (6) or fewer children, not necessarily related to the caregiver in the caregiver's own home for periods of less than twenty-four (24) hours per day, while the parents or guardians are absent. Children under the age of ten (10) years who reside at the home shall be included when counting the number of children taken care of in the house (Health and Safety Code Section 1596.78(c)). See Section 9-5.110, Family Day Care Homes.

Family day care: large. A facility or home that for compensation regularly provides care, protection and supervision for up to twelve (12) children, not necessarily related to the caregiver in the caregiver's own home for periods of less than 24 hours per day, while the parents or guardians are absent. Children

under the age of 10 years who reside at the home shall be included when counting the number of children taken care of in the house (Health and Safety Code Section 1596.78(b)). See Section 9-5.110, Family Day Care Homes.

Deck. A platform, either freestanding or attached to a building, that is supported by pillars or posts. See also balcony.

Delicatessen. A shop that sells and/or serves cooked or prepared foods ready for eating.

Demolition. The intentional destruction and removal of any structure or portion thereof, including a residential dwelling, including a mobile home, as defined in Section 18008 of the Health and Safety Code, or a mobile home lot in a mobile home park, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code, which has not been declared to be a public nuisance under Division 13 (commencing with Section 17000) of the Health and Safety Code or any local ordinance enacted pursuant to those provisions.

Density. The number of dwelling units per unit of land area.

Density bonus. An increase in the total number of dwelling units allowed per acre, potentially above and beyond that allowed by the Coalinga General Plan for the given district.

Development. Any manmade change to improved or unimproved real estate, including but not limited to the division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

Development agreement. A contract duly executed and legally binding between the City of Coalinga and a developer(s) that delineates the terms and conditions agreed upon by two (2) or more parties.

Developmentally disabled rehabilitation facility. See residential care facility.

Disabled-inoperative vehicle. Any vehicle unable to run under its own power, unlicensed, or determined to be unsafe to operate. See Sections 5-1.01 to 5-1.15 of the City of Coalinga Municipal Code.

District. See zoning district.

Double frontage lot. See lot, through.

Drive-through facilities. Facilities designed to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle, typically associated with banks, eating, and drinking establishments, pharmacies, and other commercial uses.

Driveway. A vehicular access within private property leading from a public or private street to the principal structure, residence, garage, carport or parking area See Chapter 4, Article 3, Off Street Parking and Loading for requirements.

U-shaped driveways. A driveway type characterized by having a separate entrance and exit and a curved drive path and generally loops to form a "u" shape.

Dwelling unit. A room or suite of rooms including one and only one kitchen, and designed or occupied as separate living quarters for one family. Dwellings include transitional and supportive housing. See also family.

Easement. A portion of land created by grant or agreement for specific purpose; an easement is the right, privilege or interest which one party has in the land of another.

Eating and drinking establishments. Businesses primarily engaged in serving prepared food and beverages for consumption on or off the premises.

Bars/night clubs/lounges. Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol including beer, wine, and mixed drinks. This classification includes establishments that provide dancing or entertainment.

Coffee shops/café's. Establishments that serve nonalcoholic beverages, such as coffee, tea, juices or sodas for consumption on or near the premises, or a specialty snack, such as ice cream, frozen yogurt, cookies or popcorn.

Restaurants. Establishments where meals are served to customers. This classification includes full-service restaurants with table service as well as establishments providing limited table service, such as fast-food restaurants, carryout sandwich shops, limited service pizza parlors and delivery shops, and delicatessen restaurants. This classification excludes establishments that provide dancing or entertainment (see bars/night clubs/lounges).

Effective date. The date on which a permit or other approval becomes enforceable or otherwise takes effective, rather than the date it was signed or circulated.

Electric vehicle charging station. A public or private parking space served by a battery charging station equipment with the primary purpose of transferring electric energy by conductive or inductive means to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station is considered an accessory use and accessory structure on any property and shall conform to their respective requirements. A site with electric vehicle charging stations as a primary use shall be subject to the same requirements as a gas station, including signage requirements.

Charging levels. The standardized indications of electrical force or voltage at which an electric vehicle's battery is recharged.

Level-1: slow charging at zero (0) through 120 volts.

Level-2: medium charging at over 120 to 240 volts.

Level-3 or higher: fast or rapid charging with over 240 volts.

Emergency. A sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.

Emergency shelters. Housing with minimal supportive services intended for use by homeless persons that is limited to occupancy of six (6) months or less. No individual or household may be denied emergency shelter because of an inability to pay (Health and Safety Code Section 50801(e)). Jurisdictions are required to identify applicable zoning districts and implement standards relating to emergency shelters in compliance with Government Code Section 65583. See Section 9-5.109, Emergency Shelters.

Environmental Impact Report (EIR). An Environmental Impact Report as required under the California Environmental Quality Act, Public Resources Code Section 21000 et. seq.

Facade. The exterior wall of a building exposed to public view or that wall viewed by persons not within the building. The portion of any exterior elevation of a building extending vertically from the grade to the top of a parapet wall or eave, and horizontally across the entire width of the building elevation.

Family. One or more persons occupying a premises and living as a single housekeeping unit or household (as distinguished from a group of transients occupying such premises), including residents of a boarding house or group home for persons with disabilities. Members of a "family" need not be related by blood, and shall include all necessary employees of such family. See household.

Farmers' market. A building, structure or site used to sell fruit and vegetables to the general public, typically on a weekly or occasional basis.

Fence. An artificially-constructed barrier of any material or combination of materials erected to enclose or screen an area of land. An open fence is one that is composed of at least fifty (50) percent open spaces and no more than fifty (50) percent solid materials. This includes wrought iron style or tubular steel fences. Solid fences are those that obstruct the view of objects on either side and may be made of masonry, wood, or other materials.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

Feed yard. A tract of land, structure, pen or corral, wherein cattle, horses, sheep, goats and swine are maintained for the purpose of fattening for final shipment to market.

Financial institution. A bank, trust company, finance company, mortgage company, investment company or similar institution.

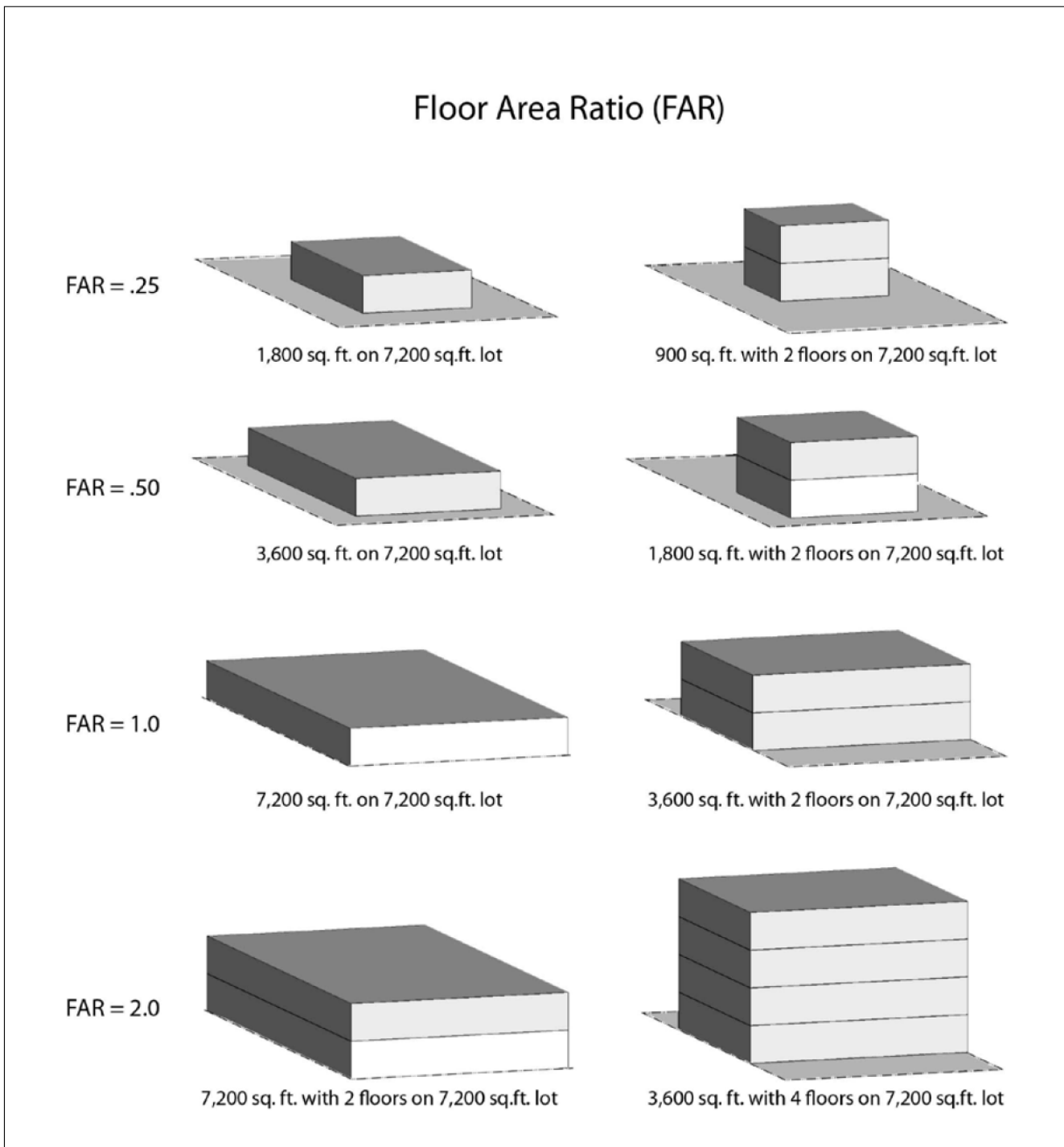
Firearms. Includes rifles, shotguns, revolvers, pistols, or any other device designed to be used as a weapon from which a projectile is expelled by the force of any explosion or other form of combustion. The frame, body and/or receiver also constitute firearms. (Certain provisions in the Penal Code also consider firearms to include rockets, rocket propelled projectile launcher, or similar devices containing explosive or incendiary material. See California Penal Code Sections 12001, 12025, and 12031.)

Flea market. A building or open space area where individual sellers offer goods, new and used for sale to the public.

Floor area. The total floor area in a building (including basements, mezzanines, interior balconies, and upper stories or levels in a multistory building) unless otherwise stipulated; e.g., "ground" floor area.

Floor area ratio (FAR). The ratio of the total floor area of all buildings on a lot to the lot area.

Figure 1. 1



Food and beverage retail sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include food markets, convenient markets, groceries, liquor stores, and retail bakeries.

Food processing plant. A facility that combines, processes, packages, and ships food from an enclosed or primarily enclosed warehouse.

Foot-candle. See lighting terms.

Footprint. The horizontal area, as seen in plan view, of a building or structure, measured from the outside of exterior walls and supporting columns, and excluding eaves.

Foster group home. A household in which orphaned or delinquent children are placed typically by a social-service agency. See group home.

Freight/truck terminals and warehouses. Facilities for local or worldwide freight, courier, local messenger, and postal services by truck or rail.

Frontage, street (frontage, lot). That portion of a lot or parcel of land that borders a public street. "Street frontage" shall be measured along the common lot line separating said lot or parcel of land from the public street, highway, or parkway.

Funeral parlors and mortuaries. An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of the human dead and conducting memorial services. Typical uses include a crematory, columbarium, mausoleum, or mortuary.

Garage. A building or portion of a building that is enclosed and roofed and designed for the storage of motor vehicles.

Garage sale. Sale of secondhand items on private premises occupied for residential purposes. Includes yard sale, rummage sale, patio sale, estate sale, or any other sale offering personal property and similarly conducted on property occupied for residential purposes.

Gas station. A retail establishment at which vehicles are fueled.

General Plan. The general plan of the City of Coalinga, including all of its elements.

Glare. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort or loss of visual performance and ability.

Golf courses and country clubs. Golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; shops for on-site sales of golfing equipment; and golf cart storage and sales facilities. Please refer to Section 9-5.111, Golf Courses and Country Clubs.

Government offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities, together with incidental storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (See utilities, major).

Grocery store. A business primarily for the selling of food products.

Gross leasable area. The total floor area for which a tenant pays rent and that is designed for the tenant's occupancy and exclusive use, including any basements and mezzanines.

Ground floor. The first floor of a building other than a cellar or basement.

Group home. Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes rooming and boarding houses, correctional facilities, dormitories, foster group homes, and private residential clubs but excludes hotels and motels, and residential care facilities. All facilities that require State licensing are required to obtain the respective State licenses prior to the start of operations. Individual zoning districts have additional regulations. See Chapter 2.

Group quarters. See group home.

Group residential. See group home.

Guest house. Detached living quarters of a permanent type of construction and without kitchen or cooking facilities, for the use of which no compensation in any form is received or paid.

Guest room. A room for the overnight accommodation of travelers for which compensation is received.

Handicraft/custom manufacturing. Manufacture of crafts, art, sculpture, stained glass, jewelry, apparel, and similar items using hand tools and small mechanical devices.

Hazardous materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hazardous waste management facility. A facility that stores, treats, or disposes of refuse designated as hazardous waste(s) by the Hazardous Waste Control Law (Health and Safety Code, Division 20, Chapter 6.5). Hazardous waste management facilities must be permitted or granted authorization to operate from the California Department of Toxic Substances Control.

Health club. A facility that includes, but is not limited to: game courts, exercise equipment, locker rooms, a pool and a sauna.

Heat. Thermal energy of a radioactive, conductive, or convective nature.

Hedge. A row of closely planted shrubs or low growing trees forming a fence or boundary.

Height. The vertical distance from the highest point of any structure to the ground level directly below. See also Section 9-4.205, Heights and Height Exceptions.

Highway. A major through street for vehicular travel. "Highway" includes street, connecting regional destinations.

Home business. See home occupations.

Home occupations. Any occupation conducted by a resident, entirely within a dwelling, where the use is clearly incidental and secondary to the residential use of the structure, and does not change the residential character of the neighborhood. See Section 9-5.113, Home Occupations.

Hospitals and clinics. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see animal care, sales, and services) and medical marijuana dispensaries.

Hotels and motels, establishments offering lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This classification includes motor lodges, motels, hostels, extended-stay hotels, and tourist courts, but does not include rooming houses, boarding houses, or private residential clubs.

Household. A group of persons, which can include the members of a family, living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

Housekeeping unit. See household.

Illegal use. Any use of land or building that does not have the currently required permits and was originally constructed and/or established without permits required for the use at the time it was brought into existence.

Industry, general. Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes operations such as biomass energy conversion; food and beverage processing; textile mills; production apparel manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; recycling materials processing facilities in which post-consumer materials are sorted, condensed, baled, or transformed; and automotive, ship, aircraft, and heavy equipment manufacturing.

Industry, limited. Establishments engaged in light industrial activities taking place primarily within enclosed buildings and producing minimal impacts on nearby properties. This classification includes operations such as manufacturing finished parts or products primarily from previously prepared materials; commercial laundries and dry cleaning plants; mobile home manufacturing; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services.

In-lieu fees. A cash payment required as a substitute for a dedication and/or improvement of land by an owner or developer of property.

Instructional services. Establishments that offer specialized programs in personal growth and development such as music, vocal, fitness and dancing instruction.

Intensity of use. The impacts a particular use or the use in combination with other uses has on its surroundings or on its demand for services and natural resources. Measures of intensity include but are not limited to requirements for water, gas, electricity, or public services; number of automobile trips generated by a use; parking demand; number of employees on a site; hours of operation; the amount of noise, light or glare generated; the number of persons attracted to the site, or, in eating establishments, the number of seats.

Intermediate care facility. See residential care facility.

Intersection, street. The area common to two (2) or more intersecting streets.

Junkyard. A lot used for the sale or storage of junk, including scrap metals, salvage or other materials, or for the dismantling or wrecking of automobiles or other vehicles or machinery, whether for sale or storage.

Kitchen. Any room or space within a building intended to be used for the cooking or preparation of food.

Landscaping. The planting, configuration and maintenance of trees, ground cover, shrubbery and other plant material, decorative natural and structural features (walls, fences, hedges, trellises, fountains, sculptures), earth patterning and bedding materials, and other similar site improvements that serve an aesthetic or functional purpose.

Landscaping terms.

Automatic controller. A mechanical or solid state timer, capable of operating valve stations to set the days and length of time of a water application.

Backflow prevention device. A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

Anti-drain or check valve. A valve located under a sprinkler head or other location in the irrigation system to hold water in the system and prevent drainage from sprinkler heads when the system is off.

Controller. An automatic timing device used to remotely control valves to set an irrigation schedule.

Emitter. A drip irrigation fitting emission device that delivers water slowly from the system to the soil.

Hydrozone. A portion of the landscaped area having plants with similar water needs.

Irrigation efficiency. The measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices.

Operating pressure. The pressure at which an irrigation system is designed by the manufacturer to operate.

Overspray. The water which is delivered beyond the landscaped area and causes overland flow during irrigation events onto non-targeted areas such as, pavements, walks and structures.

Runoff. Water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area.

Library. A building containing books and other media for public use.

Light fleet-based services. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three (3) or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services, and similar businesses. This classification does not include towing operations (See automobile/vehicle sales and service, towing and impound) or taxi or delivery services with two (2) or fewer fleet vehicles on-site (See business services).

Liquor. Alcoholic beverages including but not limited to: all types of beer, wine, and distilled spirits or fruit juices containing at least one-half ($\frac{1}{2}$) of one percent or more of alcohol by volume.

Lighting Terms.

Foot-candle. A quantitative unit of measure for luminance. one foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away. Equal to one lumen uniformly distributed over an area of one square foot.

Light fixture. The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirrors, and a refractor or lens.

Light fixture cutoff. Light fixtures are classified as full cutoff, cutoff, semi-cutoff, or non-cutoff according to the most recent adopted criteria of the Illuminating Engineering Society of North America (IESNA). The four (4) IESNA classifications are defined as follows (IESNA 2000):

Full cutoff. The luminous intensity (in candelas) at or above an angle of ninety (90) degrees above nadir is zero (0), and the luminous intensity (in candelas) at or above a vertical angle of eighty (80) degrees above nadir does not numerically exceed ten (10) percent of the luminous flux (in lumens) of the lamp or lamps in the luminaire.

Cutoff. The luminous intensity (in candelas) at or above an angle of ninety (90) degrees above nadir does not numerically exceed two and one-half (2.5) percent of the luminous flux (in lumens) of the lamp or lamps in the luminary, and the luminous intensity (in candelas) at or above a vertical angle of eighty (80) degrees above nadir does not numerically exceed ten (10) percent of the luminous flux (in lumens) of the lamp or lamps in the luminary.

Semi-cutoff. The luminous intensity (in candelas) at or above an angle of ninety (90) degrees above nadir does not numerically exceed five (5) percent of the luminous flux (in lumens) of the lamp or lamps in the luminary, and the luminous intensity (in candelas) at or above a vertical angle of eighty (80) degrees above nadir does not numerically exceed twenty (20) percent of the luminous flux (in lumens) of the lamp or lamps in the luminary.

Non-cutoff. There is no candela limitation in the zone above maximum candela.

Shielded fixture. Outdoor light fixtures shielded or constructed so that light rays emitted by the lamp are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.

Live/work unit. A building specifically designed to accommodate both a residence and the business activity of the resident in a single ownership or rental unit.

Lodge. A facility used by an association of persons, whether incorporated or not, united by some common interest, meeting periodically for cooperation or conviviality. See also club.

Long-term parking. A situation in which a vehicle is not normally moved during the period of an employee's work shift, as opposed to customer or visitor parking.

Lot. A parcel, tract, or area of land whose boundaries have been established by a legal instrument such as a recorded deed or a recorded map. A lot constitutes a legal entity for purposes of transfer of title, except public easements or rights-of-way.

Lot area. The total area circumscribed by the boundaries of a lot, excluding any street rights-of-way.

Lot coverage. The portion of a lot that is covered by structures, including principal and accessory buildings, garages, carports, and roofed porches, but not including unenclosed and unroofed decks, landings, patios, or balconies. See also Section 9-4.102, Determining Lot Area and Coverage.

Lot depth. The average distance between the front and rear lot lines, measured at a right angle to the front lot line. See also Section 9-4.104, Measuring Lot Width and Depth.

Lot frontage. See frontage, street.

Lot line. A property line separating adjoining properties or a property from an adjoining right-of-way.

Lot line types.

Front lot line. The lot line that is immediately next to a street or public right-of-way. For corner lots, the shortest side fronting a public street is considered the front lot line regardless of which street is used for vehicle or pedestrian access, or street address.

Interior lot line. Any lot line that is not adjacent to a street.

Rear lot line. The lot line that is opposite and most distant from the front lot line. Where no lot line is within forty-five (45) degrees of being parallel to the front lot line, a line ten (10) feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

Side lot line. Any lot line that is not a front or rear lot line.

Street side lot line. A side lot line of a corner lot that is adjacent to a street.

Lot types.

Lot, corner. A lot or parcel situated at the intersection of two (2) or more streets that have an angle intersection measured within said lot or parcel of not more than 135 degrees.

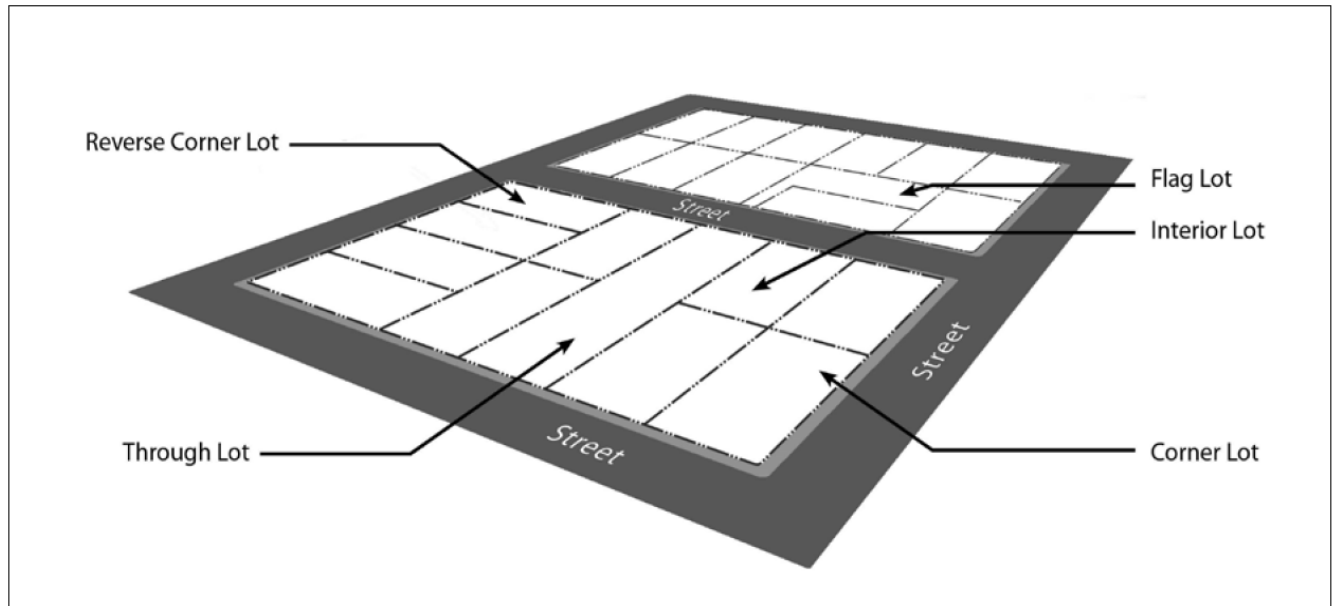
Lot, reverse corner. A corner lot, the rear of which abuts the side of another lot, and its side lot line being substantially a continuation of the front lot line of the lot directly to its rear.

Lot, flag. A lot which has as its primary legal access from the highway through a narrow strip of land not suited for the typical subdivision development standards.

Lot, interior. A lot or parcel of land other than a corner or flag lot.

Lot, through. An interior lot having frontage on two (2) parallel or approximately parallel streets.

Figure 1.2



Lot width. The distance between the side lot lines, measured at a right angle to the lot depth at the midpoint of the lot depth line. See also Section 9-4.104, Measuring Lot Width and Depth.

Lounge. See eating, drinking and smoking establishments.

Maintenance and repair of structures. The repair or replacement of nonbearing walls, fixtures, wiring, roof or plumbing that restores the character, scope, size or design of a structure to its previously existing, authorized, and undamaged condition.

Maintenance and repair services. The on-site maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of vehicles or boats (see automotive sales and services) and personal apparel (See personal services).

Manufactured home. A structure constructed on or after June 15, 1976 in compliance with state standards in effect at the time of construction, is transportable in one or more sections, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. "Manufactured home" includes any structure that meets all the requirements of this paragraph and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974. (42 U.S.C. 5401, et seq.)

Modular home. See manufactured home.

Manufacturing plant. A facility used for making, preparing, treating or finishing goods or substances.

Medical clinic. A building where two (2) or more members of the medical profession including but not limited to: dentists, chiropractors, osteopaths, and physicians who provide diagnosis and treatment to the general public without overnight accommodations.

Medical office. A building used by medical professionals including but not limited to: dentists, chiropractors, osteopaths, and physicians.

Medical marijuana dispensary. See Title 5, Chapter 15 of the Coalinga Municipal Code.

Mini market. A store selling a small variety of grocery and sundry items, including drinks and prepared food, primarily for convenience shopping.

Mini storage facility. A facility for the storage of personal or business property of customers.

Mobile home. A structure constructed prior to June 15, 1976 in compliance with state standards in effect at the time of construction, is transportable in one or more sections, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. "Mobile home" does not include a commercial modular, as defined in Section 18001.8, factory-built housing, as defined in Section 19971, a manufactured home, as defined in Section 18007, a multifamily manufactured home, as defined in Section 18008.7, or a recreational vehicle, as defined in Section 18010 of the Health and Safety Code.

Mobile home parks. Mobile housing in a planned development with common area amenities. Spaces for mobile homes may be rented, leased or owned through a subdivision, cooperative, condominium or other form of resident ownership.

Mobile vendor. Any person that sells, or causes or allows another, whether as an employee or as an independent contractor leasing or renting equipment, to sell any food, drinks or merchandise on any street, sidewalk, alley, or other public right-of-way, by means of a stand, wagon, pushcart, handcart, bicycle, motorized cart or other vehicle, or from a basket or other container carried on a person. Mobile vendors must obtain a business license from the City of Coalinga prior to the start of business operations. Mobile Vendor shall not mean any person operating under a concession agreement or other agreement with the city as a party to the agreement. A mobile vendor is different from a peddler, who visits private residences to sell goods, as defined and regulated in Title 5, Chapter 9 of the Coalinga Municipal Code.

Mobile vendor vehicle. A truck, push-cart, bicycle, hand-cart, van, wagon, automobile, car, stand, table, or any other apparatus or device used by mobile vendors to sell their food, drinks or merchandise. Mobile vendor vehicle shall not include delivery vehicles used to transport food or drink from a store having a valid food permit to a customer's home or a vehicle transporting food or drink from a wholesale establishment to a retail outlet.)

Motel or hotel. A building containing guest rooms for the accommodation of travelers staying less than thirty (30) days.

Multiple-family residential. Two (2) or more dwelling units on a lot. Types of multiple family dwellings include duplexes, garden apartments, senior housing developments, and multi-story apartment buildings.

Night club. See eating, drinking and smoking establishments.

Noise terms.

Ambient noise level. The composite of noise from all sources excluding an alleged offensive noise. In this context, the ambient noise level represents the normal or existing level of environmental noise at a given location for a specified time of day or night.

Decibel. A unit for measuring the amplitude of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

Mobile noise source. Any noise source other than a fixed noise source.

Noise. Any sound that annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

Noise level reduction (NLR). The difference in decibels of noise level from the outside of a building to the interior of a building, generally resulting from various construction methods and the materials used in walls, windows, ceilings, doors, and vents of a building.

Nonconforming lot, sign, structure, or use. A lot, sign, structure, or use that was lawfully established before the effective date of the Zoning Ordinance or any amendment thereto, but does not conform to the present regulations or requirements of the Zoning Ordinance. A nonconforming building or use is deemed illegal if it did not lawfully exist on the effective date of applicable sections of the Zoning Ordinance.

Nuisance. Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use and enjoyment of property, or a violation of this Zoning Ordinance.

Nurseries and garden centers. Establishments primarily engaged in retailing nursery and garden products—such as trees, shrubs, plants, seeds, bulbs, and sod— that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. Fertilizer and soil products are stored and sold in packaged form only. This classification includes wholesale and retail nurseries offering plants for sale.

Nursing Home. See residential care facility.

Occupancy, change in. A discontinuance of an existing use and the substitution of a use of a different kind or class.

Office. A business establishment for rendering of service or administration, but excluding retail sales.

General offices. Offices of firms or organizations providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, and legal offices, excluding banks, and savings and loan associations (see banks and financial institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, optometrists, and similar medical professionals, including medical/dental laboratories within medical office buildings but excluding clinics or independent research laboratory facilities and hospitals (see hospitals and clinics) and medical marijuana dispensaries.

Walk-in office. Offices of firms or organizations providing services to the public that rely on pedestrian activity and constant visits by clients, including real estate offices, landlord-tenant services, credit counseling, and financial tax services.

On-site loading facilities. A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

On-Site. Located on the lot that is the subject of discussion.

Open space types.

Private open space. Open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Common open space. Areas for outdoor living and recreation that are intended for the use of residents and guests of more than one dwelling unit.

Usable open space. Outdoor areas that provide for outdoor living and/or recreation for the use of residents.

Opposite. Across from or across the street from.

Outdoor storage. The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours, except for the keeping of building materials reasonable required for construction work on the premises pursuant to a valid and current building permit issued by the City.

Outdoor seating area. An area on public space, street, plaza, or on private commercial property not within a building, for dining, drinking, resting or socializing.

Owner. Any person owning property, as shown on the last County equalized assessment roll for property taxes or the lessee, tenant or other person having control or possession of the property.

Park. A publically owned open space providing a wide range of facilities and activities. Larger parks serve the entire city, whereas smaller parks tend to serve nearby neighborhoods.

Park and recreation facilities, public. Parks, playgrounds, fairgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, all of which are noncommercial. This classification also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, botanical gardens, as well as related food concessions or community centers within the facilities.

Parking facility. An area used for the temporary parking or storage of motor vehicles which has adequate access to streets by means of driveways, aisles or maneuvering areas; a parking garage. See Chapter 4, Article 3, Off Street Parking and Loading.

Parking, public or private. Surface lots and structures for use of occupants, employees, or patrons on the subject site or offering parking to the public for a fee when such use is not incidental to another activity.

Parking space. A usable space on a lot for the parking of one motor vehicle.

Pay telephone. A public telephone which requires a pre-payment to use. Often located in public and sheltered by a privacy hood.

Pawn shop. A shop that lends money in exchange for personal property.

Permit. Any Zoning Certificate, Conditional Use Permit, Temporary Use Permit, Building Permit, license, certificate, approval, or other entitlement for development and/or use of property as required by any public agency.

Permitted use. Any use allowed in a Zoning District without a requirement for approval of a Conditional Use Permit, but subject to any restrictions applicable to that Zoning District.

Person. Any individual, firm, association, organization, partnership, business trust, company, or corporation.

Personal services. Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops, massage parlors, tattoo parlors, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), laundromats, shoe repair shops, self-service laundries, photocopying and photo finishing services, and travel agencies.

Personal storage facility. A facility offering the rental service of rooms, lockers, and/or containers to individuals or organizations for the storage of goods.

Persons with disabilities. Persons who have a medical, physical, or mental condition, disorder or disability as defined in California Government Code Section 12926, that limits one or more major life activities.

Place of worship. See "religious facilities".

Plan line. An officially adopted line denoting the future location of the edge of a right-of-way.

Planned development. An application for development that allows for a diversification of development standards, buildings, structures and open space that promotes unified planning and development with a higher standard of amenities, and subject to the provisions of Chapter 3, Article 5, Planned Development District.

Pre-existing. In existence prior to the effective date of this Zoning Ordinance or its applicable section.

Preservation of natural resources. Preservation of plant and animal life; ecological and scientific study; flood control channels, spreading grounds and settling basins; rivers, streams, lakes and watershed.

Prison. A facility that is designed and built for the incarceration of persons convicted of criminal offenses.

Professional office. A building used primarily for conducting the affairs of non-medical professionals.

Project. Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this title. This term also refers to any action that qualifies as a "project" as defined by the California Environmental Quality Act.

Public safety facilities. Facilities providing public-safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, and maintenance facilities.

Public Works Director. The public works director is the city manager or his or her designee, responsible for the operation and maintenance of the City of Coalinga's public works and utilities.

Qualified applicant. The property owner, the owner's agent, or any person, corporation, partnership or other legal entity that has a legal or equitable title to land that is the subject of a development proposal or is the holder of an option or contract to purchase such land or otherwise has an enforceable proprietary interest in such land.

Reasonable accommodation. This refers to the Housing Element statute under California Government Code 65583(c)(3) to remove constraints and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.

Recreational vehicle. Any travel trailer or other vehicular portable structure without permanent foundation, designed to be towed, hauled, driven, and used as a temporary occupancy for travel or recreational use, including, but not limited to travel trailers (including those which telescope or fold down), chassis-mounted campers, tent trailers, slide-in campers, converted buses and converted vans, and self-propelled motorhomes. See Section 7-6.102 of the City of Coalinga Municipal Code.

Recycling facility. A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. A certified recycling facility or certified processor means a recycling facility certified by the California Beverage Container Recycling and Litter Reduction Act. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. This use type does not include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations and are classified as utilities.

Reverse vending machine. An automated mechanical device that accepts, sorts and processes recyclable materials and issues a cash refund or a redeemable credit slip.

Recycling collection facility. An incidental use that serves as a neighborhood drop off point for the temporary storage of recyclable materials but where the processing and sorting of such items is not conducted on-site.

Recycling processing facility. Facilities that receive, sort, store and/or process recyclable materials.

Recreation areas. Parks, playgrounds and related buildings; pedestrian, equestrian and bike and other trails.

Redevelopment agency. See City of Coalinga Successor Agency.

Religious facilities. A facility for religious worship and incidental religious education and offices, including churches, temples, and other facilities used primarily for religious services or activities. This classification excludes residential homes, and private schools for primary or secondary education (which also may be available for temporary use by the general public or civic, cultural, or educational organizations).

Rescission. The City's unilateral unmaking of an approval for a legally sufficient reason, such as applicant's material breach of a condition.

Residence. A building or portion thereof designed and used exclusively for long-term residential occupancy, including single houses, duplexes, triplexes, live-work studios, apartments, and condominiums, but not including hotels, motels, or boardinghouses.

Residence, single family. A building containing not more than one kitchen, designed for household; a detached house.

Residence, duplex. A building containing not more than two (2) kitchens designed and/or used to house two (2) independent households, each with a private entrance.

Residence, triplex. A building containing not more than three (3) kitchens designed and/or used to house three (3) independent households, each with a private entrance.

Residence, multiple. A building or portion thereof, used and designed as a residence for four (4) or more independent households, with each unit containing its own kitchen and accessed separately from the other units, although a common hallway may be used for access within the building.

Residential care facilities. Facilities that require a State license or are State licensed and provide twenty-four (24) hour non-medical care and supervision for six (6) or fewer persons, or seven (7) or more persons, in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living, excluding the licensee or members of the licensee's family or persons employed as facility staff. State law requires that such facilities for six (6) or fewer persons to be permitted by right in districts where single-family dwelling units are permitted. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit.

This classification includes facilities for intermediate health care, developmentally disabled care, care of chronically ill individuals, care of the elderly, and the care of persons in need of personal services, therapy, supervised drug detoxification treatment or assistance essential for sustaining the activities of daily living or for the protection of the individual with only limited medical care not involving a physician residing on the premises, and with no surgery or other similar activities such as are customarily provided in hospitals. Such uses shall include facilities defined by Health and Safety Code Section 1267.8 and any premises licensed as a "long-term health care facility," as that term is defined in Welfare and Institutions Code Section 1418. These facilities can be operated for profit as well as by public or not-for-profit institutions, including hospices, nursing homes, skilled nursing facilities, and convalescent facilities.

This category excludes transitional housing, foster family homes, community service facilities, and any facilities supervised by or under contract with the State Department of Corrections.

Residential rehabilitation facility. See group home and residential care facility.

Rest home. See residential care facilities.

Retail sales. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes department stores, clothing stores, furniture stores, pet supply stores, small hardware stores, auction houses, and businesses retailing the following goods: books, newspapers, toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, records, sporting goods (firearms are not permitted), tobacco products, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs. This classification includes secondhand stores. This classification excludes medical marijuana dispensaries. All local, County, State and Federal permits must be obtained prior to the start of business operations.

Right-of-way. A strip of land acquired by reservation, dedication, covered under prescription or condemnation, and intended to be occupied or occupied by a road, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer or other similar use.

Salvaging and wrecking. Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

Schools, public or private. Facilities for primary or secondary education, including public schools, charter schools, and private institutions having curricula comparable to that required in the public schools of the State of California.

Screening. Screening refers to a wall, fence, hedge, informal planting, or berm, provided for the purpose of buffering a building or activity from neighboring areas or from the street.

Senior housing unit. Residential units limited to occupants 55 years of age or more (as defined by Civil Code 51.3).

Second dwelling unit. A secondary residence constructed on a lot or parcel of land containing an existing, primary single-family residence. The second dwelling unit may be either attached to or detached from the existing residence, and provides complete and independent living facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation. See [Section 9-5.121](#), Second Dwelling Units.

Setback. The area between a property line and a building or structure, which must be kept clear or open. See also [Section 9-4.101](#), Measuring Distances, and Measuring Setbacks. For permitted projections into required setbacks, see [Section 9-4.201](#), Building Projections into Yards. See also yard.

Setback line. A line established by this title to govern the placement of buildings or structures with respect to lot lines, streets or alleys.

Sidewalk. A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Single-family dwelling. A dwelling unit designed for occupancy by one household, and located on a separate lot from any other unit (except accessory living quarters, where permitted). This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code. See Section 9-5.114, Manufactured Homes.

Detached. A single-family dwelling unit that is not attached to any other dwelling unit.

Attached. A single-family dwelling unit, located singly on a lot, but attached through common vertical walls to one or more dwellings on abutting lots. An attached single-family dwelling unit is sometimes referred to as a townhome.

Single room occupancy. A residential facility with six (6) or more guest rooms without kitchen facilities in individual rooms, or kitchen facilities for the exclusive use of guests or renters, and which are also the primary residences of the guests or renters. This use type is distinct from a hotel or motel, which is a commercial use.

Sign. Every sign, display board, poster, picture, wall graphic, graphic decorative display, map, banner, pennant, balloon, insignia, emblem or other device, with or without lettering, which is intended to advertise or attract the attention of the public, including but not limited to clocks, barber poles and similar devices. Publicly visible signs and graphics that are less than one-half ($\frac{1}{2}$) square foot in area, or so small as to be unreadable or unrecognizable by persons with normal eyesight from a distance of more than twenty (20) feet, shall not be considered signs so long as they do not collectively exceed ten (10) square feet in area on a given property.

Sign, election. Any sign that is designed, used or intended to induce voters to either pass or defeat a measure appearing on the ballot of any election, or to either elect or defeat a candidate for nomination or election to any public office in any election.

Sign, feather. Any sign in the shape of a feather, including feather and teardrop flags, beachwings, swooper signs, and blade signs, whether freestanding or mounted to any surface.

Sign, freestanding. Any sign erected on one or more poles or posts or similar uprights which is not a part of any building or structure, other than a structure supporting the sign.

Sign, projecting. Any sign, other than a wall sign, which is suspended from or supported by a building or wall and which projects outward there from; also any sign suspended under a marquee, awning, porch, walkway covering, or similar covering structure adjacent to a building.

Sign, roof. Any sign erected upon or over the roof or parapet of any building, including the roof of any porch, walkway covering, or similar covering structure, and supported by or connected to the roof or parapet.

Sign, temporary. A sign consisting of any material and intended to be displayed for a short period of time, in no event to exceed thirty (30) days.

Sign twirler. Also known as sign spinner, sign walker, sign waver, or human billboard. A person who applies an advertisement on his or her person, including holding, wearing, or applying a sign in any form on the human body. This also includes spinning, dancing, and wearing costumes with the sign, in order to attract attention.

Sign, wall. Any sign applied to or mounted on the wall or vertical surface of a building or structure, or to the vertical surface of a marquee, awning, porch, walkway covering, or similar covering structure adjacent to a building or structure, in an essentially flat position, with the face of the sign parallel to the plane of the wall or vertical surface, including window signs.

Sign, window. Any sign, other than a temporary sign, which is painted on, attached to, or placed or hung adjacent to, either the inside or the outside of a door or window; it does not apply to or include any display of merchandise, products or materials appurtenant to the business conducted on the premises which is not attached or placed adjacent to a window, or to any noncommercial display or exhibit designed to be seen through a window.

Site. A lot, or group of contiguous lots, that is proposed for development in accordance with the provisions of this title and is in a single ownership or under unified control.

Smoking establishments.

Tobacco bars. Any business establishment which in whole or in part is dedicated to or includes as part of the business, the smoking of tobacco or other substances. This classification includes cigar lounges, hookah bars/café's, tobacco café's/bars, and smoking parlors, but does not include medical marijuana dispensaries.

Solar farms, or solar photovoltaic power plants. Includes utility-scale solar energy projects selling power to a utility, with ground-mounted photovoltaic panels, and has a capacity of two (2) megawatts or more.

Solar power generating equipment and facilities. Includes solar panels, or solar generating photovoltaic panels at a size and scale suitable for commercial, industrial, and residential buildings. Solar farms, or solar photovoltaic power plants, include utility-scale solar energy projects selling power to a utility, with ground-mounted photovoltaic panels, and has a capacity of one megawatt or more.

Specialty food store. A retail store specializing in a specific type or class of foods such as a candy store, gourmet food store or a meat market.

Specialty retail store. A retail store specializing in a specific type of merchandise such as imported jewelry or clothing.

Specific plan. A plan for a defined area that is consistent with the General Plan and with the provisions of the California Government Code, Section 65450 et seq.

State. The State of California.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above.

Street. A public or private thoroughfare which affords the principal means of access to adjacent property, including avenue, place, way, drive, lane, boulevard, road, and any other thoroughfare except an alley or street as defined in this section.

Street line. The boundary between a street right-of-way and property.

Structural alteration. Any change of the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists, ceiling joists, roof rafters, or structural connectors.

Structure.

Accessory structure. A subordinate structure, the use of which is incidental to that of the main structure on the same lot.

Permanent structure. Anything constructed or erected which requires a fixed location on the ground, or is attached to a building or other structure having fixed location on the ground.

Primary structure (main structure). A structure housing the principal use of a site or functioning as the principal use.

Temporary structure. A structure without any foundation or footings and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Successor agency. Beginning on June 29, 2011, the City of Coalinga acts as the successor agency to the Redevelopment Agency of the City of Coalinga, pursuant to the provisions of Health and Safety Code section 34177, et seq.

Supportive Housing. See transitional and supportive housing.

Swap meet. Any indoor or outdoor place, in an approved location, or for an approved activity where new or used goods or secondhand personal property is offered for sale or exchange to the general public by individual licensed vendors, usually in compartmentalized spaces. The term swap meet is interchangeable with and applicable to: flea markets, auctions, open air markets, farmers' markets, or other similarly named or labeled activities; but the term does not include supermarket or department store retail operations. See Section 9-5.124, Swap Meets.

Swimming pool. A pool, pond, lake, or open tank or basin capable of containing water to a depth greater than one and one-half (1.5) feet at any point, and for the specific purpose of swimming in.

Tandem parking. An arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces.

Telecommunication facilities. Please also see Section 9-5.125, Telecommunications Facilities.

Antenna and transmission towers. Broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures designed to support one or more reception/transmission systems. Examples of transmission towers include, but shall not be limited to, radio towers, television towers, telephone exchange/microwave relay towers, and cellular telephone

transmission/personal communications systems towers. Examples of antennas include any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or receiving of electromagnetic radio frequency waves.

Amateur radio antenna. Any antenna used to receive or transmit radio signals on the amateur radio bandwidth, as designated by federal regulations.

Camouflage. To disguise a wireless facility by incorporating it into the architectural design of a building or structure or by utilizing design and siting techniques that disguise the wireless facility as a structure or object other than a wireless facility, which is either already present in the area or blends in with the existing environment. Examples of camouflage techniques include, but are not limited to, trees, clock towers, bell steeples, light poles and flag poles. The use of mono-pines shall not be considered appropriate camouflage unless integrated into the surrounding landscape with the use of live trees, new or existing structures or other design features.

Co-location. The location of two (2) or more wireless communication facilities on a single support structure or otherwise sharing a common location. For the purposes of this title, collocation shall also include the location of wireless communication facilities with other facilities such as water tanks, light standards, and other utility facilities and structures.

Communication tower. Any structure that is used to transmit or receive electromagnetic radio frequency waves or that supports such a device.

Facilities within buildings. Includes radio, television, or recording studios; telephone switching centers, and call centers; excludes antennae and transmission towers.

Ground-mounted. A facility that is fully or partially supported by a platform, framework, pole, or other structural system that is affixed to or placed directly on or in the ground.

Monopole. A facility that consists of a single pole structure erected on the ground to support wireless communication antennas and connecting appurtenances.

Wireless telecommunication facility. A facility containing communication towers and/or antennas and any related equipment for the purpose of transmitting or receiving electromagnetic radio frequency waves.

Temporary uses. The following terms are related to Section 9-5.126, Temporary Uses.

Garage sales. The sale or offering for sale to the general public of over five (5) items of personal property on a portion of a lot in a Residential Zoning District, whether inside or outside any building.

Model homes. A dwelling built in a subdivision development to allow potential home buyers to view a sample finished product before other homes in the development are completed.

Outdoor sales, temporary and seasonal. The sale or offering for sale to the general public of merchandise outside of a permanent structure on property owned or leased by the person, firm, or corporation. These sales are of a limited duration and conducted on an occasional basis, and are secondary or incidental to the principal permitted use or structure existing on the property.

Theater. A building or part of a building which is used for the commercial showing of films or presentation of live entertainment.

Thrift shop. A shop operated by a charitable organization which sells donated used merchandise.

Tobacco bars. See smoking establishments.

Townhouse. See condominium.

Trailer court. See mobile home park.

Transient. When used to define living accommodations, describes such accommodations when customarily used or furnished for a period of forty-eight (48) hours or less but in no event longer than 30 days.

Transitional and supportive housing. Transitional housing and supportive housing are permitted as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone, per Government Code Section 65583(a)(5).

Transitional housing. Buildings configured as rental housing developments and operating under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance.

Supportive housing. Housing with no limit on length of stay, occupied by the target population and linked to an onsite or offsite services that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live, and when possible, work in the community.

Target population. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. (Government Code Section 65582(g))

Transportation passenger terminals. Facilities for passenger transportation operations. This classification includes rail stations, bus terminals, and scenic and sightseeing facilities, but does not include airports or heliports.

Truck stop. Any building, premises or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of fuel, and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurants primarily for the use of truck drivers.

Truck terminal. A facility used for the maintenance and short-term storage of trucks, or the loading and exchange of cargo.

Unit. See dwelling unit.

Use. The purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered, or enlarged for which either a site or a structure is or may be occupied or maintained.

Use, accessory. A use that is customarily associated with, and is incidental and subordinate to, the principal use and located on the same lot as the principal use.

Use, primary. A primary or dominant use established, or proposed to be established, on a lot.

Use, nonconforming. See nonconforming use.

Utilities. Sewer, gas, electrical, and water systems located and constructed for the purpose of supporting development. Includes major utilities such as plants, stations and facilities for power generation, transfer, materials recovery, treatment of solid waste and wastewater. Also includes minor utilities such as electrical distribution lines, underground water and sewer lines.

Utilities, major. Generating plants, electric substations, solid waste collection, including transfer stations and materials recovery (recycling processing) facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

Utilities, minor. Facilities necessary to support established uses involving only minor structures, such as electrical distribution lines, and underground water and sewer lines.

Variance. Permission to depart from the requirements of this title. See Chapter 6, Article 7, Variances.

Variety store. A retail establishment that sells various household items.

Vehicle. A device by which any person or property may be propelled, moved or drawn upon a street, except a device moved by human power or used exclusively upon stationary rails or tracks.

Vehicle storage. Parking or placing any motor vehicle for a period in excess of three (3) consecutive days, or six (6) days in any calendar year.

Veterinary hospital or clinic. A completely enclosed building designed, arranged and intended to be used for the medical treatment and care incidental thereto of animals.

Vibration. A periodic motion of the particles of an elastic body or medium in alternately opposite directions from the position of equilibrium.

Visible. Capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road.

Visitor accommodations. An establishment offering lodging to travelers. See hotels and motels.

Weekday. Any day, Monday through Friday, that is not a federal, state, or local holiday.

Wall. A structural device forming a physical barrier or restraining soil, and supported by a continuous foundation. This definition includes both exterior and interior walls.

Warehousing and storage. Storage and distribution facilities without sales to the public on-site or direct public access.

Chemical, mineral, and explosives storage. Storage of hazardous materials including but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives.

Indoor warehousing and storage. The storage of general merchandise or refrigerated goods within enclosed buildings. Establishments in this classification provide facilities to store commercial goods, but do not sell the goods they handle. They may provide a range of services related to the distribution of goods, including labeling, breaking bulk, inventory control and management, order entry and fulfillment, price marking and ticketing, and transportation arrangement. However, they always provide warehousing or storage in addition to any logistics services.

Outdoor storage. Storage of vehicles or commercial goods in open lots as a primary use.

Personal storage. Facilities offering storage for individual use, including mini-warehouses and mini-storage.

Wholesaling and distribution. Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office.

Wireless communication tower. A communication tower used for the transmission of digitized wireless transmissions.

Yard. An open space on a lot that is unoccupied and unobstructed from the ground upward, except as otherwise permitted in this title.

Yard, front. A yard extending across the entire front of the lot between the side lot lines and measured from the front line of the lot to the nearest permitted line of the building; provided however, that if any official plan line has been established for the street upon which the lot faces, the front yard measurements shall be taken from such official plan line to the nearest permitted line of the building.

Yard, rear. A yard extending across the full width of the lot and measured between the rear lot and the nearest line of the main building.

Yard, side. A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard. A street side yard shares a property line with a street right-of-way.

Zoning Administrator. The Community Development Director of the City of Coalinga, or his or her designee.

Zoning District. A specifically delineated area or district in the city within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

(Ord. No. 776, § 1(Exh. A), eff. 9-5-2014)

Sec. 9-5.116. - Mobile vendors.

- (a) Purpose. This section supplements Title 5, Chapter 9, Peddlers and Solicitors, of the Coalinga Municipal Code by defining the standards of vehicles used for mobile vending or peddling and operational regulations.
- (b) The following standards shall apply to all mobile vendors operating in Coalinga:
 - (1) Vending from any vehicle shall not be permitted within 100 feet of any intersection of two (2) or more public streets. The vending vehicle operator shall comply with parking signs, curb markings and other traffic and parking restrictions at all times.
 - (2) No mobile vendor shall stand, stop or park within 1,000 feet of the property line of any public or private school intended to educate individuals eighteen (18) years of age or younger between the hours of 7:00 a.m. and 7:00 p.m. on days when school is in session.
 - (3) No vending vehicles are permitted in the Open Space Zoning District, or any park, unless a permit is first obtained from the City. Vending vehicles that are over twenty (20) feet long, or have a kitchen, are not permitted in the Residential Zoning Districts. Vending vehicles less than twenty (20) feet long are permitted in the Residential Zoning Districts.

- (4) Vending from any vehicle shall be limited to ten (10) minutes in any one location, and the vehicle must be moved a distance of not less than 400 feet between consecutive stops at which vending occurs. Once a vehicle has moved from a vending location, it may not return to that location for at least twenty-four (24) hours.
 - (5) Vending vehicles shall not be parked, stopped, or left standing in any manner which blocks or impedes vehicular access to any driveway or restricts the free movement of other vehicles upon any street.
 - (6) Vending vehicle operators shall not conduct business in any congested area where their operation might impede or inconvenience the public.
 - (7) Vending vehicle operators shall pick up and deposit in the trash receptacle on the vehicle any paper, cups, wrappers, litter or other refuse from the vehicle and which has been left or abandoned on any public property. No street vendor or operator shall dispose of any trash or refuse in any public or private trash receptacle other than one owned or under the control of the operator.
 - (8) Vending shall not be permitted directly to persons in other vehicles or from other than the curb side of the vending vehicle.
 - (9) All mobile vendors, or operators of vending vehicles, which sell items within the City of Coalinga, shall secure a Business License from the City prior to the start of business operations.
 - (10) All vending vehicles shall possess and display a valid permit issued by the Health Department.
- (Ord. No. 776, § 1(Exh. A), eff. 9-5-2014)

Sec. 9-5.126. - Temporary uses.

- (a) Temporary uses shall be located, developed, and operated in compliance with the standards of this section.
 - (1) *General.* A temporary use is ancillary to the principal Use Permitted on a lot, but is intended to operate only for a limited period of time. Unless otherwise specified, temporary uses shall require a Temporary Use Permit issued in accordance with Chapter 6, Article 6, Temporary Use Permits.
 - (2) *Carnivals, fairs and festival events.* Carnivals, fairs, and festival events in connection with an existing commercial use or in conjunction with an activity of a civic organization, church, lodge, public or private school, or other such group or organization are permitted in accordance with the following standards:
 - a. *Location.* Carnivals, fairs, and festival events are limited to areas within commercial or employment districts, or on property owned by a public or private school.
 - b. *Time limit.* When located adjacent to a Residential district, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
 - c.

Duration. Carnivals, fairs, and festival events are limited to no more than ten (10) consecutive days four (4) times a year. A more limited duration may be established through the Temporary Use Permit process in order to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the city as a whole.

- d. *Existing parking.* Where such a use is proposed within a developed parking lot, the available parking shall not be reduced to less than seventy-five (75) percent of the minimum number of spaces required by Chapter 4, Article 3, On-Site Parking and Loading.

- (b) *Garage sales.* A garage or yard sale may be permitted on any developed lot occupied for residential purposes, in accordance with the following standards:

- (1) Garage sales are limited to no more than three (3) consecutive days four (4) times a calendar year, and no more than once a month per property. Garage sales are limited to 7:00 a.m. to 5:00 p.m..
- (2) No outdoor storage shall be allowed. All sale items shall be removed from public view at the end of each sale date.
- (3) All merchandise to be sold shall be displayed on a private lot and not within the public right-of-way.
- (4) All signs used in connection with advertising a garage sale shall comply with the following standards. The City is authorized to remove garage sale signs that are not in compliance with the following standards:
 - a. No more than one sign shall be posted on the premises of the garage sale, and shall not exceed six (6) square feet in area.
 - b. No more than two (2) freestanding signs may be posted off-site, subject to the written permission of the property owner on whose property the sign may be placed. Each off-site sign shall not exceed six (6) square feet in area. No sign shall be affixed to utility poles, street sign poles or similar public facilities.
 - c. All signs shall be removed within twenty-four (24) hours of the conclusion of the garage sale.

- (c) *Model homes.* Model homes with sales offices and temporary information/sales trailers in new residential subdivisions are subject to the following requirements. No planning approval is necessary for a model home.

- (1) *Time limits.* A temporary information/sales trailer may be used during the construction of the model homes for a maximum period of six (6) months or completion of the first phase, whichever occurs first.
- (2) *Location of sales.* Real estate sales conducted from a temporary sales office are limited to sales of lots within the subdivision.
- (3) *Return to residential use.* Prior to the sale of any of the model homes as a residence, any portion used for commercial purposes will be converted to its intended residential purpose.
- (4) *Term of use.* The model home may be established and operated for a term period of three (3) years or until completion of the sale of the lots or residences, whichever comes first. One year extensions may be approved by the Community Development Director until the sale of all

lots/residences is completed.

(d) *Temporary and seasonal outdoor sales.* Temporary and seasonal outdoor sales include but are not limited to grand opening events, business closing sales, temporary automobile sales, and other special sales events. Temporary and seasonal outdoor sales may be permitted in accordance with the following standards.

- (1) *General requirements.* Temporary outdoor sales on private property in non-residential districts shall be subject to the following standards:
 - a. Temporary outdoor sales shall be part of an existing business on the same site. Items on sale shall only include items permitted for sale on the property. Temporary automobile sales are limited to the CR district.
 - b. Sales events shall be conducted solely on private property and not encroach within the public right-of-way.
 - c. Temporary outdoor sales are limited to four (4) consecutive days six (6) times a year. No site shall be used for such an activity for more than ten (10) days in any calendar month. A more limited duration may be established through the Temporary Use Permit process in order to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the city as a whole.
 - d. When located adjacent to a residential district, the hours of operation shall be limited to 8:00 a.m. to 9:00 p.m. Items shall be completely removed at the close of business each day.
 - e. The entire area used for temporary outdoor sales, including display, sales, circulation and parking, shall be paved per City standards.
 - f. Location of the displayed merchandise shall not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.
 - g. Where such a use is proposed within a developed parking lot, the available parking shall not be reduced to less than seventy-five (75) percent of the minimum number of spaces required by Chapter 4, Article 3, On-Site Parking and Loading.
- (2) *Seasonal sales.* The annual sale of holiday related items such as Christmas trees, pumpkins and similar items is permitted in accordance with the following standards:
 - a. *Time period.* Seasonal sales associated with holidays lasting three (3) days up to a month, are permitted one month preceding and one week following the holiday. Christmas tree sales are permitted from Thanksgiving Day through December 31st.
 - b. *Goods, signs and temporary structures.* All items for sale, as well as signs and temporary structures, shall be removed within ten (10) days after the end of sales, and the appearance of the site shall be returned to its original state.
 - c. *Non-profit fund raising.* Fund raising sales by a non-profit organization are limited to no more than seven (7) consecutive days, twelve (12) times a year.

- (e) *Long term special events and sales.* Other special events, outdoor sales, and displays that range from three (3) consecutive days to no more than three (3) months, may be permitted in accordance with the following standards:
- (1) *Location.* Events are limited to non-residential district.
 - (2) *Number of events.* Long term special events and sales are limited to no more than two (2) per year.
 - (3) *Existing business.* Temporary outdoor sales shall be part of an existing business on the same site.
 - (4) *Signs.* Outdoor uses may include the addition of one nonpermanent sign up to a maximum size of four (4) square feet in area, subject to Chapter 4, Article 5, Signs.
- (f) *Temporary farming.* Temporary farming may be permitted in areas that are primarily zoned residential, and shall be in accordance with the following standards:
- (1) *Area.* Temporary farming shall require a lot with a minimum area of twenty (20) acres.
 - (2) *Setbacks.* Setback from adjacent non-agriculturally-zoned property shall be thirty (30) feet.
 - (3) *Duration.* Temporary farming activity is limited to no more than five (5) years.
 - (4) *Crop types.* Row crops or pasture crops are allowed. Orchards and trees crops are prohibited.
 - (5) *Animal keeping.* Consistent with Zoning Code Section 9-5.104.
 - (6) *Machinery operation.* Hours for the use of machinery shall be limited to all days of the week from 7:00 a.m. to 10:00 p.m. unless approved by the City Manager. The request must be made in writing one week before anticipated activity.
 - (7) *Pesticide use.* Consistent with California's Department of Pesticide Regulation and Fresno County Agricultural Commissioner's regulations.
 - (8) *Irrigation.* Temporary farming shall use water from an existing well, and/or available, permitted, reclaimed water such as recycled wastewater. Wells shall have a sound barrier installed to reduce nuisance noise generated from the motor if it exceeds the decibel level acceptable in a residentially zoned district. If a sound barrier is required, the plan shall be reviewed and approved by the Community Development Director.
 - (9) *Construction of new wells.* The construction of new wells is strictly prohibited.
 - (10) *Temporary storage.* Consistent with Zoning Code Section 9-4.208.
 - (11) *Temporary or seasonal retail sales.* May be allowed in accordance with standard for Temporary and Seasonal Outdoor Sales, Zoning Code Section 9-5.126.
 - (12) *Performance standards.* Consistent with all standards set forth in Chapter 2, Article 2.
 - (13) *Dust reduction.* Dust must be minimized through the use of continued water application, reduced vehicular speeds and avoiding tilling on windy days.
 - (14) *Caretaker.* There shall be allowed one caretaker per operation.

(Ord. No. 776, § 1(Exh. A), eff. 9-5-2014)

Sec. 9-6.601. - Purpose.

This chapter establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur.

(Ord. No. 776, § 1(Exh. A), eff. 9-5-2014)

Sec. 9-6.602. - Applicability.

Temporary Use Permit approval is required for temporary uses as described in Section 9-5.126, Temporary Uses. The Community Development Director may refer an application for a Temporary Use Permit to the Planning Commission if the he or she finds that the temporary use may have significant and detrimental impacts to surrounding land that warrant Planning Commission review.

(Ord. No. 776, § 1(Exh. A), eff. 9-5-2014)

Sec. 9-6.603. - Procedures.

- (a) *Application.* Any person may apply to the Community Development Director for approval of a temporary use not less than forty-five (45) days before the use is intended to begin in accordance with the provisions in Article 1, Administrative Procedures, of this chapter.
- (b) *Determination.* Within ten (10) days of accepting an application for a Temporary Use Permit as complete, the Community Development Director shall render a written decision.

(Ord. No. 776, § 1(Exh. A), eff. 9-5-2014)

Sec. 9-6.604. - Required findings.

- (a) The Community Development Director may approve an application for a Temporary Use Permit to allow a temporary use for a period of time, only upon making all of the following findings:
 - (1) The proposed use conforms to the allowed temporary uses in each Zoning District, as described in Chapter 2 of this title.
 - (2) The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City;
 - (3) The proposed temporary use or event is in full compliance with requirements of other agencies and has obtained all necessary permits, including but not limited to project review, permits and inspection reports from the:

- a. Health Department;
 - b. Police Department;
 - c. Fire Department;
 - d. Public Works Department; and
 - e. Department of Alcoholic Beverage Control of the State of California ("ABC").
- (4) The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas; and
- (5) Appropriate controls are in place that will ensure the premises will be kept clean, sanitary, and free of litter.

(Ord. No. 776, § 1(Exh. A), eff. 9-5-2014)

Sec. 9-6.605. - Conditions of approval.

- (a) In approving a Temporary Use Permit, the Community Development Director may impose any conditions reasonably related to the application and deemed necessary to achieve the findings for a Temporary Use Permit listed in Section (604) above. These conditions may include, but are not limited to:
- (1) Dates of permit validity;
 - (2) Hours of operation;
 - (3) Limits on additional lighting;
 - (4) Provision of adequate parking;
 - (5) Debris and trash removal on the final day of sales or event;
 - (6) Additional review and plot plan required by the Fire Department, if a tent in excess of 200 square feet or a canopy in excess of 400 square feet is to be utilized during the sales period or event, or if the number of persons anticipated to attend the event exceeds 500;
 - (7) No alcohol sales or consumption to be permitted unless a license has been first approved by the Police Department.

(Ord. No. 776, § 1(Exh. A), eff. 9-5-2014)