



AGENDA

PLANNING COMMISSION

TUESDAY JULY 26, 2022

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.

Notice is hereby given that the Planning Commission will hold a Regular Meeting, on July 26, 2022 in the City Council Chambers, 155 West Durian Avenue, Coalinga, CA.

Persons with disabilities who may need assistance should contact the City Clerk at least 24 hours prior to the meeting at 935-1533 x113. Anyone interested in translation services should contact the City Clerk at least 24 hours prior to the meeting at 935-1533 x113. The Meeting will begin at 6:00 p.m. and the Agenda will be as follows:

CALL MEETING TO ORDER (6:00 PM)

Pledge of Allegiance

CHANGES TO THE AGENDA

ROLL CALL

Commissioners:

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

Staff:

- Sean Brewer, Assistant City Manager*
- 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. Approve Minutes - 03-22-2022

PUBLIC HEARINGS

1. City Initiated Zoning Text Amendment (No. ZTA 22-01) Amending the Planning and Zoning Code Related to Accessory Dwelling Units (ADU's), Floodplain Regulations and Density Bonus
2. City Initiated Zoning Text Amendment (No. ZTA 19-04) Amending the Planning and Zoning Code Related to In-Home Family Daycare Facilities to Align with State Law

DISCUSSION AND/OR POTENTIAL ACTION ITEMS

1. Planning Commission Approval of Resolution 022P-006 Recommending to the City Council Adoption of the Fresno County SB 743 Implementation Regional Guidelines for Vehicle Miles Traveled (VMT) and setting 13% percent less VMT per capita than existing average VMT for Fresno County as the threshold for the City of Coalinga
2. 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: Approve Minutes - 03-22-2022
Meeting Date July 26, 2022
Project Location: 155 W Durian Ave., Coalinga, CA
Applicant: N/A
Owner: N/A
Prepared By:

I. RECOMMENDATION:

II. BACKGROUND:

III. PROPOSAL AND ANALYSIS:

IV. FISCAL IMPACT:

V. REASONS FOR RECOMMENDATION:

ATTACHMENTS:

Description

- ☐ Minutes for Approval 3-22-2022

MINUTES

PLANNING COMMISSION

155 W. Durian Avenue, Coalinga, CA 93210
Tuesday, March 22, 2022

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 (6:00PM)

Pledge of Allegiance

CHANGES TO THE AGENDA

None

ROLL CALL

Commissioners: Chairman Sailer
Vice Chairman Jacobs (arrived at 6:01pm)
Commissioner Helmar
Commissioner Stoppenbrink
Commissioner Pruitt

Staff: Assistant City Manager, Sean Brewer
Public Works and Utilities Coordinator, Larry Miller
City Clerk, Shannon Jensen

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.

None

INFORMATION/CONSENT CALENDAR

1. Approve Minutes – 2-22-2022
2. Planning Commission Recommendation to the City Council for Approval of the 2021 General Plan Progress Report

*Motion by Helmar, Second by Jacobs to Approve Information/Consent Calendar Item Nos. 1 and 2. Motion **Approved** by a 4/0 Majority Voice Vote. (Stoppenbrink – Abstained)*

PUBLIC HEARINGS

1. Planning Commission Adoption of Resolution No. 022P-003 Approving Conditional Use Permit Application CUP 21-10 for a Cannabis Facility at 1821 Mercantile Lane

Assistant City Manager Sean Brewer gave a brief overview of the item.

Chairman Sailer opened the Public Hearing for comments.

Commissioner Stoppenbrink pointed out an error on the date of the environmental review referenced on page 10.

Commissioner Helmar pointed out a double negative in the second paragraph under parking on page 4 of the staff report. Commissioner Helmar asked what the hidden vault will be used for.

Applicant indicated it would be used to store valuables as needed.

Commissioner Helmar asked if the applicant had a backup plan in place if the Air Pollution Control District did not approve the use of the temporary generators.

Applicant indicated they would use solar panels as a contingency.

Commissioner Helmar was pleased with the General Conditions of Approval outlined by the Fire Department.

Vice-Chairman Jacobs, considering the square-footage of the building, questioned the safety of having one door into and out of some of the rooms.

Assistant City Manager Sean Brewer indicated it was typical with these types of projects.

Vice-Chairman Jacobs asked about the limited entrance/exits into and out of the building.

Mr. Brewer stated it in compliance with the code.

Chairman Sailer closed the Public Hearing

*Motion by Helmar, Second by Pruitt to Adopt Resolution No. 022P-003 Approving Conditional Use Permit Application CUP 21-10 for a Cannabis Facility at 1821 Mercantile Lane. Motion **Approved** by a 5/1 Majority Voice Vote. (Sailer – Voted No)*

DISCUSSION AND/OR POTENTIAL ACTION ITEMS

None

DEPARTMENT REPORTS

Assistant City Manager Sean Brewer reported his plans to request Council's approval to fund a General Plan Update in Fiscal Year 2022-2023.

COMMUNICATIONS

1. Staff Announcements

None

2. Commissioner Announcements

None

3. Chairman Announcements

Chairman Sailer announced Statement of Economic Interest Form 700s are due April 1, 2022.

ADJOURN 6:35PM

Chairman/Vice Chairman

Shannon Jensen, City Clerk

Date



Staff Report- Chairman and Planning Commission

Subject: City Initiated Zoning Text Amendment (No. ZTA 22-01) Amending the Planning and Zoning Code Related to Accessory Dwelling Units (ADU's), Floodplain Regulations and Density Bonus

Meeting Date July 26, 2022

Project Location: City of Coalinga

Applicant: City of Coalinga, 155 W. Durian, Coalinga, CA 93210

Owner: City of Coalinga, 155 W. Durian, Coalinga, CA 93210

Prepared By: Sean Brewer, Assistant City Manager

I. RECOMMENDATION:

Adoption of Resolution No. 022P-005, Planning Commission Consideration and Recommendation to the City Council for Approval of a City Initiated Zoning Text Amendment (No. ZTA 22-01) Amending the Planning and Zoning Code Related to Accessory Dwelling Units, Floodplain Management and Density Bonus.

II. BACKGROUND:

The State legislature enacted accessory dwelling unit (ADU) legislation in 2017, 2018, and 2020 to reduce regulatory barriers and costs, streamline approval, and expand the potential capacity for ADUs in response to California's housing shortage. A summary of the State laws and changes are summarized and attached to this report. The State ADU laws preempt local ordinances and cities must implement these laws with limited exceptions. As a result, the City's existing ordinance is unenforceable under State law and staff has been applying the State's requirements to all ADU applications.

III. PROPOSAL AND ANALYSIS:

What are Accessory Dwelling Units and Junior Accessory Dwelling Units?

An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone single-family home or multi-family development. ADUs are also referred to as accessory apartments, secondary suites, and granny units/flats. ADUs can be converted portions of existing homes (i.e., internal ADUs), additions to new or existing homes (i.e., attached ADUs), or new stand-alone structures or converted portions of existing stand-alone accessory structures (i.e., detached ADUs).

ADUs come in a variety of types as illustrated in the graphic below. Existing residences can accommodate ADUs through garage conversions, which is converting an existing garage into living space, attaching a new

ADU to an existing home, or retrofitting an existing home by dividing the home either on a second floor, or a portion of an existing floor. Other examples include new detached units, an addition above an existing or new garage, as well as converting existing detached accessory structures.

Internal, attached, and detached ADUs all have the potential to increase housing availability consistent facilitating better use of the existing housing stock. Along with ADUs, Junior ADUs are another type of dwelling unit that is required by State law. Junior ADUs allow for the repurposing of an existing space in a single-family residence by incorporating a small kitchen, such as a wet-bar, and an exterior entrance to allow its use as a connected, but private living space within a larger residence. There are a few primary distinctions between a Junior ADU and an ADU as follows:

- Can only be located within an existing or proposed single family residence such as RMD Zoning Designation with alley access.
- JADU's must be no greater than 500 square feet in size.
- ADU's must be no greater than 1,200 square feet in size
- Must have its own separate entrance.

The proposed ADU ordinance amendment would bring the City's ordinance into compliance with State law and includes the following revisions:

- Allow for the development of a Junior ADU fully contained within the residence, in addition to, a detached ADU on residentially zoned lots with an existing or proposed single family residence.
- Only permitted in residential zoned properties with alley access.
- Further reduce parking standards for ADUs and allow required parking in setback areas (e.g., in a driveway).
- Reduce side and rear setbacks for ADUs from 5-feet to 4-feet.
- Increase building to 16-feet to allow ADUs to be constructed.
- No impact fees on ADUs of 750 square feet or less.
- Any impact fee that is required for an ADU that is 750 square feet or larger in size will be charged proportionately in relation to the square footage of the primary dwelling unit.

A copy of the draft ordinance is attached for the Planning Commissions review and consideration.

General Plan/Zoning Consistency: The proposed zoning text amendment is consistent with the general plan policies and implementation measures including zoning consistency for residential uses. These changes further enhance the general plan and intent of the zoning code.

Public Notification: On July 11, 2022 public hearing notices were posted and emailed to local paper in accordance with local and state regulations.

Environmental Determination: This text amendment has been reviewed in accordance with CEQA and staff has determined that this ordinance change would not have a detrimental effect on the health, safety and welfare of the community and fall under Section 15061(b)(3) - General Rule Exemption.

IV. FISCAL IMPACT:

None determined at this time.

V. REASONS FOR RECOMMENDATION:

The following standard findings must be made for each Zoning Ordinance amendment:

1. The proposed Zoning Ordinance amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
2. The proposed Zoning Ordinance amendment is consistent and compatible with the goals, policies, and actions of the General Plan, and the other applicable provisions of the Zoning Ordinance.
3. If applicable, the site is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses/developments.
4. The proposed Zoning Ordinance amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

ATTACHMENTS:

Description

- ☐ Resolution 022P-005 - ADU Regulations
- ☐ Summary of ADU State Legislation
- ☐ Ordinance Language ADU
- ☐ Coalinga ADU Ordinance

RESOLUTION 022P-005

A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION RECOMMENDING APPROVAL OF A ZONING TEXT AMENDMENT TO AMEND THE PLANNING AND ZONING CODE RELATED TO ACCESSORY DWELLING UNITS (ADU's), FLOODPLAIN MANAGEMENT & DENSITY BONUS.

WHEREAS, Article 1 of Chapter 5 of the Coalinga Planning and Zoning code establishes local regulations for the development of second dwelling units; and

WHEREAS, the State legislature enacted accessory dwelling unit (ADU) legislation in 2017, 2018, and 2020 to reduce regulatory barriers and costs, streamline approval, and expand the potential capacity for ADUs in response to California's housing shortage; and

WHEREAS, the City must amend the planning and zoning code to be consistent with state housing law which effects accessory dwelling units, density bonus law and floodplain management; and

WHEREAS, a Notice of Public Hearing was provided to the Coalinga Press, posted at City Hall, Police Department bulletin board, Fire Department Bulletin Board, Coalinga District Library, Chamber of Commerce, and City of Coalinga website, on July 11, 2022, and;

WHEREAS, the Planning Commission held the noticed Public Hearing on July 26, 2022 to take testimony with regard to the proposed Zoning Text Amendment; and

WHEREAS, the Planning Commission completed its review of the proposed Zoning Text Amendment and details in the Staff Report and has considered the testimony received during the public hearing process, and;

WHEREAS, the Planning Commission has made the following findings based on the Zoning Text Amendment proposal:

- The proposed Zoning Ordinance amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
- The proposed Zoning Ordinance amendment is consistent and compatible with the goals, policies, and actions of the General Plan, and the other applicable provisions of the Zoning Ordinance.
- If applicable, the site is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses/developments.

- The proposed Zoning Ordinance amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission recommends approval to the City Council adoption of a draft ordinance (Exhibit "A") to amend the planning and zoning code related to family day care homes.

PASSED AND ADOPTED, by the City of Coalinga Planning Commission at a regular meeting held on the 26th day of July 2022.

AYES:

NOES:

ABSTAIN:

ABSENT:

Planning Commission Chairman/Vice Chairman

ATTEST:

City Clerk/Deputy City Clerk

Exhibit "A"

Draft Ordinance

Summary of State ADU Legislation

Accessory Dwelling Unit Legislation 2016-2020		
Bill Number	Date Enacted	Summary of ADU Changes
SB 1069	01/01/2017	<p>Reduced parking to once space per bedroom or unit</p> <p>Allowed off-street parking to be tandem or in setback areas</p> <p>Eliminate Parking requirements if ADU meets the following:</p> <ul style="list-style-type: none"> 1/2 mile from public transit part of an existing residence or existing accessory structure within one block of a car share in an area where on-street permits are required but not offered to the ADU <p>Prohibits agencies from requiring new or separate utility connections</p> <p>Prohibits agencies from charging new connection fees when located within an existing residence or accessory structure</p> <p>Requires agencies to charge fees must be proportionate to the burden of services</p> <p>Fire sprinklers not required if they are not required in the primary residence.</p> <p>Total prohibition not permitted unless jurisdiction extreme hardship (i.e. lack of water, sewer capacity)</p>
AB 2299	01/01/2017	<p>A municipality must approve an ADU through a building permit if comply with the following:</p> <ul style="list-style-type: none"> lot is zoned for SFR or MFR uses and contains an existing SFR ADU is either attached to the existing unit, or located within the living area of the existing unit or detached on the same lot increased floor area of an ADU does not exceed 50% of the existing living area of an SFR with a max. 1,200 sf <p>Elimination of setback requirements for an existing garage that is converted into an ADU</p>
AB 2406	01/01/2017	<p>Allows for Junior ADUs to be developed, when an ordinance is adopted that are under 500 square feet in size and completely contained within an existing residential unit with the following requirements:</p> <ul style="list-style-type: none"> 1 JADU per SFR zoned lot with an existing residence Primary unit or JADU must be owner occupied Entirely within residential structure and have its own separate entrance May share bath with primary unit or have its own bath Prohibits parking as a condition of a permit Prohibits connection fees from being charged

SB 229	01/01/2018	<p>Allows for ADUS in single family and multi-family residential zones that allow residential uses</p> <p>Allows for replacement parking anywhere on the lot where a garage, carport, or covered parking structure is converted into an ADU</p> <p>Requires municipalities to submit ADU regulations to HCD for review and approval</p>
AB 494	01/01/2018	<p>ADUs may not be sold separately, but can be rented</p> <p>No setback is required if a portion of a garage is converted into an ADU</p>

Chapter 5. -STANDARDS FOR SPECIFIC USES AND ACTIVITIES

Article 1. Standards for Specific Uses and Activities

Sec 9-5.1~~21XX~~ - Accessory Residential Dwelling Units

A. Purpose and intent. This section is intended to meet the requirements of State law in providing for accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”).

1. This section is intended to comply with Government Code sections 65852.2 and 65852.22, as either may be amended from time to time. The standards established by this section shall be interpreted and applied consistent with the standards set forth in Government Code sections 65852.2 and 65852.22.

2. An ADU or JADU that complies with this section is considered an accessory use or an accessory building that does not exceed the allowable density for the lot upon which it is located.

3. An ADU or JADU that complies with this section is considered a residential use that is consistent with the existing general plan and zoning designations for the lot.

4. An ADU or JADU that complies with this section will not be considered in the application of any other local ordinance, policy, or program to limit residential growth.

5. ADUs and JADUs dwelling units will contribute to the needed housing to the community’s housing stock and promote housing opportunities for the persons wishing to reside in the City of Coalinga.

6. This section is not intended to regulate multi-generational dwelling units.

7. Effect of Conforming Accessory Dwelling Unit. An accessory dwelling unit that conforms to this section shall:

- a. Be deemed an accessory use and not be considered to exceed the allowable density for the lot upon which it is located;
- b. Be deemed a residential use that is consistent with the City’s General Plan and the zoning designations for the lot;
- c. Not be considered in the application of any ordinance, policy, or program to limit residential growth; and
- d. Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

B. Definitions. The following definitions apply to the operation of this Section. To the extent these definitions conflict with definitions found elsewhere in this title, including Section 9.120.020, the definitions set forth in this Section shall control.

1. “Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An ADU must include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the single family or multifamily dwelling is or will be situated. An ADU may be an efficiency unit or a manufactured home, as defined.

2. “Accessory structure” means a structure permitted that is accessory and incidental to a dwelling located on the same lot.

3. “Efficiency unit” has the same meaning as defined in the California Building Code, California Code of Regulations, Title 24, Section 1207.4, which meets the following standards:

a. The unit has a single living room of not less than 220 square feet of floor area for two (2) or fewer occupants and an additional 100 square feet of floor area for each additional occupant of the unit.

b. The unit has a separate closet.

c. The unit has a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front, and lighting and ventilation conforming to the California Building Standards Code.

d. The unit has a separate bathroom containing a water closet, lavatory, and bathtub or shower.

4. “Floor area” or “Total floor area” means the entire ground-level square footage of the structure, including the living area, as defined, and any non-habitable area within the structure, such as a garage or storage space.

5. “Impact fee” has the same meaning as the term “fee” is defined in Government Code section 66000(b), except that it also includes fees specified in Government Code section 66477. “Impact fee” does not include any connection fee or capacity charge.

6. “Junior accessory dwelling unit” or “JADU” means a dwelling unit that is no more than 500 square feet in size and contained entirely within the walls of a proposed or existing single-family residence, or other approved structure as specified in Government Code section 65852.2(e). A JADU must include the following features:

a. Exterior access separate from the main entrance to the proposed or existing primary dwelling or other structure.

b. An efficiency kitchen, which includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

c. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

7. “Kitchen” has the same meaning.

8. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure. 3

9. “Multi-generational dwelling unit” means a dwelling unit, that does not include a kitchen, contained entirely within the walls of a proposed or existing single-family residence where access is not restricted between areas of the residence.

10. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards, but was a lawful improvement that did conform to the zoning standards in place at the time of the improvement.

11. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

12. “Permanent provisions for cooking” has the same meaning as “kitchen.”

13. “Permanent provisions for sanitation” and “sanitation facilities” means a separate bathroom containing a water closet, lavatory, and bathtub or shower.

14. “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

15. “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

16. “Tandem parking” means that two (2) or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

C. Targeted Neighborhoods. ADUs and JADUs are allowed in residential zoning districts with alleys, unless the City makes express findings supported by substantial evidence that ADUs and JADUs cannot be permitted due to the inadequacy of water and/or sewer services, and/or the impact of ADUs and JADUs on traffic flow and/or public safety. ADUs and JADUs are subject to the normal requirements of the district. ADUs and JADUs are not permitted in nonresidential zoning districts where residential uses are not allowed.

D. Approvals. The following approvals apply to ADUs and JADUs under this section:

1. Building-Permit Only. If an ADU or JADU complies with each of the general requirements in subsection F below, it is allowed with only a building permit in the following scenarios:

- a. Converted Space or Structure on Single-Family Lot. Only one ADU or JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - i. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing space of an accessory structure.
 - ii. Has exterior access that is independent of that for the single-family dwelling.
 - iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

- b. Limited Detached on Single-Family Lot. One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling, if the detached ADU satisfies the following limitations:
 - i. The side- and rear-yard setbacks are at least four-feet.
 - ii. The total floor area is 800 square feet or smaller.
 - iii. The peak height above grade is 16 feet or less.
 - c. Converted on Multifamily Lot. Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages that satisfied the following:
 - i. If each converted, ADU complies with state building standards for dwellings.
 - ii. The ADU home shall be built using plans provided by the city.
 - d. Limited Detached on Multifamily Lot. No more than two detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies the following limitations:
 - i. The side- and rear-yard setbacks are at least four-feet.
 - ii. The total floor area is 800 square feet or smaller.
- 2. ADU Permits.
 - a. Except as allowed under subsection (D)(1) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth (in subsections E and F below).
 - b. Impact Fee.
 - i. No impact fee is required for an ADU or JADU that is less than 750 square feet in size.
 - ii. Any impact fee that is required for an ADU that is 750 square feet or larger in size will be charged proportionately in relation to the square footage of the primary dwelling unit (e.g., the floor area of the primary dwelling, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling). “Impact fee” here does not include any connection fee or capacity charge for water or sewer service.
 - iii. Except as otherwise provided in this chapter, the construction of an accessory dwelling and junior accessory dwelling unit shall be subject to any applicable fees adopted pursuant to the requirements of California Government Code, Title 7, Division 1, Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).
- 3. Application Process and Timing.
 - a. An ADU permit is considered and approved ministerially without discretionary review or hearing.

- b. The City must act on an application to create an ADU or JADU within 60 days from the date that the City receives a completed application, unless either:
 - i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay; or
 - ii. In the case of a JADU, and the application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the city may delay acting on the permit application for the JADU until the City acts on the permit application to create the JADU will still be considered magisterially without discretionary review or a hearing.
 - c. Application Requirements. Applications for an accessory dwelling unit permit shall be made in writing by the property owner or his or her authorized agent, on forms provided by the Community Development Department, and accompanied by such data and information as may be necessary to fully describe the request including:
 - i. A to-scale and fully dimensioned site plan showing the proposed accessory dwelling unit or junior accessory dwelling unit and all existing structures on the property including patio covers, other accessory structures, fences and driveways;
 - ii. Elevations of the proposed accessory dwelling unit including building dimensions, material call outs and a color and materials sample board as requested by the Community Development Director;
 - iii. Photographs of the exterior of the primary residence as requested by the Community Development Director;.
 - iv. Construction Plan. Construction plan and staging to minimize impacts on surrounding residential properties.
 - d. The filing and review fee shall be as prescribed by the Community Development Department. The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance.
4. Nonconforming ADUs and Discretionary Approval.
- a. Any proposed ADU or JADU that does not conform to the objective standards set forth in subsection E and F may be allowed by the City with the approval of the Community Development Director.
 - i. The maximum size of an ADU subject to this subsection (D)(4) is 1,200 square feet, or three bedrooms.
 - b. Findings. Before approval, the Community Development Director (or designee) must find that:
 - i. The exterior design of the accessory dwelling unit is in harmony with, and maintains the scale of, the neighborhood;
 - ii. If an exception to parking requirements is requested, the exception will not result in excessive parking congestion;
 - iii. The site plan provides adequate open space usable and useful for both the accessory dwelling unit and the primary residence;

- iv. Where applicable, open space and landscaping provides for privacy and screening of adjacent properties;
- v. The location and design of the accessory unit maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, noise, light air, solar access or parking of adjacent properties; and
- vi. Windows that impact the privacy of the neighboring side or rear yard have been minimized. Major windows, access stairs, entry doors and decks are generally limited to the walls facing the primary residence or the alley, if applicable.

E. General ADU and JADU Requirements. The following requirements apply to all ADUs and JADUs that are approved:

- 1. Zoning.
 - a. An ADU or JADU subject to a building permit may be created on a lot in a residential zone with alley access.
 - b. An ADU or JADU subject to an ADU permit may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
- 2. Fire sprinklers are required in an ADU
- 3. Rental Term. No ADU or JADU may be rented for a term that is shorter than 30 days.
- 4. No Separate Conveyance. An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).
- 5. Building and Construction.
 - a. An accessory unit shall meet the requirements of the building code that apply to detached dwellings, as appropriate.

F. Specific ADU and JADU Requirements. The following requirements apply to ADUs that require an ADU permit under subsection (D)(2) above.

- 1. Unit Size.
 - a) If there is an existing primary dwelling, the total floor area of an attached ADU may not exceed 50 percent of the floor area of the existing primary dwelling.
 - b) The total floor area for a detached ADU may not exceed 1,200 square feet.
 - c) An attached or detached one-bedroom ADU may not be more than 850 square feet of living area.
 - d) An attached or detached ADU that provides more than one (1) bedroom may not be more than 1,000 square feet of living area.
 - e) An ADU may be an efficiency unit, as defined. A proposed ADU that does not meet the minimum requirements of an efficiency unit is not permitted.
- 2. Parking—General Requirement. Accessory dwelling units must meet the following parking standards:
 - a. At minimum at least One (1) off-street parking space per ADU is required. These spaces may be provided in setback areas or as tandem parking on a driveway. The parking space is not required to be covered.

- b. Parking configuration, if required:
 - i. Parking arrangements are not permitted if the Community Development Director (or designee) makes specific findings that such parking arrangements are not feasible based upon specific site or regional topographical or fire or life safety conditions.
 - c. Exceptions. Parking standards shall not be imposed on an accessory dwelling unit in any of the following circumstances:
 - i. The accessory dwelling unit is located within one-half mile of public transit, including a public bus stop, bus station or transit station.
 - ii. The accessory dwelling unit is located within a designated historic district.
 - iii. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
 - iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - v. When there is an established car share vehicle stop located within one block of the accessory dwelling unit.
 - d. No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.
3. Height.
- a. The height of an attached ADU shall not exceed the height of the primary structure or 30 feet in height above grade, whichever is greater, measured to the peak of the structure.
 - b. A detached ADU may not exceed 16 feet in height, above grade, measured to the peak of the structure.
 - c. A unit above a detached garage located contiguous to an alley may not exceed 25 feet in height above grade, measured to the peak of the structure.
4. Setbacks.
- a. Attached and Detached Accessory Dwelling Unit. Except as provided in subsection (D)(1), an attached or detached ADU is subject to side and rear setbacks of four feet.
 - b. Alley Adjacent Accessory Dwelling Units and Accessory Dwelling Units Adjacent to Residentially Zoned Property. Side or rear yard setbacks adjacent to an alley or residentially zoned property shall be zero feet. Parking provided off the alley shall maintain a 24-foot back out, which includes the alley.
 - c. Garage and Accessory Building Conversion. No setback shall be required for a legally established, existing garage or accessory building that is converted to an accessory dwelling unit, provided the structure is not expanded and is subject to side and rear setbacks of four feet.

d. Addition Over a Garage. A minimum side and rear setback shall apply to the newly constructed portion for an accessory dwelling unit constructed above a legally established existing garage.

5. Lot Coverage

a. Lot Coverage. No ADU may cause the total lot coverage of the single-family lot to exceed 50%.

b. Rear Yard Coverage. An accessory dwelling unit shall not result in more than 30% rear yard coverage as measured from the rear wall of the primary residence to the rear property line (or as measured from the average distance of the rear wall from the rear property boundary if the rear wall does not follow a straight line).

c. A detached accessory dwelling unit must be ten feet away from the main residence and five feet away from any property lines.

6. Architecture Requirements.

a. The materials and colors of the exterior walls, roof, and windows and doors must be the same as the appearance of the primary dwelling.

b. The roof slope must be the same that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.

c. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.

d. The ADU must have an independent exterior entrance, apart from that of the primary dwelling. The ADU entrance must be located on the side or rear building façade, not facing a public-right-of-way.

e

f. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.

g. Access stairs, entry doors and decks must face the primary residence or the alley, if applicable.

h. A garage converted to an accessory dwelling unit shall include removal of garage door(s) which shall be replaced with architectural features, including walls, doors, windows, trim and accent details.

i. The architectural treatment of an ADU to be constructed on a lot that has an identified historical resource listed on the federal, state, or local register of historic places must comply with all applicable ministerial requirements imposed by the Secretary of Interior.

F. Occupancy and Ownership. ADUs and JADUs must comply with the following standards.

1. A certificate of occupancy must be issued for the primary dwelling unit before a certificate of occupancy can be issued for an ADU or JADU on the lot.
2. An ADU or JADU may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence.
3. Owner-occupancy is not required for ADUs. Owner-occupancy is required in the single-family residence in which a JADU will be permitted. The owner may reside in either the remaining portion of the structure or the newly created JADU. Owner-occupancy is not required if the owner is a governmental agency, land trust, or housing organization.

G. Special Provisions for Duplex Dwelling Units as Replacement Housing.

1. The special duplex dwelling unit provisions of this subsection shall only apply to areas within the boundaries of the City designated as a Residential Medium Density Residential (RMD) Zoning Designation.

2. The allowable number of new duplex dwelling units created under the provisions of this subsection shall not exceed the overall density limitations for Residential Medium Density Residential (RMD) uses, which is one dwelling unit for each six thousand (6,000) square feet of parcel area on a block-by-block basis.

3. A minimum parcel area of seven thousand five hundred (7,500) square feet (e.g., a typical fifty-foot (50') by one-hundred-fifty-foot (150') downtown parcel) shall be required to qualify for the specific duplex provisions of this subsection, which must meet current RMD development zoning regulations

4. Parcel coverage, setbacks, and other site design and building standards for the R-1 Single-Family Residential Districts shall apply to ensure that new duplex dwelling units are visually compatible with the established character of the adjoining residential neighborhood, which must meet current RMD development zoning regulations

5. Off-street parking, second-story limitations, and structure design shall be considered as part of the special permit review process to maintain the visual character of the area. Normally two (2) covered parking spaces shall be required for each unit, which must meet current RMD development zoning regulations.

6. A site plan review shall be required for duplex dwelling units and a public hearing shall be held in compliance.

H. ADUs and Regional Housing Needs Assessment. Subdivisions and multifamily housing developments developed or zoned at densities of ten (10) or more dwelling units per acre, with the ability of each lot or dwelling to construct an ADU, shall be counted in the City's Housing Element as adequate sites for affordable housing, as provided in Government Code section 65583.1(a).

I. Other. Nothing in this section shall be construed to prohibit the City from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains an ADU or JADU, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes an ADU or JADU

Chapter 6. -CODE ADMINISTRATION

Article 13.- Density Bonus (**add**)

Sec. 9-6.130~~12~~. – Residential density bonus (**amend** OR **add the following**)

As required by Government Code Section 65915, this chapter offers density bonuses and incentives or concessions for the development of housing that is affordable to the types of households and qualifying residents identified in Section 9.26.020 (Eligibility for bonus, incentives, or concessions). This chapter is intended to implement the requirements of Government Code Section 65915 et seq. and the Housing Element of the General Plan. As used in this Chapter and when otherwise required by Government Code section 65915 et seq., “housing development” means a development project for five or more residential units, including mixed-use developments, that meets the requirements of Government Code section 65915(i).

In order to be eligible for a density bonus and other incentives or concessions as provided by this chapter, a proposed housing development shall comply with the following requirements and shall satisfy all other applicable provisions of this Development Code.

A. Resident requirements. A housing development proposed to qualify for a density bonus shall be designed and constructed so that it includes at least any one of the following:

1. Ten percent (10%) of the total number of proposed units are for lower-income households, as defined in Health and Safety Code Section 50079.5; 2
2. Five percent (5%) of the total number of proposed units are for very low-income households, as defined in Health and Safety Code Section 50105;
3. The project is a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or is a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections 798.76 and 799.5;
4. Ten percent (10%) of the total dwelling units in a common interest development as defined in Civil Code Section 4100 are for persons and families of moderate income, as defined in Health and Safety Code Section 50093; provided, that all units in the development are offered to the public for purchase;
5. Ten percent (10%) of the total number of proposed units of housing for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541 of the Government Code, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act; or
6. Twenty percent (20%) of the total number of proposed units for lower income students in a student housing development that meets the requirements, as defined by Government Code Section 65915.
7. One hundred percent (100%) of the total units, exclusive of a manager's unit or units, are for lower income households, as defined by Health and Safety Code Section 50079.5, except that up to twenty percent (20%) of the total units in the development may be for moderate income households, as defined in Health and Safety Code Section 50053.

B. Applicant selection of basis for bonus: For purposes of calculating the amount of the density bonus in compliance with Section 9.26.030 (Allowed density bonuses), the applicant who requests a density bonus shall elect whether the bonus shall be awarded on the basis of subsection (A)(1), (2), (3), or (4), (5), (6), or (7) of this section. A preliminary application submitted pursuant to Section 9.50.055 shall include the number of bonus units requested pursuant to this section.

C. Bonus units shall not qualify as a project. A density bonus granted in compliance with Section 9.26.030 (Allowed density bonuses) shall not be included when determining the number of housing units that is equal to the percentages required by subsection A of this section.

D. Minimum project size to qualify for density bonus. The density bonus provided by this chapter shall be available only to a housing development of five (5) or more dwelling units.

E. Condominium conversion projects. A condominium conversion project for which a density bonus is requested shall comply with the eligibility and other requirements in Government Code Section 65915.5.

Sec. 9-6.1303. -Accessory Dwelling Units allowed density bonuses (~~add~~)

The Director shall determine the amount of a density bonus allowed in a housing development in compliance with this section. For the purposes of this chapter, “density bonus” means a density increase over the otherwise maximum allowable residential density under the applicable Land Use Plan designation and zoning district as of the date of preliminary or final application by the applicant to the City.

A. Density bonus. A housing development that complies with the eligibility requirements shall be entitled to density bonuses as follows, unless a lesser percentage is proposed by the applicant:

1. Bonus for units for lower-income households. A housing development that is eligible for a bonus in compliance with the criteria (1) (ten percent (10%) of units for lower-income households) shall be entitled to a density bonus calculated as follows:

TABLE 3-5

BONUS FOR LOWER-INCOME HOUSEHOLDS

[Insert Table 3-5]

2. Bonus for units for very low-income households. A housing development that is eligible for a bonus in compliance with the criteria (2) (five percent (5%) of units for very low-income households) shall be entitled to a density bonus calculated as follows:

TABLE 3-6

BONUS FOR VERY LOW-INCOME HOUSEHOLDS

[Insert Table 3-5]

3. Bonus for senior citizen development. A housing development that is eligible for a bonus in compliance with (3) (senior citizen development or mobile home park) shall be entitled to a density bonus of twenty percent (20%).

4. Bonus for moderate-income units in common interest development. A housing development that is eligible for a bonus in compliance with (4) (ten percent (10%) of units in a common interest development for persons and families of moderate income) shall be entitled to a density bonus calculated as follows:

TABLE 3-7

BONUS FOR MODERATE-INCOME HOUSEHOLDS

[Insert Table 3-7]

5. Bonus for transitional foster youth, disabled veterans, or homeless persons development. A housing development that is eligible for a bonus in compliance with (5) (transitional foster youth, disabled veterans, or homeless persons) shall be entitled to a density bonus of twenty percent (20%)

6. Bonus for lower income students in a student housing development. A housing development that is eligible for a bonus in compliance with (6) (lower income students in student housing) shall be entitled to a density bonus of thirty-five percent (35%).

7. Bonus for units for lower-income and moderate-income households. A housing development that is eligible for a bonus in compliance with (7) (lower-income and moderate-income households) shall be entitled to a density bonus of eighty percent (80%) of the number of units of lower income households. If the housing development is located within one-half mile of a major transit stop, there shall be no maximum controls on density.

a. A housing development that receives a waiver from maximum controls on density shall not be eligible for, and shall not receive, a waiver or reduction of any other development standards, other than a height increase of up to three additional stories, or 33 feet, as expressly provided in Section 9.26.040(C)(4).

b. “Major transit stop” means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods, and also includes major transit stops that are included in the applicable regional transportation plan.

8. Density bonus for land donation. When an applicant for a tentative map, parcel map, or other residential development approval donates land to the City in compliance with this subsection, the applicant shall be entitled to a density bonus for the entire development, as follows; provided, that nothing in this subsection shall be construed to affect the authority of the City to require a developer to donate land as a condition of development.

a. Basic bonus. The applicant shall be entitled to a fifteen percent (15%) increase above the otherwise maximum allowable residential density under the applicable Land Use Plan designation and zoning district for the entire development, and an additional increase as follows:

TABLE 3-8
BASIC BONUSES
[Insert Table 3-8]

b. Increased bonus. The increase identified in the table above shall be in addition to any increase in density required by subsections (A)(1) through (7) of this section up to a maximum combined mandated density increase of thirty-five percent (35%) if an applicant seeks both the increase required in compliance with this subsection (A)(8), as well as the bonuses provided by subsections (A)(1) through (7) of this section.

c. Eligibility for increased bonus. An applicant shall be eligible for the increased density bonus provided by this subsection if all of the following conditions are met:

- (1) The applicant donates and transfers the land no later than the date of approval of the final map, parcel map, or residential development application.
- (2) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount not less than ten percent (10%) of the number of residential units of the proposed development.
- (3) The transferred land is at least one acre in size, or of sufficient size to permit development of at least forty (40) units; has the appropriate Land Use Plan designation; is appropriately zoned for development as affordable housing; and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible.
- (4) No later than the date of approval of the final map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land, except that the City may subject the proposed development to subsequent design review to the extent authorized by Government Code Section 65583.2(i) if the design is not reviewed by the City before the time of transfer.
- (5) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 9.26.070 (Continued availability), which shall be recorded on the property at the time of dedication.
- (6) The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the approved housing developer.

(7) The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter (1/4) mile of the boundary of the proposed development.

Sec. 9-6.1303. -Accessory Dwelling Units allowed incentives or concessions (add)

A. Applicant request and City approval.

1. An applicant for a density bonus in compliance with this chapter may submit to the City a proposal for the specific incentives or concessions that the applicant requests in compliance with this section, and may request a meeting with the City Manager or designee. The applicant may file a request either before filing a final application for City approval of a proposed project or concurrently with a final application for project approval. A preliminary application submitted shall include any incentives, concessions, waivers, or parking reductions requested pursuant to this section.

2. The City Manager or designee shall grant an incentive or concession request that complies with this section unless the City Manager or designee makes either of the following findings in writing, based upon substantial evidence:

a. The incentive or concession is not required to provide for affordable housing costs or for rents for the targeted units to be set (Unit cost requirements); or

b. The incentive or concession would have a specific adverse impact upon public health and safety or the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

B. Waiver of standards preventing the use of bonuses, incentives, or concessions. An applicant may submit to the City a proposal for the waiver or reduction of development and zoning standards that would otherwise inhibit the utilization of a density bonus on a specific site, including minimum parcel size, side setbacks, and placement of public works improvements. The applicant shall show that a waiver or modification of development standards is necessary to make the housing units economically feasible.

C. Number of incentives. The applicant shall receive the following number of incentives or concessions:

1. One incentive or concession. One incentive or concession for a project that includes at least ten percent (10%) of the total units for lower-income households, at least five percent (5%) for very low-income households, or at least ten percent (10%) for persons and families of moderate income in a common interest development.

2. Two (2) incentives or concessions. Two (2) incentives or concessions for a project that includes at least twenty percent (20%) of the total units for lower-income households, at least ten percent (10%) for very low-income households, or at least twenty percent (20%) for persons and families of moderate income in a common interest development.

3. Three (3) incentives or concessions. Three (3) incentives or concessions for a project that includes at least thirty percent (30%) of the total units for lower-income households,

at least fifteen percent (15%) for very low-income households, or at least thirty percent (30%) for persons and families of moderate income in a common interest development.

4. Four (4) incentives or concessions. Four (4) incentives or concessions for projects where one hundred percent (100%) of the total units, exclusive of a manager's unit or units, are for lower income households except that up to twenty percent (20%) of the total units in the development may be for moderate-income households. If the project is located within one-half mile of a major transit stop, the applicant shall also receive a height increase of up to three (3) additional stories, or 33 feet.

a. “Major transit stop” means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods, and also includes major transit stops that are included in the applicable regional transportation plan.

D. Type of incentives. For the purposes of this chapter, concession or incentive means any of the following:

1. A reduction in the site development standards of this Development Code (e.g., site coverage limitations, setbacks, reduced parcel sizes, and/or parking requirements (Parking requirements in density bonus projects), or a modification of architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code, that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions;

2. Approval of mixed use land uses not otherwise allowed by this Development Code in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development, and the nonresidential land uses are compatible with the housing project 8 and the existing or planned development in the area where the project will be located;

3. Other regulatory incentives proposed by the applicant or the City that will result in identifiable, financially sufficient, and actual cost reductions; and/or

4. In its sole and absolute discretion, a direct financial contribution granted by the Council, including writing down land costs, subsidizing the cost of construction, or participating in the cost of infrastructure.

E. Effect of incentive or concession. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.

F. Exceptions. Notwithstanding the provisions of this Chapter, nothing in this section shall be interpreted to require the City to:

1. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

2. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

Sec. 9-6.1304. -Density bonus agreement (add)

A. Agreement required. An applicant requesting a density bonus shall agree to enter into a density bonus agreement (referred to as the “agreement”) with the City in the City’s standard form of agreement.

B. Agreement provisions.

1. Project information. The agreement shall include at least the following information about the project:

a. The total number of units approved for the housing development, including the number of designated dwelling units;

b. A description of the household income group to be accommodated by the housing development, and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with HUD guidelines;

c. The marketing plan for the affordable units;

d. The location, unit sizes (square feet), and number of bedrooms of the designated dwelling units;

e. Tenure of the use restrictions for designated dwelling units of the time periods required (Continued availability);

f. A schedule for completion and occupancy of the designated dwelling units;

g. A description of the additional incentives and concessions being provided by the City;

h. A description of the remedies for breach of the agreement by the owners, developers, and/or successors-in-interest of the project; and

i. Other provisions to ensure successful implementation and compliance with this chapter.

2. Minimum requirements. The agreement shall provide, at minimum, that:

a. The developer shall give the City the continuing right-of-first-refusal to lease or purchase any or all of the designated dwelling units at the appraised value;

b. The deeds to the designated dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for designated units without the written approval of the City;

c. When providing the written approval, the City shall confirm that the price (rent or sale) of the designated dwelling unit is consistent with the limits established for low and very low-income households, as published by HUD;

d. The City shall have the authority to enter into other agreements with the developer, or purchasers of the designated dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households;

e. Applicable deed restrictions, in a form satisfactory to the City Attorney, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the certificate of occupancy;

f. In any action taken to enforce compliance with the deed restrictions, the City Attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all of the City's costs of action including legal services; and

g. Compliance with the agreement will be monitored and enforced in compliance with the measures included in the agreement.

Chapter 8. – FLOODPLAIN MANAGEMENT

Article 5. -Provisions for Flood Hazard Reduction

Sec. 9-8.501. - Standards of construction. (amend “manufactured home”)

a. In all areas of special flood hazards the following are required:

1. *Anchoring.*

a. All new construction and substantial improvements of structures, including **manufactured** homes and **Accessory Dwelling Units or Junior Accessory Dwelling Units (ADU's or JADU's)**, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b. All **manufactured** homes and **ADU's or JADU's** shall meet the anchoring standards of **Section 9-8.504.**

3. Elevation and flood proofing...

d. Manufactured homes and **ADU's or JADU's** shall also meet the standards in this section.

Sec. 9-8.503. - Standards for subdivisions. (amend “manufactured homes”)

(e). All new subdivisions proposals and other proposed development, including proposals of manufactured and **ADU's or JADU's** home parks and subdivisions, greater than fifty (50) lots or five (5) acers, whichever is the lesser, shall:

Sec. 9-8.504 -Standards for manufactured homes (amend)

Sec. 9-8.504 -Standards for Accessory Dwelling Units (add the following)

ADU General Building Standards.

a. The ADU shall not exceed a single story, unless constructed above an attached or detached garage, or the height limit of the applicable zoning district, whichever is more restrictive.

b. The floor area of the ADU together with the floor area of the primary dwelling unit shall not cause the parcel coverage for the subject site to exceed the maximum allowable lot coverage for the applicable zoning district.

c. The development of the ADU shall be subject to the property development standards for the subject zoning district in which the ADU is located.

d. Both attached and detached ADUs must be architecturally compatible, having similar materials and style of construction, with the primary dwelling and consistent with the established character of the adjoining residential neighborhood. The design and size of the ADU shall conform to all applicable standards of the building,

health, and other codes adopted by the City. (Refer to Table 2-3 in Division 2 of this title for residential lot coverage requirements.)

e. Attached ADUs shall be compatible with and made structurally a part of the primary dwelling (e.g., share a common wall with the primary dwelling, rely partially on the primary dwelling for structural support, or be attached to the primary dwelling).

f. Detached ADUs shall comply with building and fire code separation standards, and be compatible with the materials and colors of the primary dwelling.

g. No passageway is required in conjunction with the construction of an ADU.

h. Approval by the County Health Officer and City Public Utilities Director is required where a private water well and/or private sewage disposal system is being used.

i. Fire sprinklers are required for ADUs if fire sprinklers are required for the primary residence.

j. A new or separate utility connection directly between the ADU and the utility is not required unless the ADU is constructed with a new single-family home or a new detached structure.

6. JADU Building Standards. JADUs shall comply with the following:

a. A JADU must include a separate entrance from the main entrance to the proposed or existing single-family residence.

b. A JADU must include at least an efficiency kitchen, which includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

c. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

d. A JADU shall not be considered a separate or new dwelling unit for purposes of any fire or life protection ordinance or regulation, or for purposes of providing water, sewer, or power, including a connection fee.

e. Deed Restriction. A JADU shall not be permitted unless a deed restriction, which shall run with the land, is recorded for the applicable lot, and filed with the City along with the permit application, and must do both of the following:

f. Prohibit the sale of the JADU separate from the sale of the single-family residence, and include a statement that the deed restriction may be enforced against future purchasers.

g. Restrict the size and attributes of the JADU that conform with this section.

7. Multifamily ADUs. The following ADUs are permitted within a residential or mixed-use zone on a lot that has an existing multifamily dwelling:

a. One (1) or more ADUs, up to 25 percent of the existing multifamily dwelling units, constructed within the portions of the existing multifamily dwelling structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

b. Up to two (2) detached ADUs, subject to a height limit of 16 feet and fourfoot rear yard and side setbacks.

Chapter 5. -STANDARDS FOR SPECIFIC USES AND ACTIVITIES

Article 1. Standards for Specific Uses and Activities

Sec 9-5.1XX - Accessory Residential Dwelling Units

A. Purpose and intent. This section is intended to meet the requirements of State law in providing for accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”).

1. This section is intended to comply with Government Code sections 65852.2 and 65852.22, as either may be amended from time to time. The standards established by this section shall be interpreted and applied consistent with the standards set forth in Government Code sections 65852.2 and 65852.22.

2. An ADU or JADU that complies with this section is considered an accessory use or an accessory building that does not exceed the allowable density for the lot upon which it is located.

3. An ADU or JADU that complies with this section is considered a residential use that is consistent with the existing general plan and zoning designations for the lot.

4. An ADU or JADU that complies with this section will not be considered in the application of any other local ordinance, policy, or program to limit residential growth.

5. ADUs and JADUs dwelling units will contribute to the needed housing to the community’s housing stock and promote housing opportunities for the persons wishing to reside in the City of Coalinga.

6. This section is not intended to regulate multi-generational dwelling units.

7. Effect of Conforming Accessory Dwelling Unit. An accessory dwelling unit that conforms to this section shall:

- a. Be deemed an accessory use and not be considered to exceed the allowable density for the lot upon which it is located;
- b. Be deemed a residential use that is consistent with the City’s General Plan and the zoning designations for the lot;
- c. Not be considered in the application of any ordinance, policy, or program to limit residential growth; and
- d. Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

B. Definitions. The following definitions apply to the operation of this Section. To the extent these definitions conflict with definitions found elsewhere in this title, including Section 9.120.020, the definitions set forth in this Section shall control.

1. “Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An ADU must include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the single family or multifamily dwelling is or will be situated. An ADU may be an efficiency unit or a manufactured home, as defined.

2. “Accessory structure” means a structure permitted that is accessory and incidental to a dwelling located on the same lot.

3. “Efficiency unit” has the same meaning as defined in the California Building Code, California Code of Regulations, Title 24, Section 1207.4, which meets the following standards:

a. The unit has a single living room of not less than 220 square feet of floor area for two (2) or fewer occupants and an additional 100 square feet of floor area for each additional occupant of the unit.

b. The unit has a separate closet.

c. The unit has a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front, and lighting and ventilation conforming to the California Building Standards Code.

d. The unit has a separate bathroom containing a water closet, lavatory, and bathtub or shower.

4. “Floor area” or “Total floor area” means the entire ground-level square footage of the structure, including the living area, as defined, and any non-habitable area within the structure, such as a garage or storage space.

5. “Impact fee” has the same meaning as the term “fee” is defined in Government Code section 66000(b), except that it also includes fees specified in Government Code section 66477. “Impact fee” does not include any connection fee or capacity charge.

6. “Junior accessory dwelling unit” or “JADU” means a dwelling unit that is no more than 500 square feet in size and contained entirely within the walls of a proposed or existing single-family residence, or other approved structure as specified in Government Code section 65852.2(e). A JADU must include the following features:

a. Exterior access separate from the main entrance to the proposed or existing primary dwelling or other structure.

b. An efficiency kitchen, which includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

c. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

7. “Kitchen” has the same meaning.

8. “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure. 3

9. “Multi-generational dwelling unit” means a dwelling unit, that does not include a kitchen, contained entirely within the walls of a proposed or existing single-family residence where access is not restricted between areas of the residence.

10. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards, but was a lawful improvement that did conform to the zoning standards in place at the time of the improvement.

11. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

12. “Permanent provisions for cooking” has the same meaning as “kitchen.”

13. “Permanent provisions for sanitation” and “sanitation facilities” means a separate bathroom containing a water closet, lavatory, and bathtub or shower.

14. “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

15. “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

16. “Tandem parking” means that two (2) or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

C. Targeted Neighborhoods. ADUs and JADUs are allowed in residential zoning districts with alleys, unless the City makes express findings supported by substantial evidence that ADUs and JADUs cannot be permitted due to the inadequacy of water and/or sewer services, and/or the impact of ADUs and JADUs on traffic flow and/or public safety. ADUs and JADUs are subject to the normal requirements of the district. ADUs and JADUs are not permitted in nonresidential zoning districts where residential uses are not allowed.

D. Approvals. The following approvals apply to ADUs and JADUs under this section:

1. Building-Permit Only. If an ADU or JADU complies with each of the general requirements in subsection F below, it is allowed with only a building permit in the following scenarios:

- a. Converted Space or Structure on Single-Family Lot. Only one ADU or JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - i. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing space of an accessory structure.
 - ii. Has exterior access that is independent of that for the single-family dwelling.
 - iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

- b. Limited Detached on Single-Family Lot. One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling, if the detached ADU satisfies the following limitations:
 - i. The side- and rear-yard setbacks are at least four-feet.
 - ii. The total floor area is 800 square feet or smaller.
 - iii. The peak height above grade is 16 feet or less.
 - c. Converted on Multifamily Lot. Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages that satisfied the following:
 - i. If each converted, ADU complies with state building standards for dwellings.
 - ii. The ADU home shall be built using plans provided by the city.
 - d. Limited Detached on Multifamily Lot. No more than two detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies the following limitations:
 - i. The side- and rear-yard setbacks are at least four-feet.
 - ii. The total floor area is 800 square feet or smaller.
- 2. ADU Permits.
 - a. Except as allowed under subsection (D)(1) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth (in subsections E and F below).
 - b. Impact Fee.
 - i. No impact fee is required for an ADU or JADU that is less than 750 square feet in size.
 - ii. Any impact fee that is required for an ADU that is 750 square feet or larger in size will be charged proportionately in relation to the square footage of the primary dwelling unit (e.g., the floor area of the primary dwelling, divided by the floor area of the ADU, times the typical fee amount charged for a new dwelling). “Impact fee” here does not include any connection fee or capacity charge for water or sewer service.
 - iii. Except as otherwise provided in this chapter, the construction of an accessory dwelling and junior accessory dwelling unit shall be subject to any applicable fees adopted pursuant to the requirements of California Government Code, Title 7, Division 1, Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).
- 3. Application Process and Timing.
 - a. An ADU permit is considered and approved ministerially without discretionary review or hearing.

- b. The City must act on an application to create an ADU or JADU within 60 days from the date that the City receives a completed application, unless either:
 - i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay; or
 - ii. In the case of a JADU, and the application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the city may delay acting on the permit application for the JADU until the City acts on the permit application to create the JADU will still be considered magisterially without discretionary review or a hearing.
 - c. Application Requirements. Applications for an accessory dwelling unit permit shall be made in writing by the property owner or his or her authorized agent, on forms provided by the Community Development Department, and accompanied by such data and information as may be necessary to fully describe the request including:
 - i. A to-scale and fully dimensioned site plan showing the proposed accessory dwelling unit or junior accessory dwelling unit and all existing structures on the property including patio covers, other accessory structures, fences and driveways;
 - ii. Elevations of the proposed accessory dwelling unit including building dimensions, material call outs and a color and materials sample board as requested by the Community Development Director;
 - iii. Photographs of the exterior of the primary residence as requested by the Community Development Director;.
 - iv. Construction Plan. Construction plan and staging to minimize impacts on surrounding residential properties.
 - d. The filing and review fee shall be as prescribed by the Community Development Department. The City may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the City's ADU ordinance.
4. Nonconforming ADUs and Discretionary Approval.
- a. Any proposed ADU or JADU that does not conform to the objective standards set forth in subsection E and F may be allowed by the City with the approval of the Community Development Director.
 - i. The maximum size of an ADU subject to this subsection (D)(4) is 1,200 square feet, or three bedrooms.
 - b. Findings. Before approval, the Community Development Director (or designee) must find that:
 - i. The exterior design of the accessory dwelling unit is in harmony with, and maintains the scale of, the neighborhood;
 - ii. If an exception to parking requirements is requested, the exception will not result in excessive parking congestion;
 - iii. The site plan provides adequate open space usable and useful for both the accessory dwelling unit and the primary residence;

- iv. Where applicable, open space and landscaping provides for privacy and screening of adjacent properties;
- v. The location and design of the accessory unit maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, noise, light air, solar access or parking of adjacent properties; and
- vi. Windows that impact the privacy of the neighboring side or rear yard have been minimized. Major windows, access stairs, entry doors and decks are generally limited to the walls facing the primary residence or the alley, if applicable.

E. General ADU and JADU Requirements. The following requirements apply to all ADUs and JADUs that are approved:

- 1. Zoning.
 - a. An ADU or JADU subject to a building permit may be created on a lot in a residential zone with alley access.
 - b. An ADU or JADU subject to an ADU permit may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
- 2. Fire sprinklers are required in an ADU
- 3. Rental Term. No ADU or JADU may be rented for a term that is shorter than 30 days.
- 4. No Separate Conveyance. An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).
- 5. Building and Construction.
 - a. An accessory unit shall meet the requirements of the building code that apply to detached dwellings, as appropriate.

F. Specific ADU and JADU Requirements. The following requirements apply to ADUs that require an ADU permit under subsection (D)(2) above.

- 1. Unit Size.
 - a) If there is an existing primary dwelling, the total floor area of an attached ADU may not exceed 50 percent of the floor area of the existing primary dwelling.
 - b) The total floor area for a detached ADU may not exceed 1,200 square feet.
 - c) An attached or detached one-bedroom ADU may not be more than 850 square feet of living area.
 - d) An attached or detached ADU that provides more than one (1) bedroom may not be more than 1,000 square feet of living area.
 - e) An ADU may be an efficiency unit, as defined. A proposed ADU that does not meet the minimum requirements of an efficiency unit is not permitted.
- 2. Parking—General Requirement. Accessory dwelling units must meet the following parking standards:
 - a. At minimum at least One (1) off-street parking space per ADU is required. These spaces may be provided in setback areas or as tandem parking on a driveway. The parking space is not required to be covered.

- b. Parking configuration, if required:
 - i. Parking arrangements are not permitted if the Community Development Director (or designee) makes specific findings that such parking arrangements are not feasible based upon specific site or regional topographical or fire or life safety conditions.
 - c. Exceptions. Parking standards shall not be imposed on an accessory dwelling unit in any of the following circumstances:
 - i. The accessory dwelling unit is located within one-half mile of public transit, including a public bus stop, bus station or transit station.
 - ii. The accessory dwelling unit is located within a designated historic district.
 - iii. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
 - iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - v. When there is an established car share vehicle stop located within one block of the accessory dwelling unit.
 - d. No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.
3. Height.
- a. The height of an attached ADU shall not exceed the height of the primary structure or 30 feet in height above grade, whichever is greater, measured to the peak of the structure.
 - b. A detached ADU may not exceed 16 feet in height, above grade, measured to the peak of the structure.
 - c. A unit above a detached garage located contiguous to an alley may not exceed 25 feet in height above grade, measured to the peak of the structure.
4. Setbacks.
- a. Attached and Detached Accessory Dwelling Unit. Except as provided in subsection (D)(1), an attached or detached ADU is subject to side and rear setbacks of four feet.
 - b. Alley Adjacent Accessory Dwelling Units and Accessory Dwelling Units Adjacent to Residentially Zoned Property. Side or rear yard setbacks adjacent to an alley or residentially zoned property shall be zero feet. Parking provided off the alley shall maintain a 24-foot back out, which includes the alley.
 - c. Garage and Accessory Building Conversion. No setback shall be required for a legally established, existing garage or accessory building that is converted to an accessory dwelling unit, provided the structure is not expanded and is subject to side and rear setbacks of four feet.

d. Addition Over a Garage. A minimum side and rear setback shall apply to the newly constructed portion for an accessory dwelling unit constructed above a legally established existing garage.

5. Lot Coverage

a. Lot Coverage. No ADU may cause the total lot coverage of the single-family lot to exceed 50%.

b. Rear Yard Coverage. An accessory dwelling unit shall not result in more than 30% rear yard coverage as measured from the rear wall of the primary residence to the rear property line (or as measured from the average distance of the rear wall from the rear property boundary if the rear wall does not follow a straight line).

c. A detached accessory dwelling unit must be ten feet away from the main residence and five feet away from any property lines.

6. Architecture Requirements.

a. The materials and colors of the exterior walls, roof, and windows and doors must be the same as the appearance of the primary dwelling.

b. The roof slope must be the same that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.

c. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.

d. The ADU must have an independent exterior entrance, apart from that of the primary dwelling. The ADU entrance must be located on the side or rear building façade, not facing a public-right-of-way.

e

f. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.

g. Access stairs, entry doors and decks must face the primary residence or the alley, if applicable.

h. A garage converted to an accessory dwelling unit shall include removal of garage door(s) which shall be replaced with architectural features, including walls, doors, windows, trim and accent details.

i. The architectural treatment of an ADU to be constructed on a lot that has an identified historical resource listed on the federal, state, or local register of historic places must comply with all applicable ministerial requirements imposed by the Secretary of Interior.

F. Occupancy and Ownership. ADUs and JADUs must comply with the following standards.

1. A certificate of occupancy must be issued for the primary dwelling unit before a certificate of occupancy can be issued for an ADU or JADU on the lot.
2. An ADU or JADU may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence.
3. Owner-occupancy is not required for ADUs. Owner-occupancy is required in the single-family residence in which a JADU will be permitted. The owner may reside in either the remaining portion of the structure or the newly created JADU. Owner-occupancy is not required if the owner is a governmental agency, land trust, or housing organization.

G. Special Provisions for Duplex Dwelling Units as Replacement Housing.

1. The special duplex dwelling unit provisions of this subsection shall only apply to areas within the boundaries of the City designated as a Residential Medium Density Residential (RMD) Zoning Designation.

2. The allowable number of new duplex dwelling units created under the provisions of this subsection shall not exceed the overall density limitations for Residential Medium Density Residential (RMD) uses, which is one dwelling unit for each six thousand (6,000) square feet of parcel area on a block-by-block basis.

3. A minimum parcel area of seven thousand five hundred (7,500) square feet (e.g., a typical fifty-foot (50') by one-hundred-fifty-foot (150') downtown parcel) shall be required to qualify for the specific duplex provisions of this subsection, which must meet current RMD development zoning regulations

4. Parcel coverage, setbacks, and other site design and building standards for the R-1 Single-Family Residential Districts shall apply to ensure that new duplex dwelling units are visually compatible with the established character of the adjoining residential neighborhood, which must meet current RMD development zoning regulations

5. Off-street parking, second-story limitations, and structure design shall be considered as part of the special permit review process to maintain the visual character of the area. Normally two (2) covered parking spaces shall be required for each unit, which must meet current RMD development zoning regulations.

6. A site plan review shall be required for duplex dwelling units and a public hearing shall be held in compliance.

H. ADUs and Regional Housing Needs Assessment. Subdivisions and multifamily housing developments developed or zoned at densities of ten (10) or more dwelling units per acre, with the ability of each lot or dwelling to construct an ADU, shall be counted in the City's Housing Element as adequate sites for affordable housing, as provided in Government Code section 65583.1(a).

I. Other. Nothing in this section shall be construed to prohibit the City from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains an ADU or JADU, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes an ADU or JADU

Chapter 6. -CODE ADMINISTRATION

Article 13.- Density Bonus (**add**)

Sec. 9-6.1302. – Residential density bonus (amend OR add the following)

As required by Government Code Section 65915, this chapter offers density bonuses and incentives or concessions for the development of housing that is affordable to the types of households and qualifying residents identified in Section 9.26.020 (Eligibility for bonus, incentives, or concessions). This chapter is intended to implement the requirements of Government Code Section 65915 et seq. and the Housing Element of the General Plan. As used in this Chapter and when otherwise required by Government Code section 65915 et seq., “housing development” means a development project for five or more residential units, including mixed-use developments, that meets the requirements of Government Code section 65915(i).

In order to be eligible for a density bonus and other incentives or concessions as provided by this chapter, a proposed housing development shall comply with the following requirements and shall satisfy all other applicable provisions of this Development Code.

A. Resident requirements. A housing development proposed to qualify for a density bonus shall be designed and constructed so that it includes at least any one of the following:

1. Ten percent (10%) of the total number of proposed units are for lower-income households, as defined in Health and Safety Code Section 50079.5; 2
2. Five percent (5%) of the total number of proposed units are for very low-income households, as defined in Health and Safety Code Section 50105;
3. The project is a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or is a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections 798.76 and 799.5;
4. Ten percent (10%) of the total dwelling units in a common interest development as defined in Civil Code Section 4100 are for persons and families of moderate income, as defined in Health and Safety Code Section 50093; provided, that all units in the development are offered to the public for purchase;
5. Ten percent (10%) of the total number of proposed units of housing for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541 of the Government Code, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act; or
6. Twenty percent (20%) of the total number of proposed units for lower income students in a student housing development that meets the requirements, as defined by Government Code Section 65915.
7. One hundred percent (100%) of the total units, exclusive of a manager's unit or units, are for lower income households, as defined by Health and Safety Code Section 50079.5, except that up to twenty percent (20%) of the total units in the development may be for moderate income households, as defined in Health and Safety Code Section 50053.

B. Applicant selection of basis for bonus: For purposes of calculating the amount of the density bonus in compliance with Section 9.26.030 (Allowed density bonuses), the applicant who requests a density bonus shall elect whether the bonus shall be awarded on the basis of subsection (A)(1), (2), (3), or (4), (5), (6), or (7) of this section. A preliminary application submitted pursuant to Section 9.50.055 shall include the number of bonus units requested pursuant to this section.

C. Bonus units shall not qualify as a project. A density bonus granted in compliance with Section 9.26.030 (Allowed density bonuses) shall not be included when determining the number of housing units that is equal to the percentages required by subsection A of this section.

D. Minimum project size to qualify for density bonus. The density bonus provided by this chapter shall be available only to a housing development of five (5) or more dwelling units.

E. Condominium conversion projects. A condominium conversion project for which a density bonus is requested shall comply with the eligibility and other requirements in Government Code Section 65915.5.

Sec. 9-6.1303. -Accessory Dwelling Units allowed density bonuses (add)

The Director shall determine the amount of a density bonus allowed in a housing development in compliance with this section. For the purposes of this chapter, “density bonus” means a density increase over the otherwise maximum allowable residential density under the applicable Land Use Plan designation and zoning district as of the date of preliminary or final application by the applicant to the City.

A. Density bonus. A housing development that complies with the eligibility requirements shall be entitled to density bonuses as follows, unless a lesser percentage is proposed by the applicant:

1. Bonus for units for lower-income households. A housing development that is eligible for a bonus in compliance with the criteria (1) (ten percent (10%) of units for lower-income households) shall be entitled to a density bonus calculated as follows in Table 1:

2. Bonus for units for very low-income households. A housing development that is eligible for a bonus in compliance with the criteria (2) (five percent (5%) of units for very low-income households) shall be entitled to a density bonus calculated as follows in Table 1:

3. Bonus for senior citizen development. A housing development that is eligible for a bonus in compliance with (3) (senior citizen development or mobile home park) shall be entitled to a density bonus of twenty percent (20%).

4. Bonus for moderate-income units in common interest development. A housing development that is eligible for a bonus in compliance with (4) (ten percent (10%) of units in a common interest development for persons and families of moderate income) shall be entitled to a density bonus calculated as follows in Table 1:

TABLE 1

Table 1: Density Bonus Standards for Developments of 5 or more units.

No.	Target Development Type	Target Units Provided	"Sliding Scale", or Increase of Density Bonus for every 1% increase in Target Units provided	Density Bonus that may be granted	Number of Incentives and Concessions that may be granted
A.	Very Low Income housing units	Min. 5% very low income units	2.5%	Min. 20% up to max. of 35%	1 for 5% 2 for 10% 3 for 15% very low income units
B.	Low Income housing units	Min. 10% low income units	1.5%	Min. 20% up to max. of 35%	1 for 10% 2 for 20% 3 for 30% lower income units
C.	Moderate Income housing units in a common interest development (i.e. Condominium or Planned Development)	Min. 10% moderate income units	1%	Min. 20% up to max. of 35%	1 for 10% 2 for 20% 3 for 30% moderate income units
D.	Senior Housing (age 55+)	Min. 35 senior units	N/A	20%	N/A
E.	Land Donation of min. 1 acre and zoned to permit at least 40 units. Other State Density Bonus law requirements apply.	Min. 10% of very low income units	1%	Min. 15%, up to max. of 35%. (may be combined with other Development Types A to D to 35%)	In conformance with Development Type
F.	Conversion of apartments to condominiums (Government Code Section 65915.5)	Min. 33% low or moderate income units, or 15% to low income	N/A	Up to 25% increase above the existing number of apartments proposed for conversion	N/A

G.	Housing Development with child care facility	N/A	N/A	Additional density bonus of residential square footage, that is greater than or the same as the square footage of the child care facility	One incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility may be granted in lieu of the density bonus.
Note: All density calculations resulting in fractional units shall be rounded up. Development Type D, Senior Housing, includes any mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.					

5. Bonus for transitional foster youth, disabled veterans, or homeless persons development. A housing development that is eligible for a bonus in compliance with (5) (transitional foster youth, disabled veterans, or homeless persons) shall be entitled to a density bonus of twenty percent (20%)

6. Bonus for lower income students in a student housing development. A housing development that is eligible for a bonus in compliance with (6) (lower income students in student housing) shall be entitled to a density bonus of thirty-five percent (35%).

7. Bonus for units for lower-income and moderate-income households. A housing development that is eligible for a bonus in compliance with (7) (lower-income and moderate-income households) shall be entitled to a density bonus of eighty percent (80%) of the number of units of lower income households. If the housing development is located within one-half mile of a major transit stop, there shall be no maximum controls on density.

a. A housing development that receives a waiver from maximum controls on density shall not be eligible for, and shall not receive, a waiver or reduction of any other development standards, other than a height increase of up to three additional stories, or 33 feet, as expressly provided in Section 9.26.040(C)(4).

b. “Major transit stop” means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods, and also includes major transit stops that are included in the applicable regional transportation plan.

8. Density bonus for land donation. When an applicant for a tentative map, parcel map, or other residential development approval donates land to the City in compliance with this subsection, the applicant shall be entitled to a density bonus for the entire development, as follows; provided, that

nothing in this subsection shall be construed to affect the authority of the City to require a developer to donate land as a condition of development.

a. Basic bonus. The applicant shall be entitled to a fifteen percent (15%) increase above the otherwise maximum allowable residential density under the applicable Land Use Plan designation and zoning district for the entire development, and an additional increase as follows:

TABLE 3-8
BASIC BONUSES
[Insert Table 3-8]

b. Increased bonus. The increase identified in the table above shall be in addition to any increase in density required by subsections (A)(1) through (7) of this section up to a maximum combined mandated density increase of thirty-five percent (35%) if an applicant seeks both the increase required in compliance with this subsection (A)(8), as well as the bonuses provided by subsections (A)(1) through (7) of this section.

c. Eligibility for increased bonus. An applicant shall be eligible for the increased density bonus provided by this subsection if all of the following conditions are met:

- (1) The applicant donates and transfers the land no later than the date of approval of the final map, parcel map, or residential development application.
- (2) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount not less than ten percent (10%) of the number of residential units of the proposed development.
- (3) The transferred land is at least one acre in size, or of sufficient size to permit development of at least forty (40) units; has the appropriate Land Use Plan designation; is appropriately zoned for development as affordable housing; and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible.
- (4) No later than the date of approval of the final map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land, except that the City may subject the proposed development to subsequent design review to the extent authorized by Government Code Section 65583.2(i) if the design is not reviewed by the City before the time of transfer.
- (5) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 9.26.070 (Continued availability), which shall be recorded on the property at the time of dedication.

(6) The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the approved housing developer.

(7) The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter (1/4) mile of the boundary of the proposed development.

Sec. 9-6.1303. -Accessory Dwelling Units allowed incentives or concessions (**add**)

A. Applicant request and City approval.

1. An applicant for a density bonus in compliance with this chapter may submit to the City a proposal for the specific incentives or concessions that the applicant requests in compliance with this section, and may request a meeting with the City Manager or designee. The applicant may file a request either before filing a final application for City approval of a proposed project or concurrently with a final application for project approval. A preliminary application submitted shall include any incentives, concessions, waivers, or parking reductions requested pursuant to this section.

2. The City Manager or designee shall grant an incentive or concession request that complies with this section unless the City Manager or designee makes either of the following findings in writing, based upon substantial evidence:

a. The incentive or concession is not required to provide for affordable housing costs or for rents for the targeted units to be set (Unit cost requirements); or

b. The incentive or concession would have a specific adverse impact upon public health and safety or the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

B. Waiver of standards preventing the use of bonuses, incentives, or concessions. An applicant may submit to the City a proposal for the waiver or reduction of development and zoning standards that would otherwise inhibit the utilization of a density bonus on a specific site, including minimum parcel size, side setbacks, and placement of public works improvements. The applicant shall show that a waiver or modification of development standards is necessary to make the housing units economically feasible.

C. Number of incentives. The applicant shall receive the following number of incentives or concessions:

1. One incentive or concession. One incentive or concession for a project that includes at least ten percent (10%) of the total units for lower-income households, at least five percent (5%) for very low-income households, or at least ten percent (10%) for persons and families of moderate income in a common interest development.

2. Two (2) incentives or concessions. Two (2) incentives or concessions for a project that includes at least twenty percent (20%) of the total units for lower-income households,

at least ten percent (10%) for very low-income households, or at least twenty percent (20%) for persons and families of moderate income in a common interest development.

3. Three (3) incentives or concessions. Three (3) incentives or concessions for a project that includes at least thirty percent (30%) of the total units for lower-income households, at least fifteen percent (15%) for very low-income households, or at least thirty percent (30%) for persons and families of moderate income in a common interest development.

4. Four (4) incentives or concessions. Four (4) incentives or concessions for projects where one hundred percent (100%) of the total units, exclusive of a manager's unit or units, are for lower income households except that up to twenty percent (20%) of the total units in the development may be for moderate-income households. If the project is located within one-half mile of a major transit stop, the applicant shall also receive a height increase of up to three (3) additional stories, or 33 feet.

a. “Major transit stop” means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods, and also includes major transit stops that are included in the applicable regional transportation plan.

D. Type of incentives. For the purposes of this chapter, concession or incentive means any of the following:

1. A reduction in the site development standards of this Development Code (e.g., site coverage limitations, setbacks, reduced parcel sizes, and/or parking requirements (Parking requirements in density bonus projects), or a modification of architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code, that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions;

2. Approval of mixed use land uses not otherwise allowed by this Development Code in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development, and the nonresidential land uses are compatible with the housing project 8 and the existing or planned development in the area where the project will be located;

3. Other regulatory incentives proposed by the applicant or the City that will result in identifiable, financially sufficient, and actual cost reductions; and/or

4. In its sole and absolute discretion, a direct financial contribution granted by the Council, including writing down land costs, subsidizing the cost of construction, or participating in the cost of infrastructure.

E. Effect of incentive or concession. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.

F. Exceptions. Notwithstanding the provisions of this Chapter, nothing in this section shall be interpreted to require the City to:

1. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

2. Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

Sec. 9-6.1304. -Density bonus agreement (add)

A. Agreement required. An applicant requesting a density bonus shall agree to enter into a density bonus agreement (referred to as the “agreement”) with the City in the City’s standard form of agreement.

B. Agreement provisions.

1. Project information. The agreement shall include at least the following information about the project:

a. The total number of units approved for the housing development, including the number of designated dwelling units;

b. A description of the household income group to be accommodated by the housing development, and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with HUD guidelines;

c. The marketing plan for the affordable units;

d. The location, unit sizes (square feet), and number of bedrooms of the designated dwelling units;

e. Tenure of the use restrictions for designated dwelling units of the time periods required (Continued availability);

f. A schedule for completion and occupancy of the designated dwelling units;

g. A description of the additional incentives and concessions being provided by the City;

h. A description of the remedies for breach of the agreement by the owners, developers, and/or successors-in-interest of the project; and

i. Other provisions to ensure successful implementation and compliance with this chapter.

2. Minimum requirements. The agreement shall provide, at minimum, that:

a. The developer shall give the City the continuing right-of-first-refusal to lease or purchase any or all of the designated dwelling units at the appraised value;

b. The deeds to the designated dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for designated units without the written approval of the City;

c. When providing the written approval, the City shall confirm that the price (rent or sale) of the designated dwelling unit is consistent with the limits established for low and very low-income households, as published by HUD;

d. The City shall have the authority to enter into other agreements with the developer, or purchasers of the designated dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households;

e. Applicable deed restrictions, in a form satisfactory to the City Attorney, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the certificate of occupancy;

f. In any action taken to enforce compliance with the deed restrictions, the City Attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all of the City's costs of action including legal services; and

g. Compliance with the agreement will be monitored and enforced in compliance with the measures included in the agreement.

Chapter 8. – FLOODPLAIN MANAGEMENT

Article 5. -Provisions for Flood Hazard Reduction

Sec. 9-8.501. - Standards of construction. (**amend** “manufactured home”)

a. In all areas of special flood hazards the following are required:

1. *Anchoring.*

a. All new construction and substantial improvements of structures, including **manufactured** homes and **Accessory Dwelling Units or Junior Accessory Dwelling Units (ADU's or JADU's)**, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b. All **manufactured** homes **and ADU's or JADU's** shall meet the anchoring standards of Section 9-8.504.

3. Elevation and flood proofing...

d. Manufactured homes and **ADU's or JADU's** shall also meet the standards in this section.

Sec. 9-8.503. - Standards for subdivisions. (**amend** “manufactured homes”)

(e). All new subdivisions proposals and other proposed development, including proposals of manufactured and **ADU's or JADU's** home parks and subdivisions, greater than fifty (50) lots or five (5) acers, whichever is the lesser, shall:

Sec. 9-8.504 -Standards for manufactured homes (**amend**)

Sec. 9-8.504 -Standards for Accessory Dwelling Units (**add the following**)

ADU General Building Standards.

a. The ADU shall not exceed a single story, unless constructed above an attached or detached garage, or the height limit of the applicable zoning district, whichever is more restrictive.

b. The floor area of the ADU together with the floor area of the primary dwelling unit shall not cause the parcel coverage for the subject site to exceed the maximum allowable lot coverage for the applicable zoning district.

c. The development of the ADU shall be subject to the property development standards for the subject zoning district in which the ADU is located.

d. Both attached and detached ADUs must be architecturally compatible, having similar materials and style of construction, with the primary dwelling and

consistent with the established character of the adjoining residential neighborhood. The design and size of the ADU shall conform to all applicable standards of the building, health, and other codes adopted by the City. (Refer to Table 2-3 in Division 2 of this title for residential lot coverage requirements.)

e. Attached ADUs shall be compatible with and made structurally a part of the primary dwelling (e.g., share a common wall with the primary dwelling, rely partially on the primary dwelling for structural support, or be attached to the primary dwelling).

f. Detached ADUs shall comply with building and fire code separation standards, and be compatible with the materials and colors of the primary dwelling.

g. No passageway is required in conjunction with the construction of an ADU.

h. Approval by the County Health Officer and City Public Utilities Director is required where a private water well and/or private sewage disposal system is being used.

i. Fire sprinklers are required for ADUs if fire sprinklers are required for the primary residence.

j. A new or separate utility connection directly between the ADU and the utility is not required unless the ADU is constructed with a new single-family home or a new detached structure.

6. JADU Building Standards. JADUs shall comply with the following:

a. A JADU must include a separate entrance from the main entrance to the proposed or existing single-family residence.

b. A JADU must include at least an efficiency kitchen, which includes a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

c. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

d. A JADU shall not be considered a separate or new dwelling unit for purposes of any fire or life protection ordinance or regulation, or for purposes of providing water, sewer, or power, including a connection fee.

e. Deed Restriction. A JADU shall not be permitted unless a deed restriction, which shall run with the land, is recorded for the applicable lot, and filed with the City along with the permit application, and must do both of the following:

f. Prohibit the sale of the JADU separate from the sale of the singlefamily residence, and include a statement that the deed restriction may be enforced against future purchasers.

g. Restrict the size and attributes of the JADU that conform with this section.

7. Multifamily ADUs. The following ADUs are permitted within a residential or mixed-use zone on a lot that has an existing multifamily dwelling:

a. One (1) or more ADUs, up to 25 percent of the existing multifamily dwelling units, constructed within the portions of the existing multifamily dwelling structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

b. Up to two (2) detached ADUs, subject to a height limit of 16 feet and fourfoot rear yard and side setbacks.



Staff Report- Chairman and Planning Commission

Subject: City Initiated Zoning Text Amendment (No. ZTA 19-04) Amending the Planning and Zoning Code Related to In-Home Family Daycare Facilities to Align with State Law

Meeting Date July 26, 2022

Project Location: City of Coalinga

Applicant: City of Coalinga, 155 W. Durian, Coalinga, CA 93210

Owner: City of Coalinga, 155 W. Durian, Coalinga, CA 93210

Prepared By: Sean Brewer, Assistant City Manager

I. RECOMMENDATION:

Adoption of Resolution No. 022P-004, Planning Commission Consideration and Recommendation to the City Council for Approval of a City Initiated Zoning Text Amendment (No. ZTA 19-04) Amending the Planning and Zoning Code Related to In-Home Family Day Care Facilities.

II. BACKGROUND:

Under existing law, the California Child Day Care Facilities Act, the State Department of Social Services licenses and regulates family daycare homes. Under existing law, a small family daycare home, which may provide care for up to 8 children, is considered a residential use of property for purposes of all local ordinances. Previous law authorized a city or county to either classify a large family daycare home, which may provide care for up to 14 children, as residential use of the property or to provide a process for applying for a permit to use the property as a large family daycare home. The City of Coalinga currently requires a conditional use permit for a large in-home family day care facility. With the passage of Senate Bill 234, this changed the requirement and now treats large family daycare home as a residential use of property for purposes of all local ordinances.

III. PROPOSAL AND ANALYSIS:

The proposed text amendment amends the permitting requirement for large family daycare facilities from a conditional use permit to being permitted by right.

A copy of the resolution and draft ordinance is attached for the Planning Commissions review and consideration..

General Plan/Zoning Consistency: The proposed zoning text amendment is consistent with the general plan policies and implementation measures including zoning consistency for residential uses. These ordinance revisions ensure consistency with state law.

Public Notification: On July 11, 2022 public hearing notices were posted and emailed to local paper in accordance with local and state regulations.

Environmental Determination: This text amendment has been reviewed in accordance with CEQA and staff has determined that this ordinance change would not have a detrimental effect on the health, safety and welfare of the community and fall under Section 15061(b)(3) - General Rule Exemption.

IV. FISCAL IMPACT:

None determined at this time.

V. REASONS FOR RECOMMENDATION:

The following standard findings must be made for each Zoning Ordinance amendment:

1. The proposed Zoning Ordinance amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
2. The proposed Zoning Ordinance amendment is consistent and compatible with the goals, policies, and actions of the General Plan, and the other applicable provisions of the Zoning Ordinance.
3. If applicable, the site is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses/developments.
4. The proposed Zoning Ordinance amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

ATTACHMENTS:

Description

- ❑ PC Resolution No. 022P-004
- ❑ Draft Ordinance No. 853 - Family Daycare Facilities

RESOLUTION 022P-004

A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION RECOMMENDING APPROVAL OF A ZONING TEXT AMENDMENT TO AMEND THE PLANNING AND ZONING CODE RELATED TO IN HOME FAMILY DAY CARE FACILITIES IN ACCORDENCE WITH CA SENATE BILL 234.

WHEREAS, Article 1 of Chapter 5 of the Coalinga Planning and Zoning code establishes local regulations applicable to family day care homes large and small may be permitted under the Senate Bill approved by the Governor in 2019, or subsequently enacted State law pertaining to the same; and

WHEREAS, Currently section 9-2.202 requires all large home family daycares to acquire a conditional use permit

WHEREAS, Senate Bill 234 changed the permitting requirement and now treats large family daycare home as a residential use of property for purposes of all local ordinances.

WHEREAS, the City desires to amend section 9-2.202 to reflect and be consistent with state law, of the planning and zoning code to amend the imposed regulations and requirement of a conditional use permit for large family day care homes in the City of Coalinga and

WHEREAS, a Notice of Public Hearing was provided to the Coalinga Press, posted at City Hall, Police Department bulletin board, Fire Department Bulletin Board, Coalinga District Library, Chamber of Commerce, and City of Coalinga website, on July 11, 2022, and;

WHEREAS, the Planning Commission held the noticed Public Hearing on July 26, 2022 to take testimony with regard to the proposed Zoning Text Amendment; and

WHEREAS, the Planning Commission completed its review of the proposed Zoning Text Amendment and details in the Staff Report and has considered the testimony received during the public hearing process, and;

WHEREAS, the Planning Commission has made the following findings based on the Zoning Text Amendment proposal:

- The proposed Zoning Ordinance amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
-
- The proposed Zoning Ordinance amendment is consistent and compatible with the goals, policies, and actions of the General Plan, and the other applicable provisions of the Zoning Ordinance.
- If applicable, the site is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical

constraints) for the requested zoning designations and anticipated land uses/developments.

- The proposed Zoning Ordinance amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission recommends approval to the City Council adoption of a draft ordinance (Exhibit "A") to amend the planning and zoning code related to family day care homes.

PASSED AND ADOPTED, by the City of Coalinga Planning Commission at a regular meeting held on the 26th day of July 2022.

AYES:

NOES:

ABSTAIN:

ABSENT:

Planning Commission Chairman/Vice Chairman

ATTEST:

City Clerk/Deputy City Clerk

Exhibit "A"

Draft Ordinance

ORDINANCE NO. 853

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA, CALIFORNIA AMENDING COALINGA MUNICIPAL CODE TITLE 9 CHAPTER 1, ARTICLE 2 DEFINITIONS AND SECTION 9-2.202 RELATED TO IN HOME FAMILY DAY CARE FACILITIES IN ACCORDENCE WITH CA SENATE BILL 234.

WHEREAS, Article 1 of Chapter 5 of the Coalinga Planning and Zoning code establishes local regulations applicable to Family Day Care Homes; and

WHEREAS, the Governor of the State of California, on September 5, 2019, signed into law, Senate Bill 234 (known as the California Child Day Care Facilities Act) limiting local regulatory oversight of family daycare homes; and

WHEREAS, as a result of the passage of SB 234, the City's current regulations related to family day care homes are no longer consistent with that of the State of California; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COALINGA DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that all the facts, findings, and conclusions set forth above in this Ordinance are true and correct.

SECTION 2. The City hereby amends the following in Table 2.3: Land Use Regulations – Residential Districts, of Section 9-2.202 related to Family Day Care Homes:

Use Classifications	RR	RE	RSF	RT	RMD	RHD	Additional Notes and Regulations
Residential Uses							
Family Day Care Home	See subclassifications below						
Small	Yes	Yes	Yes	Yes	Yes	Yes	
Large	Yes	Yes	Yes	Yes	Yes	Yes	Section 9-5.110, Family Day Care Home

SECTION 3. Severability Clause:

Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION 4. Effective Date:

This Ordinance shall take effect immediately after its passage and adoption in order to comply with existing state law.

SECTION 5. Certification:

The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2022.

Mayor,/ Mayor Pro-Tem

ATTEST:

Shannon Jensen, City Clerk

APPROVED AS TO FORM:

Mario U. Zamora, City Attorney



Staff Report- Chairman and Planning Commission

Subject: Planning Commission Approval of Resolution 022P-006 Recommending to the City Council Adoption of the Fresno County SB 743 Implementation Regional Guidelines for Vehicle Miles Traveled (VMT) and setting 13% percent less VMT per capita than existing average VMT for Fresno County as the threshold for the City of Coalinga

Meeting Date July 26, 2022

Project Location: City of Coalinga

Applicant: City of Coalinga, 155 W. Durian, Coalinga, CA 93210

Owner: City of Coalinga, 155 W. Durian, Coalinga, CA 93210

Prepared By: Sean Brewer, Assistant City Manager

I. RECOMMENDATION:

Staff recommends that the Planning Commission Review and Recommend to the City Council Adoption of a Resolution Adopting the Fresno County SB 743 Implementation Regional Guidelines for Vehicle Miles Traveled (VMT) and setting 13% percent less VMT per capita than existing average VMT for Fresno County as the threshold for the City of Coalinga as its California Environmental Quality Act (CEQA) threshold as detailed within the Fresno County SB 743 Implementation Regional Guidelines.

II. BACKGROUND:

Senate Bill 743 (SB 743), signed in 2013 and effective as of July 1, 2020, changes the mandated way transportation impacts are analyzed in the California Environmental Quality Act (CEQA) process. VMT has replaced level of service (LOS) as CEQA's transportation impact determination.

CEQA Regional Guidelines: Transportation is the single largest sector contributing to the State's greenhouse gas (GHG) emissions, with more than 40 percent of the GHG emissions coming from the transportation sector (primarily passenger cars and light-duty trucks), reducing the number and/or length of vehicle trips are expected to result in reduced GHG emissions. As such, vehicle miles traveled (VMT) now replaces auto delay and Level of Service (LOS) as the metric for transportation impact determination within CEQA. The City of Coalinga has traditionally used the LOS as the method to determine transportation impact determination. As a result of SB 743, the City of Coalinga, as the lead agency, is required to analyze VMT instead of LOS in its CEQA documents. LOS can still be used to assess projects but is no longer a CEQA impact. In collaboration with the Fresno Council of Governments (FCOG), the City has identified VMT thresholds that would define a significant CEQA impact for land use development projects and associated VMT analysis for transportation projects. Even though LOS will no longer be considered a significant impact under CEQA, the lead agency can still require projects to meet the LOS standards as

designated in its zoning code or general plan, but not as part of the CEQA analysis.

CEQA Regional Guideline Analysis: Within the constructs of SB 743, the analysis for impacts of transportation has shifted from congestion to climate change, and the purpose of the CEQA analysis is to disclose and ultimately reduce GHG emissions by reducing the number and length of automobile trips. VMT is a regional effect not defined by roadway, intersection, or pathway. In other words, CEQA documents prepared by the City of Coalinga are no longer required to analyze intersections and road segments. Instead, they have to analyze regional trips within Fresno County.

III. PROPOSAL AND ANALYSIS:

The VMT baseline reduction set by the State Office of Planning and Research (OPR) is 15 percent less than current VMT. However, an individual jurisdiction may adopt a lower threshold with substantial evidence and data to show that a lower threshold can still achieve the State's overall reduction goal; with such analysis supported or accepted by OPR. With the technical assistance of FCOG, the entire Fresno County Region worked together to identify a 13 percent threshold, as detailed within the Fresno County SB 743 Implementation Regional Guidelines, which is included in Attachment A. As such, the City of Coalinga will establish a threshold for land use developments, specifically residential and office, of exceeding 13 percent below the existing regional VMT per capita as indicative of a significant environmental impact. Additionally, threshold changes will likely take place over time, as VMT trends and data change over time.

Under the proposed guidelines, project screening is conducted as the initial step. If the project meets any one of the screening criteria, the project may be presumed to create a less than significant impact and no further VMT analysis is necessary. If the project does not screen out, the next step is to assess a project as to whether or not their VMT impact would be less than significant. This process is detailed in the guidelines. The third step is to screen a project using the FCOG VMT Assessment Tool. The FCOG VMT assessment tool is available online for the City's use. For bigger projects with higher VMT that do not screen out as less than significant, FCOG's online VMT calculator can be used to determine project VMT and then apply mitigation as needed to reduce VMT to at or below the 13 percent baseline. If this cannot be achieved, an Environmental Impact Report would need to be prepared to allow for a Statement of Overriding Consideration as required by CEQA. Alternatively, an applicant can revise their project to reduce VMT. FCOG is currently working on developing a VMT mitigation bank or other type of program to assist with identifying VMT mitigation which can assist with mitigation on bigger projects.

California Environmental Quality Act: The establishment and implementation of a VMT threshold is a state-mandated requirement under SB 743, and Section 15064.3 of the CEQA Guidelines. While adoption of the regional implementation guidelines and setting of the 13% threshold does not require environmental analysis, these actions will impact the environmental analysis for all land use and capital development projects moving forward, in accordance with amended CEQA regulations as mandated under SB 743. As a result, this action is categorically exempt under the California Environmental Quality Act (CEQA), Section 15308 (Actions by Regulatory Agencies for Protection of the Environment).

VMT and Future Development Projects

For land use development projects, VMT is simply the product of the daily trips generated by new development and the distance those trips travel to their destinations. Land use projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant transportation impact.

For capital projects, impacts are identified as the new VMT attributable to the added capital project, both from the installation of the facility and the induced growth – a new term in the CEQA lexicon – generated as a result of induced land use. Transportation projects that reduce, or have no impact on, vehicle miles traveled

should be presumed to cause a less than significant transportation impact. Bicycle and pedestrian infrastructure projects generally reduce VMT and, therefore, may be presumed to cause a less than significant impact on transportation. In addition, rehabilitation and maintenance projects designed to improve the condition of existing transportation assets that do not add motor vehicle capacity may be presumed to cause a less than significant impact on transportation

IV. FISCAL IMPACT:

There is no negative financial impact to the City associated with this action, as the technical analysis and resulting Regional Guidelines document were funded by Fresno COG and made available to COG's member agencies for use as they deemed appropriate for their agency. Future actions to address increased costs will be delivered to the Planning Commission for their recommendation, and City Council for formal action, and should be expected as VMT analysis becomes more established.

V. REASONS FOR RECOMMENDATION:

ATTACHMENTS:

Description

- ☐ VMT Thresholds for Small Cities
- ☐ PC Resolution 022P-006 - VMT Recommendation to CC



FCOG CPE Program: CEQA VMT Thresholds for Small Cities

CEQA VMT Thresholds Guidance

prepared by

Fresno Council of Governments

2035 Tulare Street, Suite 201

Fresno, California 93721

prepared with the assistance of

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7080 North Whitney Avenue, Suite 101

Fresno, California 93720

February 2022



RINCON CONSULTANTS, INC.

Environmental Scientists | Planners | Engineers

rinconconsultants.com

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1 Introduction

1.1 Overview

Senate Bill (SB) 743 changed the way that public agencies evaluate the transportation impacts of projects under the California Environmental Quality Act (CEQA), identifying vehicle miles traveled (VMT) as the most appropriate metric to determine the significance of transportation impacts. When a project exceeds the VMT thresholds of significance, the project is required to implement feasible mitigation measures to reduce CEQA transportation impacts related to VMT. Since the adoption of SB 743, lead agencies have been working to develop appropriate VMT numerical thresholds of significance, evaluate project VMT impacts, and identify how to mitigate projects that may have a significant VMT impact.

This report is intended to guide the Fresno Council of Government (FCOG) members through assessment of VMT impacts for development projects or plans in small cities under CEQA. Of the 15 incorporated cities within Fresno County, 13 qualify as small cities¹. Small cities in Fresno County include: Coalinga, Firebaugh, Fowler, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, San Joaquin, Sanger, and Selma. This report provides information and guidance for small cities to determine whether or not a project has a significant VMT impact and, if so, guidance for mitigating the impact. This document includes background on VMT impacts, a guide to determine if a project is exempt from CEQA or has a less than significant VMT impact and offers guidance on available mitigation. Applicable cities should utilize this guide and other FCOG tools noted throughout the document to determine whether a project's VMT impacts requires analysis, and if so what type of analysis to complete.

1.2 Background

California Environmental Quality Act

CEQA, enacted in 1970, requires lead agencies to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce those impacts to the extent feasible. Lead agencies are state and local agencies that have the primary responsibility for approving a project. To be a CEQA lead agency, the public agency must have discretionary authority over a project. Lead agencies in Fresno County are local cities, school districts, water districts, the County of Fresno, and other public agencies. The guidance in this document is specifically designed for lead agencies in small cities.

The statute is codified in Public Resources Code (PRC) Section 21000 et seq, and implemented by the California Natural Resources Agency. The California Office of Planning and Research (OPR) develops the *CEQA Guidelines* to interpret CEQA statute and published court decisions. The version of the *CEQA Guidelines* adopted on December 28, 2018, includes updates related to analyzing transportation impacts pursuant to SB 743.

¹ Cities with populations under 100,000 residents.

Senate Bill 743

SB 743 changed the way that public agencies evaluate the transportation impacts of projects under CEQA, recognizing that roadway congestion, while an inconvenience to drivers, is not itself an environmental impact (see PRC, Section 21099, subd. (b)(2)). OPR identified VMT as the most appropriate metric to determine the significance of transportation impacts in a manner that promotes the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses (OPR 2018).

SB 743 provides opportunities to streamline CEQA for qualifying urban infill development near major transit stops in metropolitan regions statewide. A transit-oriented infill project can be exempt from CEQA if consistent with a specific plan for which an Environmental Impact Report was prepared, and also consistent with the use, intensity, and policies of a Sustainable Community Strategy or Alternative Planning Strategy that is certified by the California Air Resources Board as meeting its greenhouse gas reduction targets. Furthermore, under SB 743, parking impacts are no longer considered significant impacts on the environment for select development projects within infill areas with nearby frequent transit service.

VMT Evaluation Methodology

In accordance with *CEQA Guidelines* Section 15064.3(b)(4) A lead agency has discretion to choose the most appropriate methodology to evaluate a project's VMT, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project's VMT and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate VMT and any revisions to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 of *CEQA Guidelines* applies to any VMT evaluation.

VMT Reduction Strategies

The choice of mode of travel by a person is dependent on the availability of travel options, the amount of time, comfort, convenience, and cost of travel. In general, walking, bicycling, transit, personal cars, rideshare/taxi, and commuter rail are the primary mode of travel and each have different levels of attractiveness for users. Trips that do not use personal vehicles reduce VMT. Investments in non-vehicular infrastructure (often referred to as multi-modal infrastructure) and services can provide reduction in VMT by shifting trips to non-vehicle modes.

Mixed-use developments that place residents close to commercial services, such as grocery stores, restaurants, shopping, or offices, would reduce VMT and encourage walking or bicycling over the short distances to reach those services. An Arizona Department of Transportation study found that mixed-use and high-density development could reduce residents' VMT by 25 percent on average if walkable features are included and proximity to public transit is considered (Arizona Department of Transportation 2012). Mixed-use development reduces the amount of nonwork vehicle trips a resident takes, by placing near their home those services that a resident would access by vehicle.

Providing pedestrian and bicycle networks that connect residents to services would replace some personal vehicle trips with active transportation. To encourage residents to travel by walking or bicycling, a safe environment should be created to limit exposure to traffic collisions. A key aspect of increasing active transportation, such as walking and bicycling, is to ensure that roadway gaps are

closed. Roadway gap closures are a less expensive option to constructing a full pedestrian or bicycle network.

A robust and convenient public transportation system that connects residential development to commercial services would reduce VMT. Further, building new development with transit-oriented considerations (increase density in proximity to transit) would reduce reliance on personal vehicles. Transit includes commuter rail, subway, light rail, streetcar, buses, and ferries (Public Policy Institute of California 2011).

FCOG VMT Screening Programs

FCOG has developed a VMT Screening Application that divides the County into traffic analysis zones (TAZ) levels in order to evaluate projects in accordance with OPR's map-based screening criteria (FCOG 2021b). FCOG has adopted 13 percent below existing conditions as their threshold for a less than significant impact. Each TAZ displays the VMT per capita or per employee broken into three groups based on their status of meeting or exceeding a 13 percent below the existing VMT per capita or employee threshold. Those three groups include, high (greater than 13 percent), medium (within +/- 13 percent), low (less than 13 percent). The 13 percent threshold is based upon California Air Resources Board's 2035 greenhouse gas reduction target of 13 percent, which was included in the third RTP/SCS for the FCOG region (FCOG 2021a). Hence, the option for a 13 percent VMT threshold exists for all FCOG cities. The VMT screening application (map) can be found at: <https://gis1.lsa.net/FCOGVMT/>.

FCOG has developed a VMT Calculator that may be used to determine project VMT (FCOG 2021c). The calculator includes fields for land use and to fill in the jurisdiction and the TAZ to which the threshold will be compared. The calculator outputs the existing VMT conditions of the selected TAZ and the VMT of the project. This tool can be found at: <https://www.fresnocog.org/project/vmt-tool/>

1.3 Purpose

Purpose of this Guidance

SB 743 changed the way that public agencies evaluate the transportation impacts of projects under CEQA to the number of vehicle trips and the distance they travel, also known as VMT. Lead agencies for small cities seeking to reduce VMT either due to a locally defined CEQA threshold or in support of other policies or plans will be able to use this guide to exempt, screen out as less than significant, or select appropriate mitigation to reduce VMT impacts. This guide is intended to ease the environmental review process for lead agencies, specifically provide a process to evaluate VMT and to avoid preparing environmental impact reports when transportation is the only potentially significant impact.

2 Exemptions and Screening Criteria

Sections 2.1 through 2.4 of this report can be used to determine if a project does not require CEQA analysis, is exempt from CEQA analysis, or if the VMT impact meets screening criteria to be considered less than significant.

2.1 Identify if a Project Does not Need to Complete CEQA

A project is considered exempt from CEQA if the activity does not involve²:

- The exercise of discretionary powers by a public agency.
- Will not result in a direct or reasonably foreseeable indirect physical change in the environment.
- Is not a project, including³:
 - Proposals for legislation to be enacted by the State Legislature.
 - Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making (except as they are applied to specific instances covered in Section 15378(a)).
 - The submittal of proposals to a vote of the people of the state or of a particular community that does not involve a public agency sponsored initiative. (*Stein v. City of Santa Monica* (1980) 110 Cal.App.3d 458; *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal.4th 165).
 - The creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.
 - Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

2.2 Projects Exempt from CEQA

Projects may be exempt with a Statutory Exemption under Article 18 or a Categorical Exemption under Article 19 of the *CEQA Guidelines*, as described below.

2.2.1 Statutory Exemptions

Statutory Exemptions include the following projects⁴: ongoing projects, feasibility and planning studies, discharge requirements, timberland preserves, adoption of coastal plans programs, general plan time extensions, financial assistance to low or moderate income housing, ministerial projects, emergency projects, projects which are disapproved, early activities related to thermal power plants, Olympic games, rates, tolls, fares, and charges, family day care homes, specific mass transit

² Pursuant to *CEQA Guidelines* 15060(c).

³ As defined in Section 15378 of *CEQA Guidelines*.

⁴ The full list of Statutory Exemptions are under Article 18 in Sections 15261 through 15285 of the *CEQA Guidelines*.

projects, transportation improvement and congestion management programs, projects located outside of California, application of coatings, air quality permits, housing needs allocation, pipelines, and transit agency responses to revenue shortfalls.

Further, Senate Bill 288 (SB 288) exempts specific transportation projects from full environmental review under CEQA⁵. SB 288 facilitates projects that broaden California's development of sustainable transportation facilities through streamlining of CEQA review requirements. Specifically, SB 288 adds CEQA exemptions, for the following project types: pedestrian and bicycle facilities, transit prioritization, conversion of roadways to bus-only lanes, expansion of bus or light rail service, charging stations for zero-emission transit buses, or any project that reduces minimum parking requirements⁶. These exemptions expire in two years, at the end of 2022. The legislation also exempts bicycle transportation plans for urbanized areas, to extend that exemption until the end of 2029 and repeals requirements for lead agencies to conduct traffic and safety impact assessments⁷. Lead agencies must still file a notice of exemption when pursuing the exemption for one of these project types.

2.2.2 Categorical Exemptions

There are 33 classes of Categorical Exemptions, whereby they have been determined to not have a significant effect on the environment⁸. Those exemptions include existing facilities, replacement or reconstruction, new construction or conversion of small structures, minor alterations to land or land use limitations, information collection, actions by regulatory agencies for protection of natural resources or the environments, inspections, loans, accessory structures, surplus government property sales, acquisition of lands for wildlife conservation purposes, minor additions to schools, minor land divisions, transfer of ownership of land in order to create parks, open space contracts or easements, designation of wilderness areas, annexations of existing facilities and lots of exempt facilities, changes in organization of local agencies, enforcement actions by regulatory agencies, educational or training programs involving no physical changes, normal operation of facilities for public gatherings, regulation of working conditions, transfers of ownership of interest in land to preserve existing natural conditions and historical resources, acquisition of housing for housing assistance programs, leasing new facilities, small hydroelectric projects at existing facilities, cogeneration projects at existing facilities, minor actions to prevent, minimize, stabilize, mitigate or eliminate the release or threat of release of hazardous waste or substances, historical resource restoration/rehabilitation, in-fill development projects, and small habitat restoration projects.

The applicability of all Categorical Exemptions is qualified by exceptions that are related to location to sensitive environments, cumulative impact of similar successive projects, significant effect on the environment, damage to scenic highways, proximity to hazardous waste sites, and adverse changes to historical resources⁹.

⁵ SB 288 was signed into law at the end of the 2020 legislative session and amends PRC Section 21080.20 and adds PRC Section 21080.25.

⁶ Added under PRC Section 21080.25.

⁷ Amended PRC Section 21080.20.

⁸ Categorical Exemptions are fully described in Sections 15301 through 15332 of the *CEQA Guidelines*.

⁹ The exceptions are listed in Section 15300.2(a) through (f) of the *CEQA Guidelines*.

2.3 Screen Projects for Less than Significant VMT Impact

2.3.1 Screening Land Use Projects

Land use projects, not exempt from CEQA, can be “screened” to assess whether or not their VMT impact would be less than significant. Projects would have a less than significant VMT impact if they meet any of the following criteria (FCOG 2021d):

1. **Land use projects within 0.5 mile of a transit priority area¹⁰ or a high-quality transit area¹¹** unless the project is inconsistent with the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), has a floor area ratio less than 0.75, provides an excessive amount of parking, or reduces the number of affordable residential units.
2. The project involves **local-serving retail space of less than 50,000 square feet**
3. VMT can be correlated to household income, among other household variables. Low-income households have a lower VMT compared to higher-income households. Affordable infill housing in small cities indicates likelihood of VMT reduction (FCOG 2021a). Low-income residents in small cities and rural areas have 9.8 percent and 7.9 percent reductions in VMT, respectively (FCOG 2021). Very low-income households in small cities and rural areas have even greater reductions in VMT at 24.2 percent and 19.5 percent respectively. Extremely low-income households have the greatest reductions in VMT at 31.3 percent in small cities and 25.3 percent in rural areas (FCOG 2021a). It can be safely assumed, therefore, that **affordable housing in small cities and surrounding rural areas would create reductions in VMT**. The exact percentage of affordable housing required to meet this screening criteria is to be determined by each FCOG jurisdiction. However, OPR recommends that a project would need to offer 100 percent affordable housing to qualify under this criterion.
4. The project generates **fewer than 500 average daily trips**.
5. Projects that develop **institutional/government and public service uses that support community health, safety, and welfare**, such as police stations, fire stations, community centers, and refuse stations.
6. **Map-based:** Residential and employment land use projects located in areas of low VMT, and that are similar to existing surrounding land uses, can be assumed to exhibit similarly low VMT. Considering that new development in such locations would likely result in a similar level of VMT, a detailed VMT analysis would not be required. Fresno County’s VMT Screening Application (FCOG 2021b), described under Section 0, can be used for this criterion to identify Traffic Analysis Zones (TAZ) with low VMT.

¹⁰ A transit priority area is an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program. A Major transit stop is a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service of 15 minutes or less during the morning and afternoon peak commute periods.

¹¹ A high-quality transit area or corridor is a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

2.3.2 Screening Transportation Projects

Transportation projects in small FCOG cities can be “screened” to assess whether or not their VMT impact would be less than significant. OPR lists a series of projects that would not likely lead to a substantial or measurable increase in vehicle travel and would not require further analysis (FCOG 2021d). They are listed below and also include any transit and active transportation projects, such as passenger rail, bus and bus rapid-transit, and bicycle and pedestrian infrastructure.

- Rehabilitation, maintenance, replacement, safety, and repair projects designed to improve the condition of existing transportation assets and that do not add additional motor vehicle capacity
- Roadside safety devices or hardware installation such as median barriers and guardrails
- Roadway shoulder enhancements to provide “breakdown space,” dedicated space for use only by transit vehicles, to provide bicycle access, or to otherwise improve safety, but which will not be used as automobile vehicle travel lanes
- Addition of an auxiliary lane of less than 1 mi in length designed to improve roadway safety
- Installation, removal, or reconfiguration of traffic lanes that are not for through traffic, such as left-, right-, and U-turn pockets, two-way left-turn lanes, or emergency breakdown lanes that are not utilized as through lanes
- Addition of roadway capacity on local or collector streets, provided the project also substantially improves conditions for pedestrians, cyclists, and, if applicable, transit
- Conversion of existing general-purpose lanes (including ramps) to managed lanes or transit lanes, or changing lane management in a manner that would not substantially increase vehicle travel
- Addition of a new lane that is permanently restricted to use only by transit vehicles
- Reduction in the number of through lanes
- Grade separation to separate vehicles from rail, transit, pedestrians, or bicycles, or to replace a lane in order to separate preferential vehicles (e.g., high-occupancy vehicles [HOVs], high- occupancy toll [HOT] lane traffic, or trucks) from general vehicles
- Installation, removal, or reconfiguration of traffic control devices
- Installation of traffic metering systems, detection systems, cameras, changeable message signs, and other electronics designed to optimize vehicle, bicycle, or pedestrian flow
- Timing of signals to optimize vehicle, bicycle, or pedestrian flow
- Installation of roundabouts or traffic circles
- Installation or reconfiguration of traffic calming devices
- Adoption of or increase in tolls or tolled lanes, where tolls are sufficient to mitigate VMT increase
- Initiation of a new transit service
- Conversion of streets from one-way to two-way operation with no net increase in the number of traffic lanes
- Removal or relocation of off-street or on-street parking spaces
- Adoption or modification of on-street parking or loading restrictions
- Addition of traffic wayfinding signage
- Rehabilitation and maintenance projects that do not add motor vehicle capacity

- Addition of new or enhanced bike or pedestrian facilities on existing streets/highways or within existing public rights-of-way
- Addition of Class I bike paths, trails, multi-use paths, or other off-road facilities that serve nonmotorized travel
- Installation of publicly available alternative fuel/charging infrastructure
- Addition of passing lanes, truck climbing lanes, or truck brake-check lanes in rural areas that do not increase overall vehicle capacity along the corridor

2.3.3 Screen Using FCOG VMT Assessment Tools

VMT Screening Application

Countywide VMT per capita is 16.1 and per employee is 25.6 (FCOG 2021d). TAZs that are classified as low VMT per capita or employee using the 13 percent threshold, may have residential or office projects screened out and thus have a less than significant VMT impact. Therefore, the countywide threshold per capita is 14 VMT and per employee is 22.3 VMT.¹² FCOG does not establish thresholds for other discrete land use types, but instead recommends that the lead agency review the applicable General Plan or FCOG RTP/SCS to identify whether the implementation of the plan would result in a reduction of VMT and greenhouse gasses (GHG) (FCOG 2021d). Complete VMT thresholds for small cities for residential and office projects, compared to both local jurisdictions and countywide are shown in Table 1. The VMT screening application (map) can be found at:

<https://gis1.lsa.net/FCOGVMT/>

VMT Calculator

If none of the previous exemptions or screening thresholds are adequate or conclusive enough to conclude an exemption or less than significant impact, then FCOG's VMT Calculator may be used to determine project VMT (FCOG 2021c). The calculator includes fields for land use and to fill in the jurisdiction and the TAZ to which the threshold will be compared. The calculator outputs the existing VMT conditions of the selected TAZ and the VMT of the project. If the VMT of the project is 13 percent or less than existing conditions within the TAZ, then the VMT impact is less than significant, and no further analysis is required. Some projects may be too large for use in the calculator (residential projects with over 500 dwelling units or office projects with over 375 employees) and lead agencies should request VMT counts directly from FCOG to determine the project's VMT significance. The VMT calculator can be found at: <https://www.fresnocog.org/project/vmt-tool/>

¹² 13 percent below the baseline VMT per capital or employee.

Table 1 VMT Thresholds for Residential and Office Projects in Fresno County

Jurisdiction	Residential Projects				Office Projects	
	Region – Fresno County		Region – Local Jurisdiction ¹		Region – Fresno County	
	Regional VMT/Capita	VMT/Capita (13 percent threshold)	Regional VMT/Capita	VMT/Capita (13 percent threshold)	Regional VMT/Capita	VMT/Capita (13 percent threshold)
Coalinga	16.1	14	10.7	9.3	25.6	22.3
Firebaugh	16.1	14	14.5	12.6	25.6	22.3
Fowler	16.1	14	20.1	17.5	25.6	22.3
Unincorporated County	16.1	14	14.2	12.4	25.6	22.3
Huron	16.1	14	16.3	14.2	25.6	22.3
Kerman	16.1	14	16.5	14.4	25.6	22.3
Kingsburg	16.1	14	24.9	21.7	25.6	22.3
Mendota	16.1	14	13.2	11.5	25.6	22.3
Orange Cove	16.1	14	12.1	10.5	25.6	22.3
Parlier	16.1	14	16.8	14.3	25.6	22.3
Reedley	16.1	14	16.9	14.7	25.6	22.3
San Joaquin	16.1	14	14.2	12.4	25.6	22.3
Sanger	16.1	14	15.5	13.5	25.6	22.3
Selma	16.1	14	17.8	15.5	25.6	22.3

¹ In this column, the VMT provided corresponds to the city listed in each respective row, instead of the entire county. For example, the regional VMT per capita in Fowler is 20.2.

Source: Table B Fresno County SB 743 Implementation Regional Guidelines

3 Mitigation Measures

Section 3 provides general guidance for VMT reduction strategies and example mitigation measures.

If a project is not exempt from a VMT analysis or determined to have a less than significant VMT impact, a project would have a potentially significant impact and VMT must be further analyzed. FCOG's SB 743 Implementation Regional Guidelines established a threshold for land use development of exceeding 13 percent below the existing regional VMT per capita, as indicative of a significant environmental impact (FCOG 2021d). Small cities within FCOG may adopt the previous guidelines in this document to determine whether VMT impacts are not less than significant.

Projects that do not meet any screening thresholds and the FCOG VMT calculator indicates that the land use exceeds 13 percent below the existing regional (countywide or specific TAZ pending lead agency discretion) VMT per capita or employee should implement mitigation measures to reduce VMT impacts to a less than significant level. Mitigation measures are included in Appendix D of FCOG's SB 743 Implementation Regional Guidelines (FCOG 2021d) and mimic with measures provided by OPR (OPR 2018) and California Air Pollution Control Officers Association (CAPCOA) (CAPCOA 2010).

3.1 Standard Mitigation Measures

Mitigation measures that may be applicable to small cities are included in Table 2. Table 2 also includes the potential percent reduction in VMT from implementing each measure. Mitigation measures should be selected based on how much a project's VMT impact exceeds the 13 percent threshold and the given measure's feasibility for implementation.

Table 2 Mitigation Measures

Mitigation Measure	VMT Reduction (percent)
Implement a local carpool program	1 - 15
Implement a local vanpool program	0.3 – 13.4
Expand transit network	0.1 – 8.2
Incorporate bike lane street design	Variable depending on mileage
Subsidize vanpool	0.3 – 13.4
Improve or increase access to transit	0.5 – 24.6
Increase access to common goods and services	6.7 - 30
Incorporate affordable housing	0.04 – 1.2
Orient project towards transit bicycle, and pedestrian facilities	0.25 – 0.5
Provide pedestrian network improvements	0 – 2
Increase transit service frequency/speed	0.02 – 2.5
Increase destination accessibility	6.7 - 20
Provide traffic calming measures	0.25 – 1
Provide bike parking	0.625
Limit or eliminate parking supply	5 – 12.5
Unbundle parking costs from property costs	2.6 - 13
Implement or provide access to a commute reduction program	1 – 6.2
Implement car-sharing program	0.4 – 0.7
Provide transit passes	0.3 – 20
Implement a school pool program	7.2 – 15.8
Provide teleworking options	0.07 – 5.5
Implement subsidized or discounted transit program	0.3 – 20
Providing on-site amenities at workplaces	0.625
Locate project near transit	0.5 – 24.6
Increase project density	1.5 – 30
Increase the mix of uses within project or project's surrounding	9 – 30
Improve network connectivity and/or increase intersection density	3 – 21.3
Locate project near bike path/lane	0.625
Install park-and-ride lots	0.1 – 0.5
Improve design of development	3 – 21.3

Source: Appendix D of FCOG's SB 743 Implementation Regional Guidelines

Mitigation measures must be developed consistent with *CEQA Guidelines* Section 15126.4 to minimize significant adverse impacts. Section 15126.4 of the *CEQA Guidelines* dictate that effective mitigation must be:

- **Feasible.** Mitigation measures should be feasible measures to minimize significant adverse impacts.
 - Mitigations measures should be separate from measures proposed by project proponents, insofar as they are proposed by the lead agency. The lead agency should

determine that the measures could reasonably be expected to reduce adverse impacts if required as conditions of approving the project.

- Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until a future time. However, the details may be developed after project approval if the lead agency commits itself to the mitigation, adopts specific performance standards the mitigation will achieve, and identifies the type of potential action that can feasibly achieve that performance standard.
- If a mitigation measure would have significant effects in addition to those that would be caused by the project, the effects of the mitigation measure shall be discussed, but in less detail than significant effects of the proposed project.
- **Enforceable.** Mitigation measures for a project must be fully enforceable through permit conditions, agreements, or other legally binding instruments. For adoption of a plan, policy, or regulation, mitigation measures can be incorporated into the plan, policy, or regulation.
- **Constitutional.** There must be an essential nexus (connection) between the mitigation measure and a legitimate governmental interest. Further, the mitigation measure must be “roughly proportional” to the impacts of the project.

Feasibility of the example mitigation measures listed in Table 2 is dependent on the nature of the specific project or plan. The example mitigation measures are enforceable insofar as the applicable city would require the mitigation measure as a condition of approval for permitting or periodically oversee project development to ensure that it is being undertaken in accordance with the approved mitigation measure. The nexus and proportionality of the mitigation measures is clear insofar as each example has a quantified reduction in VMT, which can be compared to the VMT without the measure.

An example mitigation measure that would be feasible, enforceable, and constitutional and provides a template for future land use projects is below. The specifics of the mitigation measure will depend heavily on project context and location.

“Prior to the issuance of building permits, the project applicant shall develop a Transportation Demand Management (TDM) program for the proposed project, including any anticipated phasing, and shall submit the TDM program to the permitting agency for review and approval. The TDM program shall identify trip reduction programs and strategies. The TDM program shall be designed and implemented to achieve trip reductions as required to meet thresholds identified by FCOG to reduce VMT forecast for the project to reach the threshold value of 13.0.

Trip reduction strategies that may be included in the TDM program include, but are not limited to, the following: [insert mitigation measures listed in Table 2].”

While unlikely to occur in small Fresno County cities, projects that are too large for FCOG’s VMT calculator (residential projects with over 500 dwelling units or office projects with over 375 employees) should request VMT counts directly from FCOG. If the 13 percent below the existing regional VMT per capita is exceeded, which can be found using the FCOG VMT Screening Application, in Section 2.3.3, then mitigation would be required.

3.2 Regional VMT Fee Program

While not yet established, FCOG may create a VMT transportation impact fee program that could be utilized in lieu of standard mitigation measures. Transportation impact fee programs have been used to help mitigate cumulative level of service impacts and can similarly be applied to VMT impacts. A VMT transportation impact fee program would provide a mitigation fee to fund approved projects that would reduce VMT to mitigate for project specific VMT impacts. The nexus for the fee project would be VMT reduction goals consistent with the FCOG's 13 percent threshold. The main difference between a fee program based on VMT and a fee program based on a metric such as LOS, is that the VMT reduction nexus results in a capital improvement program consisting of VMT reducing projects rather than roadway expansion projects.

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Appendix A

Sample Resolution for adopting CEQA VMT Thresholds

RESOLUTION NO. 202_-__

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF _____, CALIFORNIA ADOPTING
THE FRESNO COUNTY SB 743 IMPLEMENTATION
GUIDELINES AND SETTING OF ASSOCIATED 13%
THRESHOLD FOR CITY OF _____ VEHICLE
MILES TRAVELED (VMT) ANALYSIS WITHIN THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT
(CEQA).**

WHEREAS, Senate Bill (SB)743, signed into law in 2013 by Governor Edmund G. Brown, directed the Governor's Office of Planning and Research (OPR) to develop updated criteria for measuring transportation impacts under CEQA using alternative metrics that promote a reduction in greenhouse gases, the development of multimodal transportation, and a diversity of land uses, all towards achieving the State's climate action goals; and

WHEREAS, OPR prepared proposed updates to the CEQA Guidelines and a Technical Advisory on Evaluating Transportation Impacts using VMT as the metric to evaluate the transportation impacts of a project under CEQA. OPR's CEQA Guidelines update was approved by the California Natural Resources Agency in November 2018 and the Governor's Office of Administrative Law on December 28, 2018; and

WHEREAS, Section 15064.3 of the CEQA Guidelines, added as part of the 2018 update, identifies VMT as the most appropriate measure of transportation impacts under CEQA, and states that a project's effect on automobile delay shall not constitute a significant environmental impact. Lead agencies are required to begin using the VMT metric by July 1, 2020; and

WHEREAS, the mandate on lead agencies in Section 15064.3 requires the City to update its CEQA transportation thresholds of significance; and

WHEREAS, the Fresno Council of Governments, in collaboration with the City of _____, has prepared the Fresno County SB 743 Implementation Regional Guidelines for use by local agency members and developed the CEQA VMT Thresholds for Small Cities under their Circuit Planning and Engineering Program; and

WHEREAS, the SB 743 Implementation Regional Guidelines and CEQA VMT Thresholds for Small Cities provide methodology, threshold recommendations, screening criteria, and other matters related to the transition of the VMT metric for CEQA purposes; and

WHEREAS, the SB 743 Implementation Regional Guidelines also allows the anticipated use of level of service (LOS) analysis for local transportation analysis separate from CEQA, as required by SB 743; and

WHEREAS, the City of _____ has identified Fresno County as the region for all VMT analysis; and

WHEREAS, the City of _____ still intends to use LOS for transportation projects for design and traffic operations purposes separate from CEQA, as allowed by SB 743, and notated within the Regional Guidelines; and [*Optional*]

WHEREAS, the _____ Planning Commission, at their regular meeting of _____, recommended that the _____ City Council adopt the Fresno County SB 743 Implementation Regional Guidelines and Setting of Associated 13% Threshold for the City of _____ VMT Analysis within CEQA; and [*Adopt to City standard*]

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of _____ using their independent judgement hereby adopts the Fresno County SB 743 Implementation Regional Guidelines and Setting of Associated 13% Threshold for the City of _____ VMT Analysis within CEQA and process as described in the CEQA VMT Thresholds for Small Cities.

The forgoing resolution was adopted at a regular council meeting of the City Council of the City of _____ on the __ day of _____ 202_, and passed at said meeting with the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____, Mayor

ATTEST:

_____, City Clerk

RESOLUTION NO. 022P-006

A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL ADOPTION OF THE FRESNO COUNTY SB 743 IMPLEMENTATION GUIDELINES AND SETTING OF ASSOCIATED 13% THRESHOLD FOR VEHICLE MILES TRAVELED (VMT) ANALYSIS WITHIN THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

WHEREAS, Senate Bill (SB)743, signed into law in 2013 by Governor Edmund G. Brown, directed the Governor's Office of Planning and Research (OPR) to develop updated criteria for measuring transportation impacts under CEQA using alternative metrics that promote a reduction in greenhouse gases, the development of multimodal transportation, and a diversity of land uses, all towards achieving the State's climate action goals; and

WHEREAS, OPR prepared proposed updates to the CEQA Guidelines and a Technical Advisory on Evaluating Transportation Impacts using VMT as the metric to evaluate the transportation impacts of a project under CEQA. OPR's CEQA Guidelines update was approved by the California Natural Resources Agency in November 2018 and the Governor's Office of Administrative Law on December 28, 2018; and

WHEREAS, Section 15064.3 of the CEQA Guidelines, added as part of the 2018 update, identifies VMT as the most appropriate measure of transportation impacts under CEQA, and states that a project's effect on automobile delay shall not constitute a significant environmental impact. Lead agencies are required to begin using the VMT metric by July1, 2020; and

WHEREAS, the mandate on lead agencies in Section 15064.3 requires the City to update its CEQA transportation thresholds of significance; and

WHEREAS, the Fresno Council of Governments, in collaboration with the City of Coalinga, has prepared the Fresno County SB 743 Implementation Regional Guidelines for use by local agency members and developed the CEQA VMT Thresholds for Small Cities under their Circuit Planning and Engineering Program; and

WHEREAS, the SB 743 Implementation Regional Guidelines and CEQA VMT Thresholds for Small Cities provide methodology, threshold recommendations, screening criteria, and other matters related to the transition of the VMT metric for CEQA purposes; and

WHEREAS, the SB 743 Implementation Regional Guidelines also allows the anticipated use of level of service (LOS) analysis for local transportation analysis separate from CEQA, as required by SB 743; and

WHEREAS, the City of Coalinga has identified Fresno County as the region for all VMT analysis; and

WHEREAS, the City of Coalinga Planning Commission, at their regular meeting of July 26, 2022, recommended that the City of Coalinga City Council adopt the Fresno County SB 743

Implementation Regional Guidelines and Setting of Associated 13% Threshold for the City of Coalinga VMT Analysis within CEQA; and adopt as the standard for all development; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Coalinga using their independent judgement hereby adopts the Fresno County SB 743 Implementation Regional Guidelines and Setting of Associated 13% Threshold for the City of Coalinga VMT Analysis within CEQA and process as described in the CEQA VMT Thresholds for Small Cities.

The forgoing resolution was adopted at a regular meeting of the Planning Commission of the City of Coalinga on the 26th day of July 2022 and passed at said meeting with the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairman/Vice Chairman

ATTEST:

City Clerk/Deputy City Clerk



Staff Report- Chairman and Planning Commission

Subject: Discussion Regarding the Development of a Food Truck Regulatory Ordinance
Meeting Date July 26, 2022
Project Location: City of Coalinga
Applicant: City of Coalinga, 155 W. Durian, Coalinga, CA 93210
Owner: City of Coalinga, 155 W. Durian, Coalinga, CA 93210
Prepared By: Sean Brewer, Assistant City Manager

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 June 16, 2022 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 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.)

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.)
- Time Limitations (7am-10pm, extensions granted)
- Distance from existing brick and mortar restaurants and residences (100 ft from restaurants)
- Utilities (self-sufficient, can then hook up?)
- Parking Standards (surface type, length of time, vacant lots or existing business, ADA Accessibility, about 540 sq ft or 3 parking spaces)
- Shall alcohol be permitted
- Hours of Operation (business hours)
- 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
- Ability to use tables, chairs, and canopy's (if allowed by their permit from county)
- 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)
- Bathroom (200 ft?)
- At least one visible trash receptacle for use by customers (The vendor shall regularly pick up, remove, and dispose of all trash or refuse from their operation that remains within two hundred feet (200') of the vendor's position. The vendor shall pick up, remove, and dispose of all trash prior to leaving the location.
- There is no pending code enforcement action on the lot.
- Private events (Food truck permits are not required for food trucks operating for a one-day private event or party located either on the site of the event or in the public right-of-way with no retail sale to the general public and no admission charge to the event)
- Permanent food trucks at business? If so, what will we required?
- Exemptions- Fundraisers and schools/college property.
- Vehicle Maintenance

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.

Definition. Mobile food truck- A licensed, motorized vehicle or mobile food unit licensed by the Department of California Department of Motor Vehicles, designed, and equipped to prepare, or serve, and sell food, and

temporarily stored in a location where food items are sold to the general public. (The mobile food truck shall be licensed in accordance with the rules and regulations of any local, County, State and Federal agency having jurisdiction over the mobile food truck or products sold therein).

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
Turlock	9-2-124	Ordinance in attachment
Los Banos	9-3.3607	Link
Victorville	16-3.07.050	Link
Davis	22.05.210	Flyer in attachment
Colma	5.03	Link
Emeryville	5.27, 9-2.104, 9-7.606	Ordinance in attachment
Claremont	8.04	Ordinance in attachment
Indian Wells	Ord 680	Ordinance in attachment
Citrus Heights	106.42.250	Ordinance in attachment
Clovis	5.34.01-5.34.10	Link
Norwalk	17.04.198	Link
Riverside	17.300-17.300.100	Link
Shafter	5.56.030-5.56.120	Link
Sanger	70.64-70.70	Link

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

- ☐ Citrus Heights Staff Report
- ☐ Citrus Heights Ordinance
- ☐ City of Claremont
- ☐ Davis MobileFoodVendorRequirements_Final
- ☐ Emeryville Planning Regulations - Temporary Uses
- ☐ Emeryville Sidewalk and Street Vendor Regulations
- ☐ Indian Wells
- ☐ Los Banos
- ☐ Turlock
- ☐ 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.

MAY 18, 2016

- 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.

MAY 17, 2016

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.

MAY 17, 2016

Article 6

- 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.

CITY OF CITRUS HEIGHTS MUNICIPAL CODE - TITLE 106 - ZONING CODE

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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[TITLE 8 HEALTH AND SAFETY](#)

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)

Home

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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.

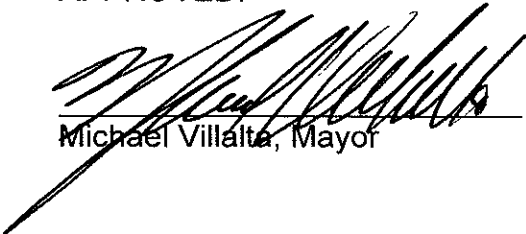
Section 18. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as 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.

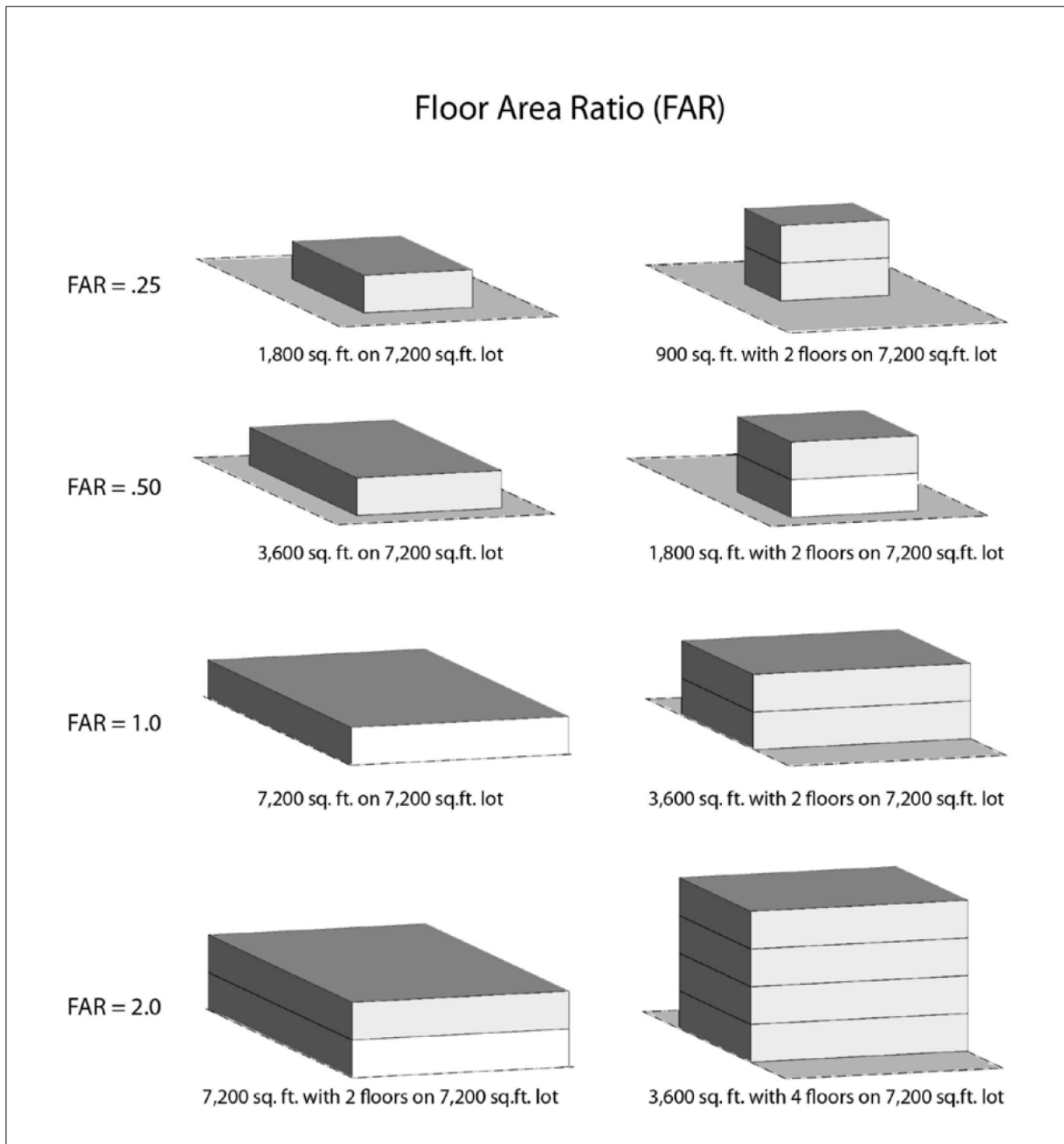
Firearms. Includes rifles, shotguns, revolvers, pistols, or any other device designed to be used as a weapon from which a projectile is expelled by the force of any explosion or other form of combustion. The frame, body and/or receiver also constitute firearms. (Certain provisions in the Penal Code also 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.

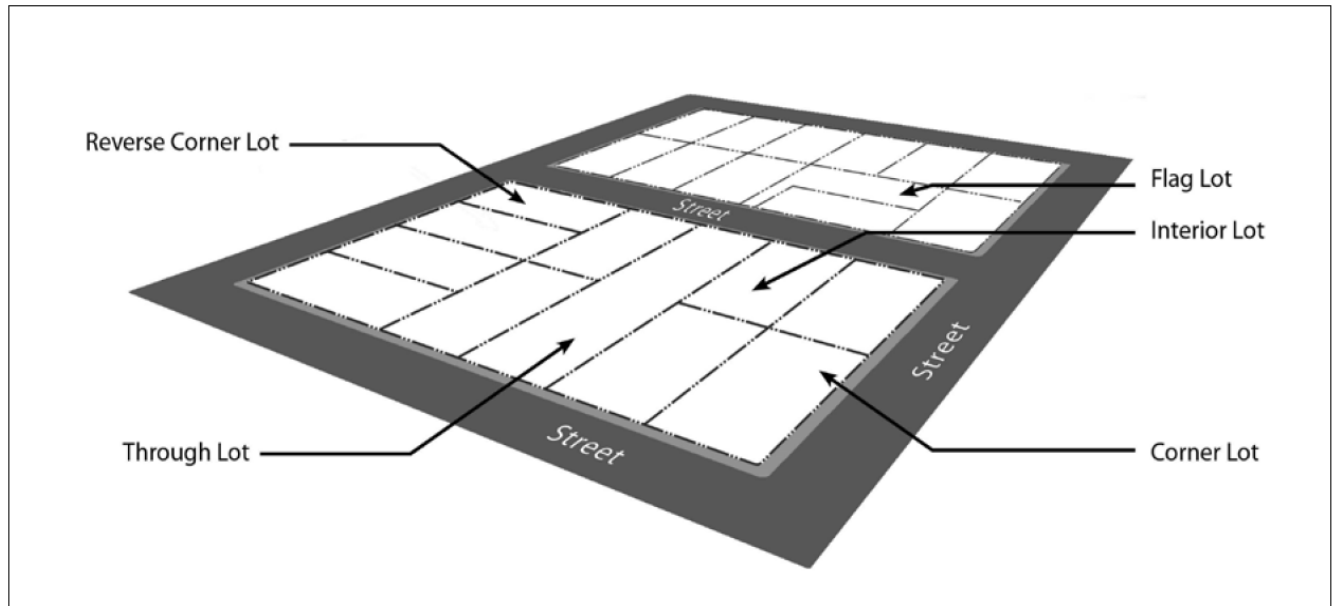
Lot, reverse corner. A corner lot, the rear of which abuts the side of another lot, and its side lot line being substantially a continuation of the front lot line of the lot directly to its rear.

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)