

PLANNING COMMISSION AGENDA

CHAIRPERSON:
Chris Gomez



VICE CHAIRPERSON:
Marvin Hansen

COMMISSIONERS: Mary Beatie, Chris Gomez, Marvin Hansen, Sarrah Peariso, Adam Peck

MONDAY, DECEMBER 14, 2020
VISALIA CONVENTION CENTER
LOCATED AT 303 E. ACEQUIA AVE. VISALIA, CA
MEETING TIME: 7:00 PM

Citizens may appear at the Planning Commission meeting in person and will be asked to maintain appropriate, physical distancing from others and wear a mask or face shield pursuant to the Governor's Executive Orders and public health guidance during the COVID-19 situation.

1. THE PLEDGE OF ALLEGIANCE –
2. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. You may provide comments to the Planning Commission at this time, but the Planning Commission may only legally discuss those items already on tonight's agenda.

The Commission requests that a five (5) minute time limit be observed for Citizen Comments. You will be notified when your five minutes have expired.
3. CHANGES OR COMMENTS TO THE AGENDA –
4. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
 - a. Time Extension for Tentative Parcel Map No. 2003-10
 - b. Time Extension for Visalia Palms Tentative Subdivision Map No. 5524 and Conditional Use Permit No. 2006-42
5. PUBLIC HEARING – Brandon Smith, Senior Planner
Conditional Use Permit No. 2020-31, a request by Plaza FPU LLC to allow an amendment to Conditional Use Permit No. 2007-39, which adopted a master-planned development on 29 acres in the Business Research Park (BRP) zone, to replace an office pad with a parking lot on a 1.65 acre site. The project site is located at the southeast corner of Hurley Avenue and Neeley Street (APN: 081-160-022).

6. PUBLIC HEARING – Josh Dan, Associate Planner
Conditional Use Permit No. 2020-26: A request by Lake Bottom Distillery to operate a craft distillery as an ancillary use to the permitted restaurant use by adding a 60 gallon still in the D-MU (Downtown Mixed-Use) zone. The project is located at 105 E. Main Street (APN: 094-298-001). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Environmental Document No. 2020-68.
7. PUBLIC HEARING – Amy Weiser, Principal Planner
Conditional Use Permit No. 2020-24: A request by Advanced Career Institute to construct an 11,100 square foot facility for a trade school in the 'I' (Industrial) zone. The project site is located at 1243 N. Clancy Street, on the west side of Clancy Street south of W. Goshen Avenue (APN: 081-180-004). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Environmental Document No. 2020-58.
8. PUBLIC HEARING – Josh Dan, Associate Planner
Conditional Use Permit No. 2020-21: A request by Ginder Development to develop a 219-unit gated multi-family residential development on 15.1 acres in the R-M-2 (Multi-Family Residential, 3,000 sq. ft. minimum site area) zone. The project site is located on the northeast and southeast corners of North Akers Street and West Sedona Avenue (APNs: 077-060-031 & 000-012-4). An Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant and that Negative Declaration No. 2020-47 should be adopted.
9. PUBLIC HEARING – Paul Bernal, City Planner
Variance No. 2020-11: A request by Lennar Homes of California to allow a variance to the minimum front and/or rear yard setbacks associated with six lots in the 239-lot River Island Ranch subdivision located in the R-1-5 (Single-Family Residential, 5,000 square foot minimum lot size) zone. The River Island Ranch subdivision is located on the east side of North Dinuba Boulevard, approximately 600 feet north of Shannon Parkway and south of the St. John's River. The Variance request pertains to Lots 11, 12, 45, 107, 134 and 135 of the subdivision. The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Environmental Document No. 2020-66.
10. PUBLIC HEARING – Paul Bernal, City Planner
Zoning Ordinance Text Amendment No. 2020-01: A request by the City of Visalia to amend Zoning Ordinance Chapter 17.64 Mobile Food Vending Ordinance by expanding the Mobile Food Vending Overlay District Map, and establishing Mobile Food Vending Program Registration and Performance Standards to the downtown area which is defined as Center Avenue to the north, Mineral King Avenue to the south, Santa Fe Street to the east and Stevenson Street to the west. The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15311, Environmental Document No. 2020-67.
11. CITY PLANNER/ PLANNING COMMISSION DISCUSSION –
 - a. Next Planning Commission Meeting is Monday, January 11, 2021. No meeting on December 28, 2020.
 - b. The Agriculture Mitigation Program and Feasibility Study Work Session is tentatively set for the January 11, 2020, Planning Commission meeting with Work Session scheduled to begin at 6:00 p.m.

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting. The Planning Commission routinely visits the project sites listed on the agenda.

For Hearing Impaired – Call (559) 713-4900 (TTY) 48-hours in advance of the scheduled meeting time to request signing services.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Office, 315 E. Acequia Visalia, CA 93291, during normal business hours.

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS MONDAY, DECEMBER 28, 2020 BEFORE 5 PM

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, JANUARY 11, 2021



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: December 14, 2020

PROJECT PLANNER: Paul Bernal, City Planner
Phone: (559) 713-4025
E-mail: paul.bernal@visalia.city

SUBJECT: Zoning Ordinance Text Amendment No. 2020-01: A request by the City of Visalia to amend Zoning Ordinance Chapter 17.64 Mobile Food Vending Ordinance by expanding the Mobile Food Vending Overlay District Map, and establishing Mobile Food Vending Program Registration and Performance Standards to the downtown area which is defined as Center Avenue to the north, Mineral King Avenue to the south, Santa Fe Street to the east and Stevenson Street to the west.

STAFF RECOMMENDATION

Staff recommends approval of Resolution No. 2020-65 for Zone Text Amendment No. 2020-01 based on the project's consistency with the policies of the City's General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Zone Text Amendment No. 2020-01 based on the findings and conditions in Resolution No. 2020-65.

PROJECT DESCRIPTION

Zone Text Amendment (ZTA) No. 2020-01 is a City Council initiated request to amend Chapter 17.64 Mobile Food Vending Ordinance by expanding the Mobile Food Vending Overlay District Map and establishing Mobile Food Vending Program Registration and Performance Standards to the downtown area. The downtown area for this ZTA is defined as Center Avenue to the north, Mineral King Avenue to the south, Santa Fe Street to the east and Stevenson Street to the west (see Exhibit "A" – Downtown Overlay District Map).

The application of the Mobile Food Vending Ordinance provisions to the downtown area will establish the following for mobile food vendors seeking to establish their operation on private property:

- Mobile Food Vending Program registration requirement;
- Compliance with Mobile Food Vending Performance Standards; which include minimum distance requirements from brick and mortar restaurants, properties planned or zoned residential, and sites developed with residential uses, including travel lodgings and mixed uses.

In 2018, the City Council adopted Ordinance No. 2018-11 amending Chapter 17 of the City of Visalia Zoning Ordinance by adding Chapter 17.64, "Mobile Food Vending Target Area Program and Mobile Food Vending Overlay District Maps" to the Zoning Ordinance. Chapter 17.64 codified regulations and performance standards for mobile food vending in three overlay districts (i.e., Industrial Park, East Downtown and East Main Street).

The City Council initiated the ZTA to Chapter 17.64 due to concerns that occurred during special events held in the downtown area that included mobile food vendors locating next to and/or within close proximity to existing “brick and mortar” restaurants. Although the City Council directed staff to prepare an amendment to Chapter 17.64 to extend the provisions of this chapter to the downtown area, the proposed ZTA to Chapter 17.64 will not prevent special events in the overlay districts that are permitted through the City of Visalia Special Events ordinance (Chapter 12.48) or alter the process used by the City to permit food trucks at special events. Furthermore, the proposed ZTA will not impact vendors who operate under the provisions of the Peddlers Ordinance (Chapter 5.32) or vendors who operate under the provision of the Sidewalk Vendors Regulations Ordinance (Chapter 5.72).

BACKGROUND

May 1, 2017 City Council Work Session: The City Council, on a 5-0 vote, directed staff to establish a Food Truck Task Force to review the current regulations and provide Council with recommendations for any changes to the regulations.

Food Truck Task Force: The Mobile Food Truck Task Force was comprised of food truck operators and restaurant owners along with a member from the Chamber of Commerce, a representative from the Industrial Park, and a representative from the Visalia Mall. The Mobile Food Truck Task Force held four meetings to discuss and refine the recommendations.

December 11, 2017 Planning Commission Update: Staff presented the Mobile Food Truck Task Force recommendations to the Planning Commission.

February 5, 2018 City Council Work Session: The City Council heard a presentation from staff for consideration of establishing a Mobile Food Truck Vending program in defined geographical overlay districts. During the Work Session discussion, the City Council directed staff to provide additional information and return for further consideration.

April 2, 2018 City Council Work Session: Staff presented changes as directed by the City Council to the Mobile Food Truck program including a recommendation to establish the Mobile Food Truck as a new section of the Zoning Ordinance. The City Council directed staff to proceed with the recommended changes and initiate a ZTA to codify the Mobile Food Vending Ordinance.

June 25, 2018 Planning Commission Public Hearing: The Planning Commission voted 4-0 to recommend approval of Zone Text Amendment No. 2018-02 to the City Council. Zone Text Amendment No. 2018-02 was a request by the City of Visalia to amend Chapter 17 of the Visalia Zoning Ordinance adding Section 17.64 for a Mobile Food Vending Ordinance.

August 6, 2018 City Council Public Hearing: The City Council conducted a public hearing and introduced Ordinance No. 2018-11, approving Zone Text Amendment No. 2018-02 for the first reading by a 5-0 vote.

October 21, 2019: Vice Mayor Steve Nelsen requested that the City Council consider agendaing a discussion to consider revisions to Chapter 17.64 “Mobile Food Vending Ordinance”.

November 11, 2019: The City Council received a staff report and presentation and provided staff with direction to proceed with amending Chapter 17.64 to include the downtown area. City Council directed staff to proceed with initiating a Zone Text Amendment to expand the Mobile Food Ordinance to the downtown area.

PROJECT EVALUATION

The Zone Text Amendment is consistent with the recommended actions of the Visalia City Council from their November 11, 2019 meeting.

Amendment to Chapter 17.64 Mobile Food Vending Ordinance and Regulations for Mobile Food Vending in the “New” Downtown Overlay District Area

Staff is proposing to amend Chapter 17.64 to establish a new Downtown Overlay District area, and apply the mobile food vending performance standards to the downtown area overlay for mobile food vendors. The new Downtown Overlay District would comprise the properties within the geographical defined area along Center Avenue to the north, Mineral King Avenue to the south, Santa Fe Street to the east and Stevenson Street to the west. The north and south boundaries of the downtown overlay district (i.e., Center Avenue to the north, Mineral King Avenue to the south) follow the same streets use to define the north/south boundary of the East Downtown Overlay District (see Exhibit “A” – Downtown Overlay District Map).

In addition, the performance standards contained in Section 17.64.040, “Mobile Food Vending Program Registration and Performance Standards” will be applicable to the new downtown overlay district area with the exception of a revised minimum distance standard as provided in Section 17.64.040.D. This section currently establishes a 300-foot minimum separation distance from mobile food vendors and existing restaurants. Council directed staff to increase the separation requirement in the Downtown Overlay District from 300-feet to 500-feet. This was directed based on the uniqueness of the downtown area which has a high concentration of “brick and mortar” restaurants within this geographical defined area. During the discussion related to the 500-foot separation requirement, Council stated that “brick and mortar” restaurants are at a competitive disadvantage to mobile food vendors due to the impact fees assessed on “brick and mortar” restaurants which are not applied to mobile food vendors.

Some other key provisions of the Mobile Food Vending Ordinance that will be applicable to the new Downtown Overlay District include:

- Codified operating procedures for mobile food vendors seeking to operate in the overlay districts while clearly defining performance standards that all mobile food vendors shall adhere to while operating.
- Establishes a registration program for mobile food vendors in the overlay districts. This assures mobile food vending operators are in compliance with the program and are certificated.
- Uniform codified performance standards for mobile food vendors to follow, resulting in clear standards that vendors can understand and apply while reducing nonconforming and/or undesirable activities related to mobile food vending.

Other standards include limiting vending to private property on lots that are developed with an active business and are fully improved including paved parking, landscaping and sidewalks. Sites are limited to one vendor with the vehicle, and tables and chairs are allowed to locate on improved surfaces not blocking any drive aisles or other pedestrian ways. The vehicle and all tables/chairs must be removed from the site each night. The standards include requirements for keeping the site clean, limiting signage for the mobile food vendor on the site, prohibiting the sale of alcoholic beverages, and limiting noise and lighting intrusions from mobile food vending into adjacent sites.

Mobile Food Vending Associated With a Business

Not subject to the Mobile Food Vending Program permit or requirements are businesses which incorporate a mobile food service as a part of their operation through the Site Plan Review process, where the mobile vendor is within the building or an open space which is not in the parking lot or readily visible from the public right-of-way or on-site parking lot. One such example is Barrelhouse Brewing, where vendors locate in the on-site open space behind the building. These vendors would be subject to the standards applied to the business through the Site Plan Review process.

Mobile Food Vending Operating Outside the Overlay Districts

Mobile Food Vending outside the Overlay Districts will continue to be processed under the City of Visalia's Temporary Conditional Use Permit (TCUP) process, including food vendors only being permitted to operate on a developed commercial/office site for a period of only six months. All other requirements associated with the TCUP process will remain the same.

Special Events Ordinance (Chapter 12.48) and Peddlers Ordinance (Chapter 5.32)

The proposed Mobile Food Vending ordinance and overlay districts are not intended to prevent special events in the overlay districts that are permitted through the City of Visalia Special Events ordinance (Chapter 12.48) or alter the process used by the City to permit food trucks at special events. Mobile food vendors at a special event within an overlay district will not be required to obtain a Mobile Food Vending Registration Program permit to vend at the special event, which are typically for one day.

In addition, the proposed ordinance will also not impact vendors who operate under the provisions of the Peddlers Ordinance (Chapter 5.32), whether or not mobile food vending under the Peddlers Ordinance occurs inside or outside the overlay districts. The Peddlers Ordinance permits mobile food vending on public streets for up to 10 minutes. Examples of mobile food vending utilizing public streets and/or right-of-ways include ice cream trucks and push carts. The Mobile Food Vending Ordinance is intended to provide performance standards and regulations for mobile food vendors that intend to operate at a specific location for several hours, days, months, or even longer as described in the proposed ordinance.

Environmental Review

The requested action is considered Categorical Exempt under Section 15311 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2020-66). The addition of standards and guidelines for allowing mobile food vendors to be located on developed properties which have full improvements and an on-site operational business does not result in changing the land use or density. This is consistent with the Class 11 Categorical Exemption for the construction, replacement or addition of minor accessory structures appurtenant to existing commercial, industrial or institutional facilities.

RECOMMENDED FINDINGS

1. That the proposed Zone Text Amendment is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The Zone Text Amendment establishes operating procedures and performance standards for mobile food vendors to follow resulting in clear standards that vendors can understand and apply while reducing nonconforming and/or undesirable activities related to mobile food vending.

2. That the proposed Zone Text Amendment is not inconsistent with any Element of the General Plan. The Zone Text Amendment establishes operating procedures and performance standards for mobile food vendors to follow resulting in clear standards that vendors can understand and apply while reducing nonconforming and/or undesirable activities related to mobile food vending.
3. That the project is exempt from further review under the California Environmental Quality Act (CEQA) Guidelines Section 15311 (Minor Change in Land Use Limitations). This is consistent with the Class 11 Categorical Exemption for the construction, replacement or addition of minor accessory structures appurtenant to existing commercial, industrial or institutional facilities.

APPEAL INFORMATION

The Planning Commission's recommendation on Zone Text Amendment No. 2020-01 are advisory only and are automatically referred to the City Council for final action.

Attachments:

- Related Plans and Policies
- Resolution No. 2020-65 – Amended Chapter 17.64 Mobile Food Vending Ordinance
- Exhibit A – Proposed Downtown Overlay District Map
- Chapter 17.64 – Mobile Food Vending Ordinance

**Chapter 17.44
ZONING AMENDMENTS**

Sections:

- 17.44.010 Purpose.**
- 17.44.020 Initiation.**
- 17.44.030 Application procedures.**
- 17.44.040 Public hearing—Notice.**
- 17.44.050 Investigation and report.**
- 17.44.060 Hearing.**
- 17.44.070 Action of city planning commission.**
- 17.44.090 Action of city council.**
- 17.44.100 Change of zoning map.**
- 17.44.110 New application.**
- 17.44.120 Report by city planner.**

17.44.010 Purpose.

As a general plan for Visalia is put into effect, there will be a need for changes in zoning boundaries and other regulations of this title. As the general plan is reviewed and revised periodically, other changes in the regulations of this title may be warranted. Such amendments shall be made in accordance with the procedure prescribed in this chapter.

17.44.020 Initiation.

A. A change in the boundaries of any zone may be initiated by the owner of the property within the area for which a change of zone is proposed or by his authorized agent. If the area for which a change of zone is proposed is in more than one ownership, all of the property owners or their authorized agents shall join in filing the application, unless included by planning commission resolution of intention.

B. A change in boundaries of any zone, or a change in a zone regulation, off-street parking or loading facilities requirements, general provision, exception or other provision may be initiated by the city planning commission or the city council in the form of a request to the commission that it consider a proposed change; provided, that in either case the procedure prescribed in Sections 17.44.040 and 17.44.090 shall be followed.

17.44.030 Application procedures.

A. A property owner or his authorized agent may file an application with the city planning commission for a change in zoning boundaries on a form prescribed by the commission and that said application shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property for which the change in zoning boundaries is proposed, the authorized agent of the owner, or is or will be the plaintiff in an action in eminent domain to acquire the property involved;

3. Address and legal description of the property;
 4. The application shall be accompanied by such sketches or drawings as may be necessary to clearly show the applicant's proposal;
 5. Additional information as required by the historic preservation advisory board.
- B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of processing the application.

17.44.040 Public hearing—Notice.

The city planning commission shall hold at least one public hearing on each application for a change in zone boundaries and on each proposal for a change in zone boundaries or of a zone regulation, off-street parking or loading facilities requirements, general provisions, exception or other provision of this title initiated by the commission or the city council. Notice of the public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation within the city, and by mailing notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use that is the subject of the hearing.

17.44.050 Investigation and report.

The city planning staff shall make an investigation of the application or the proposal and shall prepare a report thereon that shall be submitted to the city planning commission.

17.44.060 Hearing.

- A. At the public hearing, the city planning commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is necessary to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020.
- B. If the commission's recommendation is to change property from one zone designation to another, the commission may recommend that conditions be imposed so as not to create problems adverse to the public health, safety and general welfare of the city and its residents.

17.44.070 Action of city planning commission.

The city planning commission shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020. The commission shall transmit a report to the city council recommending that the application be granted, conditionally approved, or denied or that the proposal be adopted or rejected, together with one copy of the application, resolution of the commission or request of the Council, the sketches or drawings submitted and all other data filed therewith, the report of the city engineer and the findings of the commission.

17.44.080 [Reserved].

17.44.090 Action of city council.

- A. Upon receipt of the resolution or report of the city planning commission, the city council shall review the application or the proposal and shall consider the resolution or report of the commission and the report of the city planning staff.

B. The city council shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020. If the council finds that the change is required, it shall enact an ordinance amending the zoning map or an ordinance amending the regulations of this title, whichever is appropriate. The city council may impose conditions on the change of zone for the property where it finds that said conditions must be imposed so as not to create problems inimical to the public health, safety and general welfare of the city and its residents. If conditions are imposed on a change of zone, said conditions shall run with the land and shall not automatically be removed by a subsequent reclassification or change in ownership of the property. Said conditions may be removed only by the city council after recommendation by the planning commission. If the council finds that the change is not required, it shall deny the application or reject the proposal.

17.44.100 Change of zoning map.

A change in zone boundary shall be indicated on the zoning map.

17.44.110 New application.

Following the denial of an application for a change in a zone boundary, no application for the same or substantially the same change shall be filed within one year of the date of denial of the application.

17.44.120 Report by city planner.

On any amendment to the zoning code changing property from one zone classification to another, the city planner shall inform the planning commission and the city council of any conditions attached to previous zone changes as a result of action taken pursuant to Sections 17.44.060, 17.44.070 and 17.44.090.

RESOLUTION NO. 2020-65

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF ZONE TEXT AMENDMENT NO. 2020-01, A REQUEST BY THE CITY OF VISALIA TO AMEND ZONING ORDINANCE CHAPTER 17.64 MOBILE FOOD VENDING ORDINANCE BY EXPANDING THE MOBILE FOOD VENDING OVERLAY DISTRICT MAP, AND ESTABLISHING MOBILE FOOD VENDING PROGRAM REGISTRATION AND PERFORMANCE STANDARDS TO THE DOWNTOWN AREA WHICH IS DEFINED AS CENTER AVENUE TO THE NORTH, MINERAL KING AVENUE TO THE SOUTH, SANTA FE STREET TO THE EAST AND STEVENSON STREET TO THE WEST.

WHEREAS, Zone Text Amendment (ZTA) No. 2020-01, is a request by the City of Visalia to amend Zoning Ordinance Chapter 17.64, Mobile Food Vending Ordinance, by expanding the Mobile Food Vending Overlay District Map, and establishing Mobile Food Vending Program Registration and Performance Standards to the downtown area which is defined as Center Avenue to the north, Mineral King Avenue to the south, Santa Fe Street to the east and Stevenson Street to the west; and,

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on December 14, 2020; and,

WHEREAS, the Planning Commission of the City of Visalia considered the Zoning Text Amendment in accordance with Section 17.44.070 of the Zoning Ordinance of the City of Visalia and on the evidence contained in the staff report and testimony presented at the public hearing; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of the proposed Zoning Text Amendment based on the following specific findings and evidence presented:

1. That the proposed Zone Text Amendment is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The Zone Text Amendment establishes operating procedures and performance standards for mobile food vendors to follow resulting in clear standards that vendors can understand and apply while reducing nonconforming and/or undesirable activities related to mobile food vending.
2. That the proposed Zone Text Amendment is not inconsistent with any Element of the General Plan. The Zone Text Amendment establishes operating procedures and performance standards for mobile food vendors to follow resulting in clear standards that vendors can understand and apply while reducing nonconforming and/or undesirable activities related to mobile food vending.
3. That the project is exempt from further review under the California Environmental Quality Act (CEQA) Guidelines Section 15311 (Minor Change in Land Use Limitations). This is consistent with the Class 11 Categorical Exemption for the construction, replacement or addition of minor accessory structures appurtenant to existing commercial, industrial or institutional facilities.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of the Zone Text Amendment as shown on Attachment "A" of this Resolution and Attachment "B" of this Resolution which adds the Downtown Overlay District to the Mobile Food Vending Overlay District Map which is on file at City Hall, in accordance with the terms of this resolution and under the provisions of Section 17.44.070 of the Ordinance Code of the City of Visalia.

Resolution No. 2020-65

ATTACHMENT "A"

[Additions are denoted in *bold and italicized font*]

AN ORDINANCE OF THE CITY COUNCIL
ADDING CHAPTER 17.64 OF THE VISALIA MUNICIPAL CODE PERTAINING TO
THE MOBILE FOOD VENDING ORDINANCE AND MOBILE FOOD VENDING
OVERLAY DISTRICTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:

Section 1 – Amendment of Chapter 17.64 pertaining to the Mobile Food Vending Target Area Program and Mobile Food Vending Overlay Districts as follows:

Zoning Ordinance Section 17.64.010 is amended as follows:

To provide food options in the Industrial Park where employees may have short meal and break times and food options may be limited. In addition, to provide opportunities for the public to enjoy the variety of mobile food vendor products in other designated areas such as *the downtown and* east of the downtown. To provide a set of operational standards to protect brick and mortar restaurants and promote an orderly mobile food vending experience.

Zoning Ordinance Section 17.64.040 is amended as follows:

D. Minimum Distance from Restaurants and other identified uses.

Mobile Food Vendors shall comply with the following distance requirements:

1. 300 feet from the main customer entrance of any restaurant within the ***East Main Street, East Downtown, and Industrial Area Overlay Districts, and 500 feet from the main customer entrance of any restaurant within the Downtown Overlay District.***

E. Mobile Food Vending Hours

Mobile food vending hours in the Overlay Districts shall be limited to the following start and stop hours. Food vending would be prohibited outside of these times:

Breakfast	5:30 am	9:30 am
Lunch	10:30 am	2:00 pm
Dinner		
<i>Downtown – between Stevenson St. and Santa Fe St.</i>	<i>3:30 pm</i>	<i>10:00 pm</i>
East Main – east of Ben Maddox Way to Mineral King Avenue	3:30 pm	7:00 pm
East Downtown – west of Ben Maddox Way to Santa Fe Street	3:30 pm	10:00 pm
Industrial Area (Late Night)	3:30 pm	2:00 am

Section 3: Construction. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section 4: Effective Date. This Ordinance shall take effect thirty days after its adoption.

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.

Resolution No. 2020-65
ATTACHMENT "B"

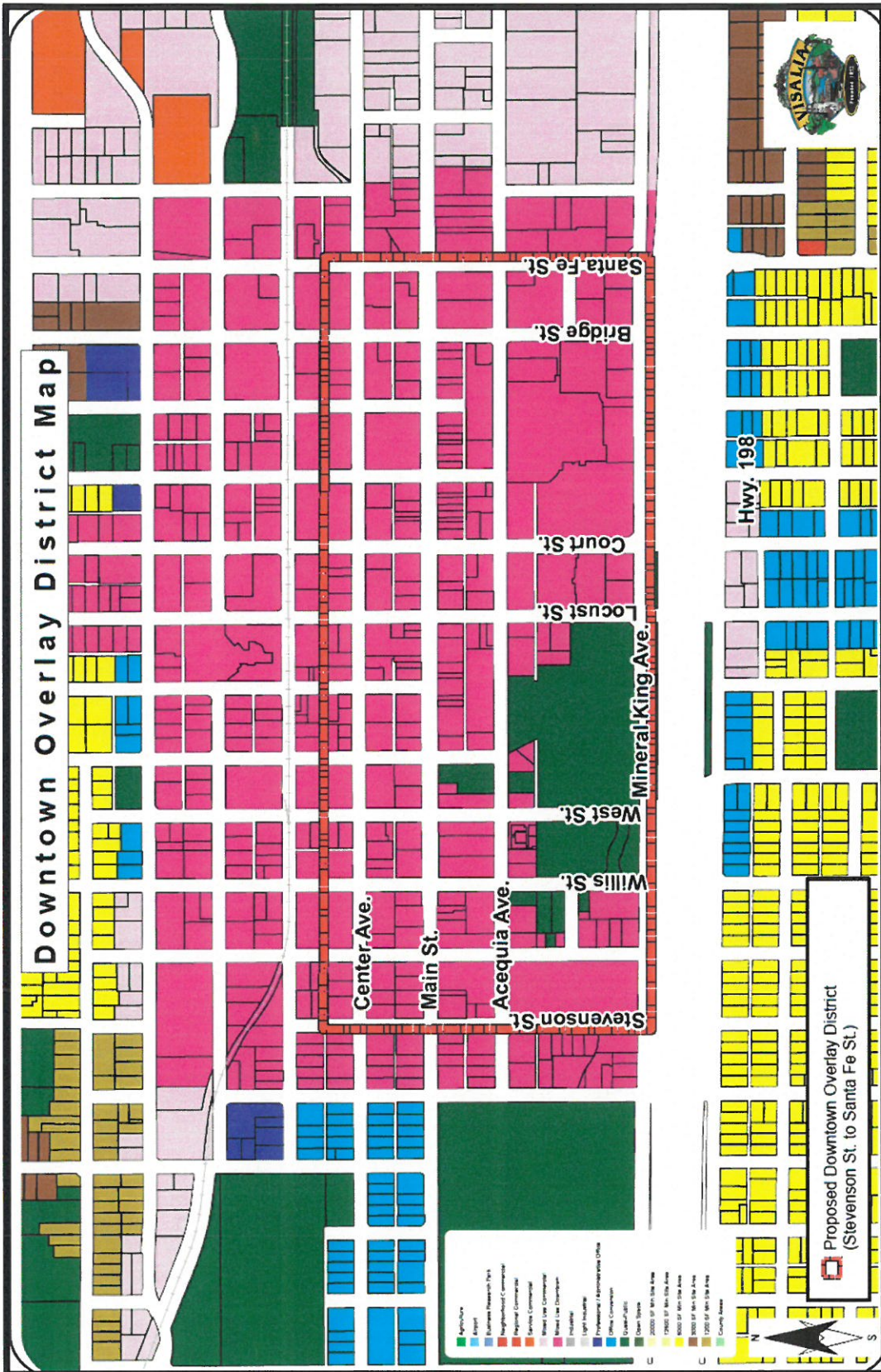
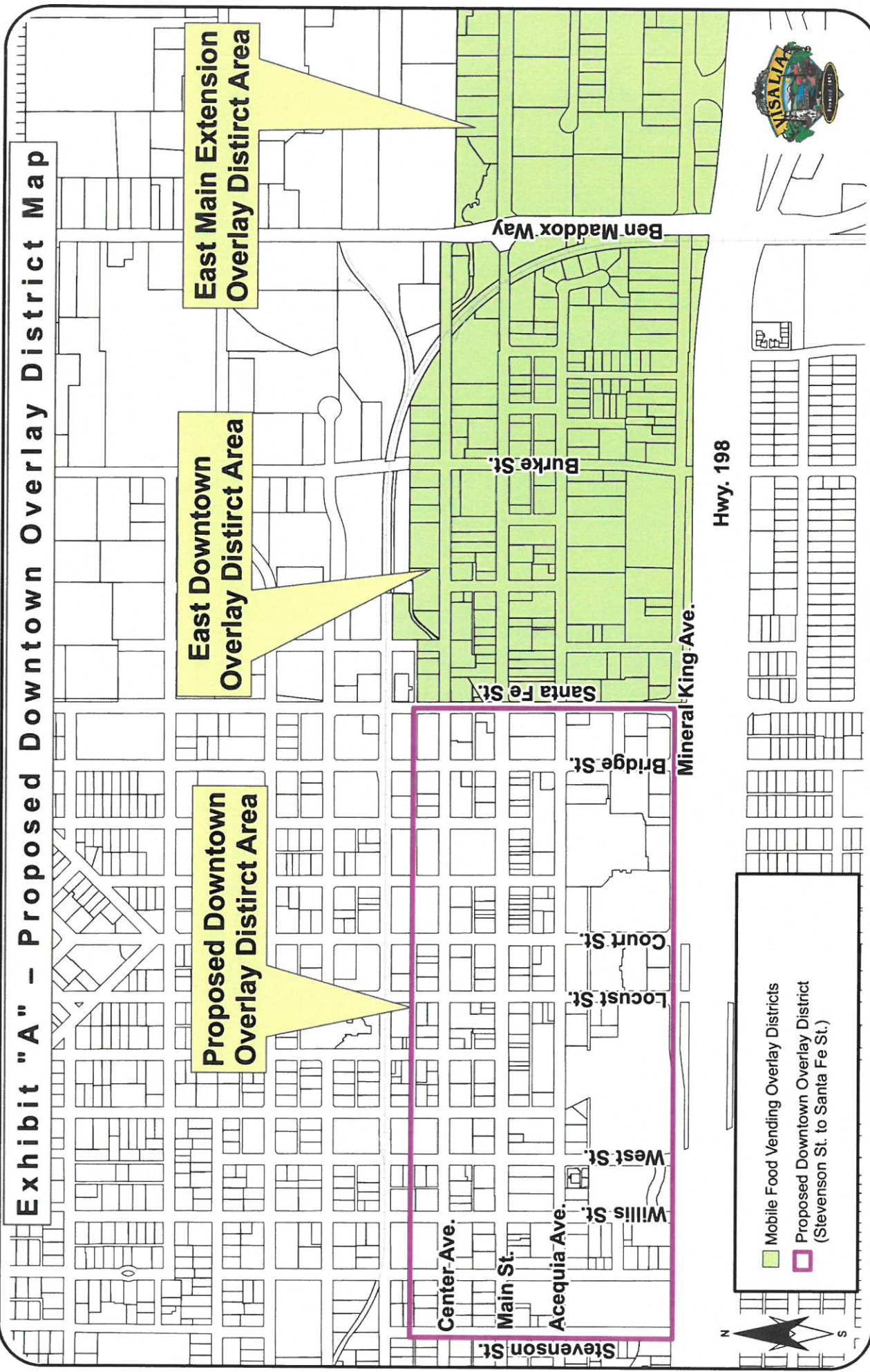


Exhibit "A" - Proposed Downtown Overlay District Map



East Main Extension
Overlay District Area

East Downtown
Overlay District Area

Proposed Downtown
Overlay District Area

Center Ave.

Main St.

Acequia Ave.

West St.

Willis St.

Locust St.

Court St.

Bridge St.

Stevenson St.

Santa Fe St.

Burke St.

Ben Maddox Way

Mineral King Ave.

Hwy. 198

- Mobile Food Vending Overlay Districts
- Proposed Downtown Overlay District (Stevenson St. to Santa Fe St.)



Chapter 17.64

MOBILE FOOD VENDING

Sections:

17.64.010 Purpose and intent.

17.64.020 Components of the Chapter.

17.64.030 Definitions.

17.64.040 Mobile food vending program registration and performance standards.

17.64.010 Purpose and intent.

To provide food options in the Industrial Park where employees may have short meal and break times and food options may be limited. In addition, to provide opportunities for the public to enjoy the variety of mobile food vendor products in other designated areas such as east of the downtown. To provide a set of operational standards to protect brick and mortar restaurants and promote an orderly mobile food vending experience.

(Ord. 2018-11 (part), 2018)

17.64.020 Components of the Chapter.

This chapter shall include:

A. Mobile food vending overlay districts by the maps titled "Mobile Food Vending Overlay District Map", which are on file at city hall. The Mobile Food Vending Districts are also referred to as "Target Areas" within this chapter. Said map is adopted and made part of this chapter.

B. Annual Mobile Food Vending Registration Program to assure that mobile food vending operators have received the standards and provide an annual certificate of registration and compliance with said standards.

C. Mobile Food Vending Standards guidelines for participating mobile food vending operations that only apply within the Mobile Food Vending Districts.

D. This chapter is enacted to preserve and promote the public health, safety, and welfare of the citizens of Visalia, and to facilitate businesses that specialize in mobile food vending.

(Ord. 2018-11 (part), 2018)

17.64.030 Definitions.

"Mobile food vendor" means any vehicle or trailer certified for and used for food vending.

"Restaurant" means the portion of any building used for food service, including but not limited to hot or cold sandwiches, pizza, ice cream, and carry out food for consumption.

"Commissary" means the location for servicing mobile food vendor vehicles as allowed by the Zoning Ordinance and meeting Health Department requirements.

"Active business" means legally existing business occupying a structure.

"Improvements" include, but is not limited to street, curb, gutter, sidewalk, landscaping, paved parking, and other related improvements commonly found on developed sites within the City.

(Ord. 2018-11 (part), 2018)

17.64.040 Mobile Food Vending Program Registration and Performance Standards.

A. Program Registration. An annual registration permit required for mobile food vendors operating in the overlay districts. As part of the annual registration permit process, the mobile food vendor operator(s) shall be required to provide proof that their mobile food vending vehicle has approval and certification clearance from the Tulare County Environmental Health Department, a valid City of Visalia Business Tax License, and is current with vehicle registration with the state of California.

The vendor and their agents/operators agree to abide by all the rules or relinquish their right to vend under the mobile food vending ordinance.

The mobile food vending program participants shall be restricted to the mobile food vending districts also referred to as target areas or the overlay districts.

The annual registration requirement shall not be applicable to mobile vendors operating inside or outside the overlay districts under the City of Visalia Municipal Code Chapter 5.32, regulating peddlers and solicitors, or mobile food vendors operating at a special event operating under a permit issued by the City of Visalia under Municipal Code Chapter 12.48. Mobile food vendors operating outside of the overlay districts are also permitted to operate pursuant to a temporary conditional use permit issued under Municipal Code section 17.38.070.

B. Annual Mobile Food Vending Permit.

1. Annual permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.

2. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:

a. Applicants shall go through the Site Plan Review process for proposed vending locations.

b. Annual permits granted pursuant to this section shall be for a fixed period not to exceed twelve months. The mobile food vending permit must be renewed annually but there is no limitation on the number of times a permit may be renewed.

c. Applicants for an annual permit shall have all applicable licenses and permits prior to issuance of a temporary conditional use permit.

C. Mobile Food Vending Performance Standards.

1. Private Property: Mobile food vendors in the Overlay Districts shall be permitted to vend on private property subject to the following:

a. Mobile food vending operations may only be established on sites which have an active open business during the hours of the mobile food vendors operations. (Mobile food vending shall be an ancillary use to the primary business on-site.)

b. Sites for mobile food vending are required to have full public improvements (curb, gutter, sidewalk, access drive, etc.)

c. A mobile food vendor shall locate on paved surfaces. Unimproved surfaces, landscaping areas, and required setback areas are prohibited. No mobile food vending shall occur on dirt or gravel areas.

d. A mobile food vendor shall obtain written permission from the private property owner(s), and upon demand shall provide it to authorized representatives of the City of Visalia.

e. Only one mobile food vendor is allowed per site with the exception of special events approved by the City of Visalia or as allowed under a Temporary Conditional Use Permit.

f. The mobile food vendor shall only impact no more than two parking stalls on private property. Food vending shall be permitted into the adjacent stall occupied by the mobile food vending operator. Any furniture associated with the mobile food vendor shall be limited to the two parking stall area.

g. Tables and chairs (furniture) shall be permitted and shall be located on improved and/or paved surfaces.

h. Tables and chairs located in parking stalls, landscape areas, or drive aisles shall be prohibited, excepting the two parking stall area designated for vending.

i. Furniture shall not be retained on-site overnight.

j. ADA parking stalls and pedestrian paths of travel shall not be permitted for food vending.

k. Drive aisles, sidewalks, access to trash enclosures and similar areas may not be blocked by any vending activity.

l. A mobile food vendor is prohibited within one thousand (1,000) feet of a public school property.

D. Minimum distance from restaurants and other identified uses. Mobile food vendors shall comply with the following distance requirements:

1. 300 feet from the main customer entrance of any restaurant.

2. There shall be no minimum distance between mobile food vendors located on separate properties.

3. Distance from Residential - 300 feet from properties that are planned/zoned residential or from sites with a residential use (includes travel lodgings and commercial/residential mixed use developments).

E. Mobile Food Vending Hours. Mobile food vending hours in the Overlay Districts shall be limited to the following start and stop hours. Food vending would be prohibited outside of these times:

Breakfast	5:30 am	9:30 am
Lunch	10:30 am	2:00 pm
Dinner		
East Main - east of Ben Maddox Way to Mineral King Avenue	3:30 pm	7:00 pm
East Downtown - west of Ben Maddox Way to Santa Fe Street	3:30 pm	10:00 pm
Industrial Area (Late Night)	3:30 pm	2:00 am

F. Sale of Alcoholic Beverages. Mobile food vendors shall be prohibited from selling alcoholic beverages within the Overlay Districts.

Exceptions to the sale of alcoholic beverages in the Overlay Districts may be considered if the request is associated with a bona fide special event within the Overlay Districts subject to the requirements of Chapter 12.48 Special Events.

G. Amplified / Non-amplified Music or Audio. Mobile food vendors shall be prohibited from providing amplified and non-amplified music or audio.

H. Mobile Food Vendor Lighting. Lighting associated with the mobile food vendor shall not be directed towards the public right-of-way, adjacent properties or the night sky.

I. Mobile Food Vending Signage. Signage on the mobile food truck is permitted. A-frame signage and/or similar signs shall be prohibited.

J. Overnight Parking. Prohibited - Mobile food vending units may be left on a site overnight if the site is a commissary or is an approved vehicle storage yard/location.

K. Site Cleanup. Mobile food vendors shall have adequate trash receptacle available at all times and shall keep the sites that are occupied for food vending free and clear of trash.

L. Enforcement/Revocation of Mobile Food Vendors Permit. Language for the enforcement and revocation of program participants would be added as a section in any code changes for mobile food vending. The establishment of regulations/standards in the Zoning Ordinance provides the basis for revocation actions.

M. Special Events. Mobile food vendors permitted under this chapter that are associated with a special event within the overlay districts shall also be subject to the requirements of Chapter 12.48 Special Events of the Visalia Municipal Code for the purposes of the special event.

(Ord. 2018-11 (part), 2018)