

CORCORAN PLANNING COMMISSION MEETING AGENDA

City Council Chambers
1015 Chittenden Avenue
Corcoran, CA 92312

Monday, October 21, 2019
5:30 P.M.

Public Inspection: A detailed Planning Commission packet is available for review at Corcoran City Hall, located at 832 Whitley Avenue

Notice of ADA Compliance: In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the City Clerks office at (559) 992-2151 ext. 235.

Public Comment: Members of the audience may address the Planning Commission on non-agenda items; however, in accordance with Government Code Section 54954.2, the Planning Commission may not (except in very specific instances) take action on an item not appearing on the posted agenda.

This is just the time for members of the public to comment on any matter within the jurisdiction of the Corcoran Planning Commission. Planning Commission will ask that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome.

After receiving recognition from the chair, speaker will walk to the podium and state name and address and proceed with comments. Each speaker will be limited to five (5) minutes.

ROLL CALL

Chairman:	Shea DeVaney
Vice-Chairman:	Karl Kassner
Commissioner:	David Bega
Commissioner:	David Jarvis
Commissioner:	Dennis Tristao
Commissioner:	Troy Van Velson
Commissioner:	Janet Watkins

FLAG SALUTE

1. PUBLIC DISCUSSION
2. APPROVAL OF MINUTES
 - 2.1 Approval of minutes of the regular Planning Commission meeting on September 16, 2019.
3. RE-ORGANIZATION - None

4. **PUBLIC HEARING - None**

4.1 Public Hearing to consider draft ordinance regarding Mobile Food Vending.
(Tromborg) (VV)

- A. Public hearing
- B. Staff Report
- C. Accept written testimony
- D. Accept oral testimony
- E. Close hearing
- F. Commission discussion
- G. By motion, approve/approve with changes/deny recommendation.

5. **STAFF REPORTS**

5.1 Discussion to determine the zoning classification and zoning requirements for cultivation, processing and manufacturing of industrial hemp and its bi-products.

6. **MATTERS FOR PLANNING COMMISSION**

- 6.1. Information Item: Building and Code Enforcement reports
- 6.2 Staff Referrals - *Items of Interest (Non-action items the Commission may wish to discuss)*
- 6.3 Committee Reports - None

7. **ADJOURNMENT**

I certify that I caused this Agenda of the Corcoran Planning Commission meeting to be posted at the City Council Chambers, 1015 Chittenden Avenue on October 17, 2019.



Kevin J. Tromborg
Community Development Director

**MINUTES
CORCORAN PLANNING COMMISSION
REGULAR MEETING
MONDAY, September 16, 2019**

The regular session of the Corcoran Planning Commission was called to order by Chairperson, DeVaney, in the City Council Chambers, 1015 Chittenden Avenue, Corcoran, CA at 5:30 P.M.

Chairperson DeVaney, mentioned that item 5.3 was pulled out of the agenda item.

ROLL CALL

Commissioners present: Bega, DeVaney, Jarvis, Kassner and Tristao
Commissioners absent: Van Velson and Watkins
Staff present: Kevin J. Tromborg and Ma. Josephine Lindsey
Also present: Joseph Beery, City Attorney

FLAG SALUTE The flag salute was led by DeVaney.

A quorum was declared in the presence of five (5) out of seven (7) Commissioners.

1. PUBLIC DISCUSSION

2. APPROVAL OF MINUTES

Following Commission discussion, a **motion** was made by Kassner and seconded by Tristao to approve the minutes of the regular meeting on June 17, 2019 and August 19, 2019. Motion carried by the following vote:

AYES: Bega, DeVaney, Jarvis, Kassner and Tristao

NOES:

ABSTAIN:

ABSENT: Van Velson and Watkins

3. RE-ORGANIZATION – None

4. PUBLIC HEARING

4.1 Public Hearing to consider Conditional Use Permit (CUP 19-02) submitted by Rodrigo Ramirez Vasquez to put up an auto repair and maintenance services on property located at 1520 Dairy Avenue, Corcoran, CA 93212 (APN 034-200-011) was declared open at 5:32 p.m. Tromborg presented the staff report. Having no oral and written testimony received, the hearing was closed at 5:38 p.m.

Mr. Jorge Leal, business owner approached the commission and mentioned that he agreed with all the conditions set by the Planning Commission. He added that he has plan of expanding the business in the future to include repair of commercial truck. Tromborg explained that the property was zoned Neighborhood Commercial and repair of large truck may not be allowed. He was advised to come to City Hall to discuss further the future expansion of business.

Following Commission discussion, a **motion** was made by Tristao and seconded by Bega to approve Conditional Use Permit 19-02 and Resolution No. 19-04, Auto repair and maintenance on property address 1520 Dairy Avenue, Corcoran, CA 93212, APN 034-200-011). Motion carried by the following vote

AYES: Bega, DeVaney, Jarvis, Kassner and Tristao

NOES:

ABSTAIN:

ABSENT: Van Velson and Watkins

5. STAFF REPORTS

5.1 The Commission reviewed the applications received for zone exception pertaining to fence height. Tromborg presented the request application one by one.

Following Commission discussion, a **motion** was made by Kassner and seconded by Tristao to approve zone exception request for property address 25241 7th Avenue as presented. Motion carried by the following vote:

AYES: Bega, DeVaney, Jarvis, Kassner and Tristao

NOES:

ABSTAIN:

ABSENT: Van Velson and Watkins

Following Commission discussion, a **motion** was made by Tristao and seconded by Jarvis to approve zone exception request for property address 514 Dairy Avenue as presented. Motion carried by the following vote:

AYES: Bega, DeVaney, Jarvis, Kassner and Tristao

NOES:

ABSTAIN:

ABSENT: Van Velson and Watkins

Following Commission discussion, a **motion** was made by Tristao and seconded by Kassner to approve the front yard fence zone exception request, for property address 1819 Earl Avenue. Motion carried by the following vote:

AYES: Bega, DeVaney, Jarvis, Kassner and Tristao

NOES:

ABSTAIN:

ABSENT: Van Velson and Watkins

Following Commission discussion, a **motion** was made by Tristao and seconded by Bega to approve zone exception request for property address 1720 Estes Avenue as presented. Motion carried by the following vote:

AYES: Bega, DeVaney, Jarvis, Kassner and Tristao

NOES:

ABSTAIN:

ABSENT: Van Velson and Watkins

Following Commission discussion, a **motion** was made by Kassner and seconded by Tristao to approve zone exception request for property address 2920 Whitley Avenue as presented. Motion carried by the following vote:

AYES: Bega, DeVaney, Jarvis, Kassner and Tristao

NOES:

ABSTAIN:

ABSENT: Van Velson and Watkins

At this point, Mr. Marco Villareal, property owner of 2102 Kern River Avenue, Corcoran, CA 93212, approached the commission. He mentioned that he gathered twenty one (21) signatures from residents of the subdivision having no issue regarding his fence built against the required setbacks. He further explained, that his lot was too small, hence he extended his fence with the approval from city employee.

The commission explained that the subdivision plan has a ten (10) feet Public Utility Easement (PUE) and a five (5) feet sidewalk. The PUE was dedicated for underground utilities. Consent from the city employee does not negate the fact that the fence was built on an easement.

Following Commission discussion, a **motion** was made by Kassner and seconded by Tristao to disapprove zone exception request for property addresses 2101 and 2102 Kern River Avenue. Motion carried by the following vote:

AYES: Bega, DeVaney, Jarvis, Kassner and Tristao

NOES:

ABSTAIN:

ABSENT: Van Velson and Watkins

5.2 Following Commission discussion, a motion was made by Tristao and seconded by Jarvis to approve request for extension of Rite Aid for re temporary use of sea train as storage in commercial space for six (6) months. Motion carried by the following vote:

AYES: Bega, DeVaney, Jarvis, Kassner and Tristao

NOES: Kassner

ABSTAIN:

ABSENT: Van Velson and Watkins

5.4 Tromborg presented the staff report on draft ordinance pertaining to Mobile Food and Merchandise Vendors. The rough draft ordinance was for review of the commission and will again be presented in the next Planning Commission meeting.

6. MATTERS FOR COMMISSION

6.1. Information item - None.

6.2 Staff Referrals - *Items of Interest (Non-action items the Commission may wish to discuss)*

6.3 Committee Reports – None

7. **ADJOURNMENT**

At 6: 50 pm, the meeting was adjourned to the next regular meeting on Monday, October 21, 2019 in the Corcoran City Council Chambers 1015 Chittenden Avenue, Corcoran, CA 93212.

APPROVED ON: _____

Shea DeVaney
Planning Commission Chairperson

ATTEST:

Kevin J. Tromborg, Community Development Director

Chairperson

Shea DeVaney

Vice-Chairperson

Karl Kassner

Commissioners

David Bega
Dennis Tristao
David Jarvis
Troy Van Velson
Janet Watkins

Planning Commission



832 Whitley Avenue, Corcoran
CALIFORNIA 93212

**Community
Development
Department**

(559) 992-2151
FAX (559) 992-2348

**STAFF REPORT
PUBLIC HEARING**

Item # 4.1

To: Planning Commission

From: Kevin J. Tromborg, Community Development Director, Planner, Building Official.

Date: October 21, 2019

Subject: **Public Hearing Mobile Food Vendors draft Ordinance.**

General Information:

In September of 2018 Governor Brown, signed into law, State Senate Bill 946 regarding Mobile Vending and how City and County authorities regulate this type of business. Starting in January of 2019, local authority or code can no longer deny Mobile Vending from doing business within City or County limits. Community Development staff and the City Attorney have been evaluating the new state law and have developed a draft ordinance that is ready for review and recommendations by the Corcoran Planning Commission.

Discussion

At the regularly scheduled Planning Commission meeting on August 19, 2019, Staff presented to the Planning Commission a draft ordinance regarding mobile vending. Currently the City of Corcoran does not have a stand-alone ordinance regarding Mobile food vendors. In 2014 The City Council at the recommendation of the Planning Commission adopted a new zoning code that has limited regulations regarding mobile vendors - Section 11-15-7 (see Attached). New State law that went into effect on January 1, 2019, has changed the City's ability to regulate mobile vending. Attached is a draft ordinance that encompasses the new state regulations and the City's new requirements pertaining to mobile vending and sidewalk vending.

Recommendation:

Staff recommends the Planning Commission considers the draft ordinance, makes recommendations if needed and presents their recommendations by resolution to the City Council.

Public Input: This is a public hearing.

Attachments:

1. SB 946 Safe Sidewalk Vending Act
2. Mobile Food Vendors section 11-15-7 Corcoran Zoning Code.
3. Draft Ordinance Attachment "A"

[Home](#)[Bill Information](#)[California Law](#)[Publications](#)[Other Resources](#)[My Subscriptions](#)[My Favorites](#)**SB-946 Sidewalk vendors.** (2017-2018)

SHARE THIS:



Date Published: 09/17/2018 09:00 PM

Senate Bill No. 946**CHAPTER 459**

An act to add Chapter 6.2 (commencing with Section 51036) to Part 1 of Division 1 of Title 5 of the Government Code, relating to sidewalk vendors.

[Approved by Governor September 17, 2018. Filed with Secretary of State September 17, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 946, Lara. Sidewalk vendors.

Existing law authorizes a local authority, by ordinance or resolution, to adopt requirements for the public safety regulating any type of vending and the time, place, and manner of vending from a vehicle upon a street.

This bill would prohibit a local authority, as defined, from regulating sidewalk vendors, except in accordance with the provisions of the bill. The bill would provide that a local authority is not required to adopt a new program to regulate sidewalk vendors if the local authority has established an existing program that substantially complies with the provisions of the bill. The bill would apply these provisions to a chartered or general law city, county, or city and county.

The bill would require a local authority that elects to adopt a sidewalk vending program to, among other things, not require a sidewalk vendor to operate within specific parts of the public right-of-way, except when that restriction is directly related to objective health, safety, or welfare concerns, and not restrict sidewalk vendors to operate only in a designated neighborhood or area, except as specified. The bill would authorize a local authority to, by ordinance or resolution, adopt additional requirements regulating the time, place, and manner of sidewalk vending, as specified, if the requirements are directly related to objective health, safety, or welfare concerns. The bill would also authorize a local authority to prohibit sidewalk vendors in areas located within the immediate vicinity of a permitted certified farmers' market and a permitted swap meet, as specified, and to restrict or prohibit sidewalk vendors within the immediate vicinity of an area designated for a temporary special permit issued by the local authority, as specified. A violation would be punishable only by an administrative fine, as specified, pursuant to an ability-to-pay determination, and proceeds would be deposited in the treasury of the local authority.

The bill would require the dismissal of any criminal prosecutions under any local ordinance or resolution regulating or prohibiting sidewalk vendors that have not reached final judgment. The bill would also authorize a person who is currently serving, or who completed, a sentence, or who is subject to a fine, for a conviction of a misdemeanor or infraction for sidewalk vending, as specified, to petition for dismissal of the sentence, fine, or conviction.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

- (1) Sidewalk vending provides important entrepreneurship and economic development opportunities to low-income and immigrant communities.
- (2) Sidewalk vending increases access to desired goods, such as culturally significant food and merchandise.
- (3) Sidewalk vending contributes to a safe and dynamic public space.
- (4) The safety and welfare of the general public is promoted by encouraging local authorities to support and properly regulate sidewalk vending.
- (5) The safety and welfare of the general public is promoted by prohibiting criminal penalties for violations of sidewalk vending ordinances and regulations.
- (6) This act applies to any city, county, or city and county, including a charter city. The criminalization of small business entrepreneurs, and the challenges that those entrepreneurs face as a result of a criminal record, are matters of statewide concern. Further, unnecessary barriers have been erected blocking aspiring entrepreneurs from accessing the formal economy, harming California's economy in the process, and disrupting the regulation of business, which is a matter of statewide concern. Moreover, California has an interest in the regulation of traffic, a matter of statewide concern, whether in ensuring the appropriate flow of traffic or in ensuring the safety of pedestrians on the road or the sidewalk.

(b) It is the intent of the Legislature to promote entrepreneurship and support immigrant and low-income communities.

SEC. 2. Chapter 6.2 (commencing with Section 51036) is added to Part 1 of Division 1 of Title 5 of the Government Code, to read:

CHAPTER 6.2. Sidewalk Vendors

51036. For purposes of this chapter, the following definitions apply:

- (a) "Sidewalk vendor" means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path.
- (b) "Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.
- (c) "Stationary sidewalk vendor" means a sidewalk vendor who vends from a fixed location.
- (d) "Local authority" means a chartered or general law city, county, or city and county.

51037. (a) A local authority shall not regulate sidewalk vendors except in accordance with Sections 51038 and 51039.

(b) Nothing in this chapter shall be construed to affect the applicability of Part 7 (commencing with Section 113700) of Division 104 of the Health and Safety Code to a sidewalk vendor who sells food.

(c) Nothing in this chapter shall be construed to require a local authority to adopt a new program to regulate sidewalk vendors if the local authority has established an existing program that substantially complies with the requirements in this chapter.

51038. (a) A local authority may adopt a program to regulate sidewalk vendors in compliance with this section.

(b) A local authority's sidewalk vending program shall comply with all of the following standards:

- (1) A local authority shall not require a sidewalk vendor to operate within specific parts of the public right-of-way, except when that restriction is directly related to objective health, safety, or welfare concerns.

(2) (A) A local authority shall not prohibit a sidewalk vendor from selling food or merchandise in a park owned or operated by the local authority, except the local authority may prohibit stationary sidewalk vendors from vending in the park only if the operator of the park has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire.

(B) Notwithstanding subparagraph (A), a local authority may adopt additional requirements regulating the time, place, and manner of sidewalk vending in a park owned or operated by the local authority if the requirements are any of the following:

(i) Directly related to objective health, safety, or welfare concerns.

(ii) Necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities.

(iii) Necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park.

(3) A local authority shall not require a sidewalk vendor to first obtain the consent or approval of any nongovernmental entity or individual before he or she can sell food or merchandise.

(4) (A) A local authority shall not restrict sidewalk vendors to operate only in a designated neighborhood or area, except when that restriction is directly related to objective health, safety, or welfare concerns.

(B) Notwithstanding subparagraph (A), a local authority may prohibit stationary sidewalk vendors in areas that are zoned exclusively residential, but shall not prohibit roaming sidewalk vendors.

(5) A local authority shall not restrict the overall number of sidewalk vendors permitted to operate within the jurisdiction of the local authority, unless the restriction is directly related to objective health, safety, or welfare concerns.

(c) A local authority may, by ordinance or resolution, adopt additional requirements regulating the time, place, and manner of sidewalk vending if the requirements are directly related to objective health, safety, or welfare concerns, including, but not limited to, any of the following:

(1) Limitations on hours of operation that are not unduly restrictive. In nonresidential areas, any limitations on the hours of operation for sidewalk vending shall not be more restrictive than any limitations on hours of operation imposed on other businesses or uses on the same street.

(2) Requirements to maintain sanitary conditions.

(3) Requirements necessary to ensure compliance with the federal Americans with Disabilities Act of 1990 (Public Law 101-336) and other disability access standards.

(4) Requiring the sidewalk vendor to obtain from the local authority a permit for sidewalk vending or a valid business license, provided that the local authority issuing the permit or business license accepts a California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number in lieu of a social security number if the local authority otherwise requires a social security number for the issuance of a permit or business license, and that the number collected shall not be available to the public for inspection, is confidential, and shall not be disclosed except as required to administer the permit or licensure program or comply with a state law or state or federal court order.

(5) Requiring the sidewalk vendor to possess a valid California Department of Tax and Fee Administration seller's permit.

(6) Requiring additional licenses from other state or local agencies to the extent required by law.

(7) Requiring compliance with other generally applicable laws.

(8) Requiring a sidewalk vendor to submit information on his or her operations, including, but not limited to, any of the following:

(A) The name and current mailing address of the sidewalk vendor.

(B) A description of the merchandise offered for sale or exchange.

(C) A certification by the vendor that to his or her knowledge and belief, the information contained on the form is true.

(D) The California seller's permit number (California Department of Tax and Fee Administration sales tax number), if any, of the sidewalk vendor.

(E) If the sidewalk vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal.

(d) Notwithstanding subdivision (b), a local authority may do both of the following:

(1) Prohibit sidewalk vendors in areas located within the immediate vicinity of a permitted certified farmers' market or a permitted swap meet during the limited operating hours of that certified farmers' market or swap meet. A "certified farmers' market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter. A "swap meet" means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

(2) Restrict or prohibit sidewalk vendors within the immediate vicinity of an area designated for a temporary special permit issued by the local authority, provided that any notice, business interruption mitigation, or other rights provided to affected businesses or property owners under the local authority's temporary special permit are also provided to any sidewalk vendors specifically permitted to operate in the area, if applicable. For purposes of this paragraph, a temporary special permit is a permit issued by the local authority for the temporary use of, or encroachment on, the sidewalk or other public area, including, but not limited to, an encroachment permit, special event permit, or temporary event permit, for purposes including, but not limited to, filming, parades, or outdoor concerts. A prohibition of sidewalk vendors pursuant to this paragraph shall only be effective for the limited duration of the temporary special permit.

(e) For purposes of this section, perceived community animus or economic competition does not constitute an objective health, safety, or welfare concern.

51039. (a) (1) A violation of a local authority's sidewalk vending program that complies with Section 51038 is punishable only by the following:

(A) An administrative fine not exceeding one hundred dollars (\$100) for a first violation.

(B) An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one year of the first violation.

(C) An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one year of the first violation.

(2) A local authority may rescind a permit issued to a sidewalk vendor for the term of that permit upon the fourth violation or subsequent violations.

(3) (A) If a local authority requires a sidewalk vendor to obtain a sidewalk vending permit from the local authority, vending without a sidewalk vending permit may be punishable by the following in lieu of the administrative fines set forth in paragraph (1):

(i) An administrative fine not exceeding two hundred fifty dollars (\$250) for a first violation.

(ii) An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one year of the first violation.

(iii) An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one year of the first violation.

(B) Upon proof of a valid permit issued by the local authority, the administrative fines set forth in this paragraph shall be reduced to the administrative fines set forth in paragraph (1), respectively.

(b) The proceeds of an administrative fine assessed pursuant to subdivision (a) shall be deposited in the treasury of the local authority.

(c) Failure to pay an administrative fine pursuant to subdivision (a) shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized in subdivision (a) shall not be assessed.

(d) (1) A violation of a local authority's sidewalk vending program that complies with Section 51038, or a violation of any rules or regulations adopted prior to January 1, 2019, that regulate or prohibit sidewalk vendors in the

jurisdiction of a local authority, shall not be punishable as an infraction or misdemeanor, and the person alleged to have violated any of those provisions shall not be subject to arrest except when permitted under law.

(2) Notwithstanding any other law, paragraph (1) shall apply to all pending criminal prosecutions under any local ordinance or resolution regulating or prohibiting sidewalk vendors. Any of those criminal prosecutions that have not reached final judgment shall be dismissed.

(e) A local authority that has not adopted rules or regulations by ordinance or resolution that comply with Section 51037 shall not cite, fine, or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the standards described in subdivision (b) Section 51038.

(f) (1) When assessing an administrative fine pursuant to subdivision (a), the adjudicator shall take into consideration the person's ability to pay the fine. The local authority shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

(2) If the person meets the criteria described in subdivision (a) or (b) of Section 68632, the local authority shall accept, in full satisfaction, 20 percent of the administrative fine imposed pursuant to subdivision (a).

(3) The local authority may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.

(g) (1) A person who is currently serving, or who completed, a sentence, or who is subject to a fine, for a conviction of a misdemeanor or infraction for sidewalk vending, whether by trial or by open or negotiated plea, who would not have been guilty of that offense under the act that added this section had that act been in effect at the time of the offense, may petition for dismissal of the sentence, fine, or conviction before the trial court that entered the judgment of conviction in his or her case.

(2) Upon receiving a petition under paragraph (1), the court shall presume the petitioner satisfies the criteria in paragraph (1) unless the party opposing the petition proves by clear and convincing evidence that the petitioner does not satisfy the criteria. If the petitioner satisfies the criteria in paragraph (1), the court shall grant the petition to dismiss the sentence or fine, if applicable, and dismiss and seal the conviction, because the sentence, fine, and conviction are legally invalid.

(3) Unless requested by the petitioner, no hearing is necessary to grant or deny a petition filed under paragraph (1).

(4) If the court that originally sentenced or imposed a fine on the petitioner is not available, the presiding judge shall designate another judge to rule on the petition.

(5) Nothing in this subdivision is intended to diminish or abrogate any rights or remedies otherwise available to the petitioner.

(6) Nothing in this subdivision or related provisions is intended to diminish or abrogate the finality of judgments in any case not falling within the purview of this chapter.

SEC. 3. The Legislature finds and declares that Section 2 of this act, which adds Section 51038 to the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The Legislature finds and declares that in order to protect the privacy of a sidewalk vendor with regard to his or her California driver's license or identification number, individual taxpayer identification number, or municipal identification number, when that number is collected in lieu of a social security number for purposes of the issuance of a permit or business license, it is necessary that the sidewalk vendor's number be confidential, except as provided in this act.

- C. **Appeals.** The recommendations of the Community Development Department may be appealed to the City Council within 15 days of the completion of the review and findings. The appeal shall be placed on the agenda of the next regular meeting of the City Council. The Council shall review the findings and recommendations and shall act to uphold, modify or disapprove the recommendations of the Community Development Department.

11-15-7 Mobile Food Vendors

- A. **Permitted Location.** Limited to construction sites and the Agricultural and Industrial zoning districts. Administrative Approval is required for any permanent or temporary mobile food vendors within commercial zoning districts.
- B. **Standards.** Mobile food vendors shall comply with the following standards:
1. Less than twenty minutes per location.
 2. Shall not be located in congested areas where the operation impedes vehicular or pedestrian traffic or in a designated bike lane.
 3. Shall not be located within three blocks of public schools during school hours.
 4. Shall not be open between the hours of 7:00 p.m. and 7:00 a.m., except for special events.
- C. **Mobile Food Vendor Requirements.** The following regulations apply to mobile food vendors within any zoning district.
1. Each vendor shall be equipped with a portable trash receptacle and shall be responsible for proper disposal of solid waste and waste water.
 2. All disturbed areas must be cleaned following each stop at a minimum of 20 feet of the sales location.
 3. Continuous music or repetitive sounds shall not project from the vendor.
 4. A 5-foot clear space shall be maintained around the vendor.
 5. No sales are allowed within public park facilities except for special events, such as the Corcoran Cotton Festival.
 6. A "no smoking" sign must be posted next to the order window or area.
 7. A tagged fire extinguisher shall be kept accessible.

11-15-8 Photovoltaic Panel Systems

- A. Photovoltaic panel systems are permitted by right in all zoning districts.
- B. Photovoltaic panel systems shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and the Public Utilities Commission regarding safety and reliability.
- C. Ground-mounted photovoltaic solar panel systems located in a side or rear setback area shall not exceed a maximum height of 9 feet.
- D. Photovoltaic panel systems attached to the roof of a structure may project up to 6 feet above the maximum permitted height in the applicable zoning district.

CHAPTER 8 VENDOR STAND AND INTINERANT VENDORS

SECTION:

6-8-1	PURPOSE
6-8-2	DEFINITIONS
6-8-3	LICENSE REQUIRED
6-8-4	VENDING STANDS ON PRIVATE PROPERTY
6-8-5	VENDING STANDS ON PUBLIC PROPERTY
6-8-6	REQUIRED CONDITIONS
6-8-7	LIMITATIONS
6-8-8	TERM
6-8-9	LICENSE PROCESS
6-8-10	RENEWAL OF LICENSE
6-8-11	LICENSE FEES
6-8-12	LICENSE REVOCATION
6-8-13	APPEALS
6-8-14	ENFORCEMENT
6-8-15	APPLICATION

6-8-1 PURPOSE

The Primary purpose of this chapter is to promote public interest by contributing to an attractive and orderly environment and increase sales by local businesses and to eliminate the sale of potentially defective products and goods, which may be, harmful to the buyer within the City of Corcoran.

6-8-2 DEFINITIONS

For purposes of this Chapter, the following words and phrases shall have the meaning as set forth below:

- (A) "Stand" shall mean any table, bench, rack hand cart, push cart or any other device which is used for the display, storage, transportation and sale of articles by a vendor.
- (B) "Vendor" shall mean any individuals, peddlers, hawkers, sidewalk or street vendors and other transient merchants and itinerant vendors or any person who travels about selling previously fabricated or prepared food, produce, goods or wares for contemporaneous delivery on private or public property.
- (C) "Private Sidewalks" or "Private Yards" refers to private property suitable for vending stands which is not encumbered by parking

spaces, driveways, vehicular pathways, landscape areas and building sites.

- (D) "Vehicle" includes, but is not limited to, any conveyance moved by human, animal, mechanical or motor power.

6-8-3 PERMIT REQUIRED

It shall be unlawful and no vendor shall offer for sale or sell from any stand located on private property any food or merchandise, without first obtaining a Vending Stand permit.

6-8-4 VENDING STANDS ON PRIVATE PROPERTY

Vending on private yards or parking lots shall be permitted, subject to the limitations of this chapter and the approval of the Community Development Director or his/her authorized designee. Vending shall not be allowed on any required parking spaces or required landscaping and may not interfere with the safe movement of pedestrians and motor vehicles.

6-8-5 VENDING STANDS ON PUBLIC PROPERTY

Vending Stands on public property or in any public right of way shall not be permitted, except at special functions including but not limited to parades, Carnivals, Auto shows and public events. A permit shall be required and is only Valid for the duration of the event.

6-8-6 REQUIRED CONDITIONS

All vending stands shall comply with the following requirements;

- (A) If any type of food or beverage is displayed and/or sold from said stand, the Vendor shall have and prominently display any and all valid permits required by the Kings County Health Department. The revision or expiration of any such required County Health Department permit, or the failure to obtain such a permit within ninety (90) days of the date on which the County commences issuing such permits, shall result in the automatic suspension of the Vending Stand permit issued by the City pursuant to this Chapter;
- (B) The Vending Stand Permit issued by the City shall be prominently affixed to the side of the stand which faces inward toward the sidewalk;

- (C) If any food and/or beverage is displayed and/or sold from said stand; the vendor shall provide a refuse container of at least four cubic foot capacity within 10 feet of the stand.
- (D) No vendor shall use any signs in connection with the sale, display or offering for sale of items, except for those signs which are affixed to or painted on the sides or canopy of the stand and one sandwich board sign, located on private property not exceeding four square feet per sign face.
- (E) No vendor shall use any noise-making device in connection with the sale, display or offering for sale of items.
- (F) Vendor Stand Permits shall be limited to the Commercial zone district. Except for special events as outlined in **Section 6-8-5**
- (G) This accessory use shall locate only upon a site whose principle use is the retail sale of like merchandise.
- (H) Sale of merchandise on vacant lots shall not be allowed.

6-8-7 LIMITATIONS

Vending Stand Permits are an interruptible or terminable privilege. The City shall have the right and power, through the City Manager or his/her designee, to prohibit the operation of a vending stand at any time because of anticipated or actual problems or conflicts in the use of a public area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events, or parades or marches, or repairs to the street or sidewalk, or from emergencies occurring in the area.

6-8-8 TERM

A Vending Stand permit is valid for a period of one year from the date of issuance and must be renewed every year.

6-8-9 LICENSE PROCESS

Applicants for a Vending Stand license shall submit a written application to the Planning and Building Department on a City form. The application shall be for either a regular license or a temporary license and shall contain the following information:

- (A) Name of the applicant
- (B) Permanent home address

- (C) Proposed location of vending stand
- (D) A brief description of the business and the goods to be sold.
- (E) A description of all vehicles that will be used in the vending business for the conveyance of food, produce, goods or wares shall include the license and registration numbers of any motorized vehicles.
- (F) Address and location of lot where the business will take place.

A fee set by the City Council by Resolution shall accompany the application. The fee for a temporary permit shall be established at a lesser amount. The Planning and Building Department, or his/her designee shall review the application and the proposed site. A permit shall be granted if it is determined that:

- (A) The proposed display and sale and proposed location will not significantly interfere with the pedestrian traffic or otherwise constitute a health or safety risk.
- (B) The application complies with all the provisions of this Chapter.
- (C) The application has been reviewed and approved pursuant to this Chapter.
- (D) As a guideline, in order to promote land use compatibility, the Planning and Building Department or his/her designee may consult with business owners conducting business in proximity to the site.

When found necessary and appropriate, additional conditions may be imposed on the permit provided such conditions are consistent with this Chapter. In the case of a temporary permit, the date(s) for use of such permit shall be specified, in no event to be greater than duration of the event.

6-8-10 RENEWAL OF LICENSE

Any person who holds valid annual license issued under the conditions of this chapter may file an application for a renewal of said license by applying in writing to the Planning and Building department not sooner than sixty (60) days prior to, the expiration of the existing license.

6-8-11 LICENSE FEES

The annual license fee shall be _____ for a permanent license and _____ for a temporary license.

6-8-12 LICENSE REVOCATION

A Vending Stand Permit may be revoked by the Community Development Director or his/her designee, following written notice to the licensee, if one or more of the conditions of the license or of this chapter have been violated or if the vending stand is being operated in a manner which constitutes a nuisance, or unduly impedes or restricts the movement of pedestrians or traffic. Following revocation the former license holder shall not be eligible to file for a new license application for a period of six (6) months.

6-8-13 APPEALS

An applicant or any other interested party may appeal the granting, denial, or revocation of a permit application. Such an appeal may be made, in writing, within ten (10) days of the decision and shall be filed with the Planning Commission. The Commission shall hold a public hearing on any such appeal.

6-8-14 ENFORCEMENT:

The Building Official, or his/her designee, or any other person authorized by the City Manager, shall be authorized to enforce the provisions of this Chapter and to take such actions as may be necessary to ensure compliance with the regulations, general provisions and conditions imposed upon any permit issued pursuant to this Chapter.

ORDINANCE NO. 639

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORCORAN AMENDING CHAPTER 11-15 SECTION 7 OF THE CORCORAN ZONING CODE ESTABLISHING REGULATIONS AND STANDARDS PERTAINING TO MOBILE FOOD AND MERCHANDISE VENDORS

THE CITY COUNCIL OF THE CITY OF CORCORAN DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

- (a) WHEREAS, on September 18, 2018, Governor Brown signed into law Senate Bill ("SB") 946, adding Government Code Sections 51036-51039, which requires local agencies to allow sidewalk vendors, subject to regulations, including within the City of Corcoran; and
- (b) WHEREAS, because sidewalk vending and catering trucks has a relatively low barrier to entry, encourages entrepreneurship; and
- (c) WHEREAS, the City Council finds that the provisions of the Ordinance are intended to regulate the time, place, and manner of sidewalk vending and catering trucks directly relating to public health, safety, and welfare objectives and concerns; and
- (d) WHEREAS, the Corcoran City Council further finds that the regulations enacted by this Ordinance are intended to promote and protect the health, safety, and welfare of the City's residents, businesses, and visitors and are in furtherance of the City's police powers to regulate the sale of food and merchandise in the public right of way; and
- (e) WHEREAS, regulations are needed to ensure that the public has a simple way to ensure vendors prepare food safely and according to the Kings County Department of Public Health's requirements; and
- (f) WHEREAS, regulations are needed to protect the natural resources and scenic character of the City's parks and to ensure the public's use and enjoyment of them by preventing unsanitary conditions and ensuring trash and debris are removed by vendors; and
- (g) WHEREAS, regulations are needed to accommodate a sidewalk vendor's equipment while safe-guarding pedestrian movement on the sidewalk and compliance with the federal Americans with Disabilities Act of 1990; and

(h) WHEREAS, the City Council desires to retain the ability for local enforcement of sidewalk vendor and catering truck regulations, including the imposition of fines for violations, to the extent consistent with State law, as it leads to orderly commerce.

SECTION 2. SEVERABILITY.

Each of the provisions of this ordinance is severable from all other provisions. If any article, section, subsection, paragraph, sentence, clause, or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3.

The City Clerk is hereby directed to cause a summary of this Ordinance to be published by one insertion in a newspaper of general circulation in the community at least five days prior to adoption and again 15 days after its adoption. If a summary of the ordinance is published, then the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five days prior to the Council meeting at which the ordinance is adopted and again after the meeting at which the ordinance is adopted. The summary shall be approved by the City Attorney.

This Ordinance shall take effect and be in full force 30 days from and after its adoption.

SECTION 5. The foregoing Ordinance No. 639 introduced at a regular meeting of the City Council of the City of Corcoran on the ##th day of 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sidonio "Sid" Palmerin, Mayor of the City of Corcoran

ATTEST:

Marlene Spain, City Clerk

ATTACHMENT "A"

CHAPTER 11-15

Mobile Food and Merchandise Vendors

- A. Purpose.** The purpose of this chapter is to establish a permitting and regulatory program for mobile food vendors, including sidewalk vending designed to comply with Senate Bill 946 (Chapter 459, Statutes 2018). The provisions of this chapter allow the City to encourage small business activities while permitting regulation and enforcement of unpermitted sidewalk vending activities to protect the public's health, safety, and welfare.
1. The City Council hereby finds that to promote the public's health, safety, and welfare, restrictions on mobile vending are necessary to:
 - a. Ensure no reasonable interference with the flow of pedestrian or vehicular traffic including ingress into, or egress from, any residence, public building, or place of business, or from the street to the sidewalk, by persons exiting or entering parked or standing vehicles; and
 - b. Provide reasonable access for the use and maintenance of streets, sidewalks, pathways, poles, posts, traffic signs or signals, hydrants, water valves, manholes, storm drains, catch basins, firefighting apparatus, mailboxes, or other utilities or appurtenances, as well as access to locations used for public transportation services; and
 - c. Reduce exposure to the City for personal injury or property damage claims and litigation; and
 - d. Ensure mobile vending activities occur only in locations where such activities would not restrict street, sidewalk, and pathway access and enjoyment to all users, particularly those with disabilities.
 2. This chapter shall not apply to the following:
 - a. Vendors under contract for City-sponsored and City-approved special events including, but not limited to, a farmers' market, swap meet, street fair, parades, festivals, and outdoor concerts; or

- b. Vendors participating in City-approved temporary uses in accordance with Chapter 11-16 of this code.

B. Definitions.

1. **Cart.** A Stationary Cart or a Mobile Cart used for Sidewalk Vending.
2. **Catering Food Truck.** A business selling food or drink from a catering truck, large trailer, or vehicle, but excluding any Mobile or Stationary Cart used for Sidewalk Vending.
3. **Catering Food Truck Vendor.** A Person who Vends Food with a Catering Food Truck.
4. **Food.** Any type of edible substance or beverage and any item provided in Health and Safety Code Section 113781, or any successor section.
5. **Goods or Merchandise.** Any item that can be sold and immediately obtained from a Vendor which is not Food.
6. **Mobile Cart.** A piece of equipment used for Vending on Sidewalks which is mobile but has no motor and is capable of being propelled by a single Person.
7. **Person or Persons.** means one or more natural persons, individuals, groups, businesses, business trusts, companies, corporations, joint ventures, joint stock companies, partnership, entities, associations, clubs or organizations composed of two or more individuals (or the manager, lessee, agent, servant, officer or employee of any of them), whether engaged in business, nonprofit or any other activity.
8. **Pocket Park.** Any park located in residential neighborhoods. These parks are situated near individual private residences.
9. **Sidewalk.** means any surface in the public right-of-way provided for the exclusive use of pedestrians.
10. **Sidewalk Vending Permit.** means a written City approval required for each Cart used for Vending in the City.
11. **Sidewalk Vendor.** A Person who Vends with Mobile Cart or Stationary Cart on the Sidewalks of the City.

12. **Stationary Cart.** A piece of equipment used for Vending, which has no motor and is not mobile, except when being pushed, carried or transported to and from a space on the Sidewalk on a daily basis.
13. **Vend, Vends, or Vending.** To sell, offer for sale, expose or display for sale, solicit offers to purchase, or to barter Food or Merchandise, or to require someone to negotiate, establish, or pay a fee before providing Food or Merchandise, even if characterized as a donation.

C. Catering Food Truck Vendor Requirements. The following regulations apply specifically to Catering Truck Vendors:

1. Catering Food Truck Vendors are limited to Vending Food at construction sites and Agricultural and Industrial zoning districts.
2. **Conditional Use Permit** is required for any permanent or temporary Catering Food Truck Vending within commercial zoning districts.
3. Each Catering Food Truck shall be able to upon request while Vending show proof of approval to Vend Food by the Kings County Health Department. A Catering Food Cart approved by the Health Department to Vend one type of Food may not be used to Vend a different type of Food.
4. Each Catering Food Truck Vendor shall comply with the following standards:
 - a. **Shall stay less than 20 minutes per location without Administrative Approval to stay longer.**
 - b. Shall not be located in congested areas where the operation impedes vehicular or pedestrian traffic or in a designated bike lane.
 - c. Shall not be located within three blocks of K-12 schools during school hours.
 - d. Shall not be open between the hours of 10 p.m. and 7:00 a.m., except for City-permitted special events.
5. All disturbed areas must be cleaned following each stop.
6. Continuous music or repetitive sounds shall not project from the Catering Food Truck.
7. A five-foot clear space shall be maintained around the Catering Truck Vendor.

8. No sales are allowed within public park facilities except for special events, such as the Corcoran Cotton Festival.
9. A tagged fire extinguisher shall be kept accessible.
10. At least one employee who sells Food shall be able to provide proof of completion of a food handler training course at all times while Vending.

D. Sidewalk Vending Permit required. Every Sidewalk Vendor must first obtain, and at all times maintain, a valid Sidewalk Vending Permit from the Community Development Department in accordance with this chapter.

1. Every Sidewalk Vendor must Vend in compliance with the terms and conditions of the Sidewalk Vending Permit.

E. Sidewalk Vending Permit Application process. To apply for a Sidewalk Vending Permit, a Sidewalk Vendor must present valid identification, such as a State of California identification or any other government-issued identification card and provide the following information:

1. The name, address, and telephone number of the Sidewalk Vendor and of all persons that will be employed to Vend for the Sidewalk Vendor.
2. Proof of liability insurance of such types and such amounts required by the Community Development Department.
3. An agreement by the Sidewalk Vendor to defend, indemnify, release and hold harmless the City, its City Council, boards, commissions, officers, and employees from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relating (directly or indirectly) to the Sidewalk Vending Permit or the Sidewalk Vendor's Vending activities. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred by the Sidewalk Vendor, Sidewalk Vendor's agent, the City, or the parties initiating or bringing such proceeding.
4. An acknowledgment that the Sidewalk Vendor's use of public property is at their own risk, that the City does not take any steps to ensure public property

is safe or conducive to the Sidewalk Vending activities, and the Sidewalk Vendor's use of public property is at his or her own risk.

5. A Sidewalk Vendor who sells Food shall provide proof of completion of a food handler training course.
 6. The number of Carts the Sidewalk Vendor will operate within the City under the Sidewalk Vending Permit, but not to exceed three.
 7. The type of Cart (Mobile or Stationary) the Sidewalk Vendor intends to operate.
 - a. If a Stationary Cart, the location in the City where the Sidewalk Vendor will operate, a description or site plan map of the proposed location, showing that the Stationary Cart maintains a minimum of 36 inches of accessible route area, in compliance with the American Disabilities Act.
 8. Proof that every Cart used to Vend Food within the City is approved by the Kings County Health Department. A Cart approved by the Health Department to Vend one type of Food may not be used to Vend a different type of Food.
 9. Proof of the Sidewalk Vendor's possession of a valid California Department of Tax and Fee Administration seller's permit, which shall be maintained during the pendency of the Vendor's Permit.
 10. An acknowledgment that the Sidewalk Vendor will comply with all other generally applicable local, state, and federal laws.
 11. A Sidewalk Vending Permit must be renewed every year, prior to expiration. A Sidewalk Vending Permit expires one year from the date it is issued.
 12. No Sidewalk Vendor Permit is transferable. Any change in ownership or operation of a Cart requires a new Sidewalk Vendor Permit.
 13. The applicant must pay an application or renewal fee as established by resolution of the City Council. If the application is approved, it shall not be necessary for the permittee to obtain a City business license to carry on activities authorized by the Vending Permit, unless the applicant maintains a permanent place of business within the City.
- F. Issuance of a Sidewalk Vending Permit.** Within 30 days of receiving a complete application determined at the sole discretion of the Community Development Department, the Community Development Department may issue a Sidewalk

Vending Permit, with appropriate conditions, if it finds based on all the relevant information that:

1. The conduct of the Sidewalk Vendor will not unduly interfere with traffic or pedestrian movement, or tend to interfere with or endanger the public peace or rights of nearby residents to the quiet and peaceable enjoyment of their property, or otherwise be detrimental to the public peace, health, safety, or general welfare; and
2. The conduct of the Sidewalk Vendor will not unduly interfere with normal governmental or City operations, threaten to result in damage or detriment to public property, or result in the City incurring costs or expenditures in either money or personnel not reimbursed in advance by the Sidewalk Vendor; and
3. The Vending will not constitute a fire hazard, and all proper safety precautions will be taken; and
4. The Vending will not require the diversion of police officers to properly police the area of such activity as to interfere with normal police protection for other areas of the City; and
5. The Sidewalk Vendor has not had a permit revoked within the same calendar year; and
6. The Sidewalk Vendor has satisfied the requirements of this chapter; and
7. The Sidewalk Vendor has paid all applicable fees as set by City Council Resolution; and
8. The Cart and proposed activities conform to the requirements of this chapter; and
9. The Sidewalk Vendor has adequate insurance to protect the City from liability associated with the Vendor's activities, including naming the City as an additional insured, as determined by the Community Development Department or City's risk manager; and
10. The Sidewalk Vendor has satisfactorily and truthfully provided all information requested by the Community Development Department to consider the application.

G. Sidewalk Vending Operating conditions.

1. Every Cart used for Sidewalk Vending must obtain and prominently display a Sidewalk Vending Permit.
2. Every Cart must be placed and used at all times in compliance with the terms and conditions of the Sidewalk Vending Permit and abide by all applicable laws and regulations.
3. All Sidewalk Vendors are prohibited from Vending between the hours of 10:00 p.m. and 7:00 a.m. daily. In residential areas, all Sidewalk Vending is prohibited between the hours of 8:00 p.m. or sunset, whichever is earlier, and 7:00 a.m. daily.
4. A Sidewalk Vending Permit must be renewed every year, prior to expiration.
5. A Sidewalk Vendor may not use a Stationary Cart to Vend in a residential area. Only a Mobile Cart may be used to Vend in a residential area.
6. A Sidewalk Vendor may operate a Stationary Cart only in commercial or industrial zones.
7. No more than two Stationary Carts with approved Sidewalk Vending Permits may be used to Vend on the Sidewalk of a single block face.
8. A Sidewalk Vendor who Vends in a residential area with a Mobile Cart shall move continuously, except when conducting a sale, which must last no more than seven minutes per sale.
9. A decal issued by the City certifying the issuance of a Sidewalk Vending Permit for the Cart shall be attached to and prominently displayed on each Cart in use by a Sidewalk Vendor.
10. A Cart approved to Vend Food by the Kings County Health Department shall prominently display the county-issued permit on the approved Cart.
11. Every Stationary Cart must not exceed a length of eight feet, a width of five feet, or a height, including roof, awning, or umbrella of nine feet. A Sidewalk Vending Permit application may request, and the City may approve, a small table for condiments to be used in conjunction with a Cart selling Food.
12. Every Mobile Cart must not exceed a length of seven feet, a width of three feet, or a height of four feet. A Sidewalk Vending Permit application may request, with a picture, and the City may approve, a shade structure such as an umbrella attached to a Mobile Cart. The shade structure may not impede the flow of pedestrian traffic.

13. A Sidewalk Vendor selling Food must provide a trash receptacle for customers large enough to accommodate the proper disposal of customer trash. A Sidewalk Vendor may not dispose of customer trash in existing trash receptacles.
14. A Sidewalk Vendor must immediately clean up any food, grease, or other fluid or item related to Vending and maintain a clean and trash-free 10-foot radius from the Cart during hours of operation and must leave the area clean by the approved closing time.
15. A Sidewalk Vendor shall not approach persons to sell food or merchandise and shall not interfere in any way with anyone engaged in an activity to sell food or merchandise.
16. A Sidewalk Vendor shall not create unreasonable amounts of noise.
17. No Cart, condiment table, or Sidewalk Vendor's trash receptacle may be left on the Sidewalk after the Vendor's approved closing time.
18. No Cart, condiment table, or Sidewalk Vendor's trash receptacle shall be chained or fastened to any pole, sign, tree, or another object in the public right-of-way or left unattended.
19. Sidewalk Vending shall not occur within three blocks of K-12 schools during school hours.
20. Sidewalk Vending of illegal or counterfeit Merchandise is prohibited.
21. Sidewalk Vending of services is prohibited.
22. Renting merchandise to customers is prohibited.
23. Using an open flame on or within any Cart is prohibited.
24. A Sidewalk Vendor shall not conduct transactions with persons in moving vehicles or illegally parked or stopped vehicles.

H. Placement of Sidewalk Carts.

1. Carts, Food, and Merchandise shall be prohibited:
 - a. Within 5 feet of a marked crosswalk.
 - b. Within 5 feet of the curb return of an unmarked crosswalk.

- c. Within 25 feet of any fire hydrant, fire call box, or other public utility.
- d. Within 25 feet of a marked bus zone, a curb designated as yellow or red zone, and handicapped parking spaces or access ramps.
- e. Within 5 feet of a bus bench.
- f. Within 10 feet of a transit shelter.
- g. On an area improved with lawn, flowers, shrubs, trees, street tree well, or other landscaping.
- h. Within 5 feet of a driveway or driveway apron.
- i. Within 15 feet of an outdoor dining or patio dining area.
- j. Within 18 inches from the edge of the curb.
- k. Within 200 feet of an area designated for a temporary special permit issued by the City, during the limited duration of the temporary special permit. If the City provides any notice, business interruption mitigation, or other rights to affected businesses or property owners under the City's temporary special permit, such notice will also be provided to the Vendors specifically permitted to operate in the area, if applicable.
- l. Within 50 feet of another Vendor.
- m. Within 200 feet of a permitted farmer's market or swap meet.
- n. On any Sidewalk where a Cart and queuing patrons would restrict the accessibility requirements under the Americans with Disabilities Act.
- o. Where placement impedes the flow of pedestrian traffic by reducing the clear space to less than three feet or impedes access to or the use of abutting property, including, but not limited to, residences, and places of business.
- p. On City-owned property without prior City approval or from connecting to any public utilities.
- q. Stationary Carts are prohibited in any Pocket Park. These parks are small by design and adjacent to individual private residences. The prohibition will prevent an undue concentration of commercial activity

that unreasonably interferes with the scenic and natural character of the park and quiet enjoyment of residential neighborhoods. Stationary Carts will result in increased traffic, noise, and crowding, resulting in health, welfare, and safety issues.

- r. At any park where the City has signed an agreement for concessions that exclusively permits the sale of Food or Merchandise by the concessionaire.
2. Notwithstanding any specific prohibitions in this subsection, no Sidewalk Vendor shall install, use, or maintain a Cart in a manner that endangers the safety of persons or property.

I. Penalties.

- 1. Violations of this chapter shall not be prosecuted as infractions or misdemeanors and shall be only punished by the following administrative fine and rescission provisions:
 - a. An administrative fine not exceeding \$100 for a first violation; and
 - b. An administrative fine not exceeding \$200 for a second violation within one year of the first violation; and
 - c. An administrative fine not exceeding \$500 for each additional violation within one year of the first violation.
- 2. The Community Development Department may rescind an Administrative Approval issued to a Catering Truck Vendor and may rescind Sidewalk Vending Permit issued to a Sidewalk Vendor for the term of that Permit upon the fourth violation or subsequent violations, or for fraud or misrepresentation in the application for the Administrative Approval or Sidewalk Vending Permit.

J. Appeals.

- 1. Decisions to deny an Administrative Approval or an application for a Sidewalk Vending Permit or to impose administrative fines on any Vendor may be appealed by any interested person in accordance with the provisions outlined in Chapter 11-27 of this code (Appeals), except as modified by this chapter.
- 2. Appeals made by a Sidewalk Vendor shall be modified from the provisions outlined in Chapter 11-27 as follows:

City of Corcoran
Ordinance 639 (Mobile Food and Merchandise Vendors)

- a. No hearing shall be held unless and until the fine or penalty has been deposited with the City, or an advance deposit hardship waiver has been issued by the hearing officer.
- b. If an administrative fine is the subject of an appeal, the hearing body shall take into consideration the person's ability to pay the fine. The Community Development Department shall provide the Sidewalk Vendor with a notice of his or her right to request an ability-to-pay determination. The person may request an ability-to-pay determination at or before the hearing or while the administrative fine remains unpaid.
- c. If the person meets the criteria described in subdivision (a) or (b) of Government Code Section 68632, or any successor section, the appellate hearing body shall accept, in full satisfaction, 20% of the administrative fine imposed pursuant to this chapter.
- d. The appellate hearing body may allow the person to complete community service instead of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.

Chairperson

Shea DeVaney

Vice-Chairperson

Karl Kassner

Commissioners

David Bega
Dennis Tristao
David Jarvis
Troy Van Velson
Janet Watkins

Planning Commission



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Development
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832 Whitley Avenue, Corcoran
CALIFORNIA 93212

STAFF REPORT

Item # 5.1

To:	Corcoran Planning Commission
From:	Kevin J. Tromborg, Community Development Director, Planner, Building Official.
Date:	October 21, 2019

Subject:	Discussion to determine the zoning classification and zoning requirements for the cultivation, processing, and manufacturing of Industrial Hemp and its bi-products.
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General Information:

At the regular City Council meeting on August 13, 2019, the Corcoran City Council gave direction to staff to prepare an ordinance that removes language that restricts industrial hemp from cultivation and manufacturing in order to be in compliance with new State and Federal Law. Additionally, the City Council directed the staff to bring the issue of zoning classification and zoning requirements to the Corcoran Planning Commission for review, public hearing(s) and recommendations for requirements regarding zoning for the cultivation, processing or manufacturing of Industrial hemp and its bi-products.

Discussion:

1. Industrial Hemp, means a crop that is limited to type of the plant - Cannabis Sativa L. Having no more than three-tenths of 1 percent Tetrahydrocannabinol (THC).
2. The California Business and Professional Code section 26001 (f) explicitly states that cannabis does not include industrial hemp .
3. Division 24 of the California Food and Agricultural Code provides for the cultivation of industrial hemp by registered growers and established research centers.

4. The Agriculture Improvement Act of 2018 (2018 Farm Bill) signed into law by the President on December 20, 2018, effective January 1, 2019, removed hemp from schedule 1 of the Federal Controlled Substance Act. Thus, hemp is no longer federally regulated as a controlled substance.
5. All growers of hemp for commercial purposes must register with the county agricultural commissioner prior to cultivation.
6. California law does not currently provide any requirements for the manufacturing, processing, or selling of non-food industrial hemp or hemp products. However, Assembly Bill 228 proposes to establish framework for industrial hemp products to be used as a food, beverage or cosmetic.
7. California law also does not currently provide for a permit or license for the manufacturing, processing, or selling of non-food industrial hemp or hemp products.
8. Division 24 of the California Food and Agriculture Code does not create a distinction between the cultivation of industrial hemp or any other agricultural product with respect to where it may be cultivated. However, the City of Corcoran has the authority to specify its land use and zoning for all its commercial agriculture.
9. Division 24 of the California Food and Agricultural Code, provides for the cultivation of industrial hemp by registered growers and established research centers.

The Planning Commission may want to consider these options regarding zone classification.

Note: Industrial hemp grown in Agricultural Zones is allowed under state regulations and licenses.

- A. What zone shall we allow the processing and manufacturing of its bi-products?
- B. Shall we require administrative approval or a conditional use permit?

The Planning Commission may want to consider these options regarding cultivation in any non-Agricultural Zones under Administrative Approval or Conditional Use Permit.

- A. Indoor/outdoor cultivation
- B. Safety and Security (fencing, cameras, alarms etc.)
- C. Nuisance prevention. Odor control, noise etc.
- D. Waste management
- E. Water use, recycling restrictions and control

The Planning Commission may want to consider these options regarding the processing and manufacturing of industrial hemp and its bi-products under Administrative Approval or Conditional Use Permit.

- A. Safety and security. (Fencing of outdoor storage areas, cameras, alarms etc.)
- B. Nuisance prevention. (Odor control, noise, etc.)
- C. Waste management
- D. Water use, recycling, restrictions and control.

Recommendation:

Staff recommends that Industrial Hemp cultivation be allowed in Industrial Zones on lots five (5) Acres or more under a Conditional Use Permit. Additionally, Staff recommends that processing and manufacturing of Industrial Hemp and its bi-products be allowed in Industrial and Highway commercial zones under a Conditional Use Permit. Staff is recommending that the decisions of the Planning Commission be brought back for public hearing.

City of Corcoran

City of Corcoran Building Division

Permit Activity Report for 01/01/2019 to 09/30/2019

Type of Construction		Permits	SQ Ft	Valuation
Single-Family Houses Detached				
Residential	SINGLE FAMILY DWELLING	3	5,307	612,709
Residential	New Single Family	31	47,764	7,131,735
		34	53,071	7,744,443
Other Nonhousekeeping Shelter				
RESIDENTIAL	RESIDENTIAL PATIO NEW/ADD	16	0	108,250
RESIDENTIAL	RESIDENTIAL STORAGE BUILDING	4	0	36,700
		20	0	144,950
Stores and Customer Services				
COMMERCIAL	NEW RETAIL STORE	1	7,884	1,097,000
		1	7,884	1,097,000
Structures Other Than Building				
ENGINEERING	STRUCTURE OTHER THAN A BLDG	3	0	180,000
		3	0	180,000
Solar Installations				
RESIDENTIAL	SOLAR RESIDENTIAL	31	0	703,013
		31	0	703,013
Residential Additions and Alterations				
COMMERCIAL	ELECTRIC PERMIT	4	0	10,600
ENGINEERING	ELECTRIC PERMIT	1	0	0
MULTI FAMILY 5 OR MORE	MECHANICAL PERMIT	1	0	4,000
MULTI FAMILY 5 OR MORE	ELECTRIC PERMIT	1	0	1,000
RESIDENTIAL	RESIDENTIAL CARPORT NEW/ADD	3	0	9,700
RESIDENTIAL	ELECTRIC PERMIT	23	0	23,400
RESIDENTIAL	MECHANICAL PERMIT	35	0	160,800
RESIDENTIAL	PLUMBING PERMIT	31	0	49,120
RESIDENTIAL	RESIDENTIAL REPAIR	17	1,625	441,800
RESIDENTIAL	SINGLE FAMILY ADDITION	2	0	15,500
RESIDENTIAL	SINGLE FAMILY REMODEL	1	0	25,000
RESIDENTIAL	REPLACING WINDOWS SFD	2	0	2,000
		121	1,625	742,920
Nonresidential and Nonhousekeeping Additions and Alterations				
Commercial	RETAIL STORE ADDITION/REMODEL	1	0	8,000
Commercial	CHURCH ADDITION OR REMODEL	1	2,500	248,000
Commercial	COMMERCIAL REPAIR	4	0	29,000
Commercial	COMMERCIAL TENANT IMPROVEMENT	3	0	114,000
Commercial	RE-ROOF	3	0	94,200
RESIDENTIAL	RE-ROOF	37	3,200	226,150
		49	5,700	719,350
Demo All Other Buildings and Structures				
RESIDENTIAL	DEMO/BDTH	2	0	10,000
		2	0	10,000
Miscellaneous				
COMMERCIAL	ENCROACHMENT	2	0	6,000
ENGINEERING	ENCROACHMENT	3	0	80,635
ENGINEERING	OTHER	1	0	3,300
RESIDENTIAL	SWIMMING POOL / SPA	1	0	41,000
RESIDENTIAL	BLOCK FENCE	2	0	4,500
RESIDENTIAL	ENCROACHMENT	8	0	24,834
		17	0	160,269
		278	68,280	11,501,945

City of Corcoran

City of Corcoran Building Division

Permit Activity Report for 07/01/2019 to 09/30/2019

Type of Construction		Permits	SQ Ft	Valuation
Single-Family Houses Detached				
Residential	SINGLE FAMILY DWELLING	2	3,896	376,116
Residential	New Single Family	11	16,912	2,446,853
		13	20,808	2,822,969
Other Nonhousekeeping Shelter				
RESIDENTIAL	RESIDENTIAL PATIO NEW/ADD	8	0	43,750
RESIDENTIAL	RESIDENTIAL STORAGE BUILDING	1	0	3,500
		9	0	47,250
Structures Other Than Building				
ENGINEERING	STRUCTURE OTHER THAN A BLDG	1	0	10,000
		1	0	10,000
Solar Installations				
RESIDENTIAL	SOLAR RESIDENTIAL	9	0	213,359
		9	0	213,359
Residential Additions and Alterations				
COMMERCIAL	ELECTRIC PERMIT	2	0	8,500
RESIDENTIAL	RESIDENTIAL CARPORT NEW/ADD	3	0	9,700
RESIDENTIAL	ELECTRIC PERMIT	7	0	7,900
RESIDENTIAL	MECHANICAL PERMIT	10	0	55,100
RESIDENTIAL	REPLACING WINDOWS SFD	1	0	1,000
RESIDENTIAL	RESIDENTIAL REPAIR	4	0	64,300
RESIDENTIAL	SINGLE FAMILY ADDITION	1	0	7,500
RESIDENTIAL	SINGLE FAMILY REMODEL	1	0	25,000
RESIDENTIAL	PLUMBING PERMIT	8	0	26,620
		37	0	205,620
Nonresidential and Nonhousekeeping Additions and Alterations				
COMMERCIAL	COMMERCIAL REPAIR	1	0	4,000
COMMERCIAL	COMMERCIAL TENANT IMPROVEMENT	1	0	13,000
COMMERCIAL	RE-ROOF	3	0	94,200
RESIDENTIAL	RE-ROOF	12	0	76,900
		17	0	188,100
Miscellaneous				
COMMERCIAL	ENCROACHMENT	1	0	1,500
RESIDENTIAL	ENCROACHMENT	3	0	10,690
		4	0	12,190
		90	20,808	3,499,488