



AGENDA
CITY OF GUSTINE
PLANNING COMMISSION
COUNCIL CHAMBERS, CITY HALL
352 5th STREET GUSTINE, CALIFORNIA
OCTOBER 8, 2014 – 7:00 P.M.

CALL TO ORDER - PLEDGE OF ALLEGIANCE

ROLL CALL

Commission Members: Martens, Oliveira, Hasness, Vice-Chairperson Marsigli,
Chairperson Gandy & Ex-Officio Anderson

PRESENTATIONS

ORAL COMMUNICATIONS

At this time, any person may comment on an item, which is not on the agenda. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD. Members of the public, who have questions regarding a specific agenda item, may comment on that item before consideration of that item by the Planning Commission, when recognized to do so by the Chairman.

CONSENT CALENDAR

ADMINISTRATIVE AGENDA

- 1. PUBLIC HEARING – Amendment/Addition to Ordinance 407 – Mobile Food Vendor Ordinance**
 1. *Receive Staff Report*
 2. *Open the public hearing*
 3. *Close the public hearing*
 4. *Consider a motion to approve the resolution recommending approval to the City Council of a Gustine Ordinance Text Amendment for Mobile Food Vendor Operations*

- 2. PUBLIC HEARING – Tentative Map APN: 020-046-030**
 1. *Receive Staff Report*
 2. *Open the public hearing*
 3. *Close the public hearing*
 4. *Consider a motion continue the public hearing to a date specific*

3. PUBLIC HEARING – Tentative Map APN: 020-072-040

1. Receive Staff Report
2. Open the public hearing
3. Close the public hearing
4. Consider a motion continue the public hearing to a date specific

CITY PLANNER REPORT

PLANNING COMMISSION REPORTS

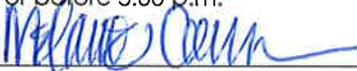
ADJOURNMENT

Note:

1. In compliance with the Americans with Disabilities Act, a disabled person requesting a disability-related modification or accommodation to participate in this meeting, must contact City Hall at (209) 854-6471 or (209) 854-2127(fax). Requests must be made as early as possible, preferably one-full business day before the start of the meeting.
2. Any document provided to a majority of the Planning Commission regarding any open session item on this agenda is available for public inspection during normal business hours at the front counter of City Hall located at 352 5TH Street, Gustine, CA. Documents or writings received after the general distribution of the agenda are also available for inspection.

CERTIFICATION

I, Melanie Correa, Deputy City Clerk, do hereby declare under penalty of perjury that the foregoing agenda was posted on the outdoor bulletin board at the Gustine City Hall, 352 5th Street, Gustine CA and made available for public review on this 30th day of September, 2014, at or before 5:00 p.m.



Melanie Correa



PLANNING COMMISSION AGENDA ITEM

OCTOBER 8, 2014

PREPARED BY: SEAN SCULLY, ASSISTANT CITY MANAGER

SUBJECT: Public Hearing: Amendment/Addition to Ordinance 407 – Mobile Food Vendor Ordinance

BACKGROUND/ DISCUSSION:

Over the past six months the City of Gustine has been in the process of reviewing the Mobile Food Vendor ordinance, specifically relating to whether or not to allow the use in commercial zones within City limits. At the April 15th City Council meeting Council considered whether or not review the current mobile food vendor ordinance as it stands today. Council voted 4-1 to send the matter to the Planning Commission for review and return with any recommended code changes.

At the May 14th Planning Commission meeting the Planning Commission deliberated on the issue and discussed a number of different possibilities related to various amendments to the current municipal code. The consensus of the Planning Commission was to direct staff to prepare a code amendment which would allow for limited use of mobile food vendors within commercial zoning districts, cap the number of allowable mobile food vendors in commercial zoning districts (on private property) and establish a specific and separate permitting process for mobile food vendor applications in commercial areas (separate from the permitting process for those in manufacturing zoning areas).

The specific points Planning Commission desired to have included in the draft code amendment included:

- A Use Permit requirement for any mobile food vendor applying for a permit to operate in a commercial zoning district (Use Permit's require review and approval by the Planning Commission).
 - The Conditional Use Permit process would be used to evaluate on a case by case basis whether proposed sites are appropriate for the use, and to condition the project to ensure sufficient site access, parking and other commercial requirements.
- A ratio/cap of no more than two mobile food vendor approved permits within commercial zones per population of 5,000 (the code amendment more clearly defined the cap as 1 mobile kitchen per 2500 population as defined by the CA Dept of Finance population estimates)
- Under the preceding criteria the City would allow mobile food vendors to

operate in commercial zones provided approval is given under a use permit.

At the July Planning Commission meeting the Planning Commission reviewed the proposed code amendment and debated various specific sections of the proposed ordinance. The Commission voted 3-1 to direct staff to make three additional changes to the proposed ordinance and return to Planning Commission with the proposed changes for review. The changes included

- Removal of Main Street (5th St) locations as areas which could be approved as sites for a mobile food vendor.
- 1 year mandatory renewal of Conditional Use Permit by the Planning Commission (the code reflects a 1 year mandatory review of the conditions of approval by the Planning Commission. If the Commission finds that the conditions of approval have been complied with the Commission shall grant a one year extension).
- Improved parcels (paved areas) are preferred to non improved parcels where possible.

The attached (exhibit B) draft code amendment makes alterations to the current code to incorporate the feedback and direction provided by the Planning Commission as stated above.

RECCOMENDED ACTIONS:

Planning Commission consider the attached resolution recommending approval of the attached code amendment to the City Council.

Alternatively the Planning Commission could provide staff direction on edits to the proposed amendment or determine not to recommend approval of any changes to the current code.

EXHIBIT

- A. Current Mobile Food Vendor ordinance 407
- B. Resolution with Proposed Code Amendment/Addition to Mobile Food Vendor Ordinance 407

APPROVED BY:



GREG GREESON, CITY MANAGER

Sec. 5-6-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile kitchen means any vehicle defined in the Vehicle Code, from which food, beverage, or product is offered for sale to the public, operating only for specific periods of time during designated hours.

(Ord. No. 407, § 1(A), 8-2-1999)

Sec. 5-6-2. - Licenses and inspections.

(a) Each mobile kitchen shall have a current state department of motor vehicle inspection sticker affixed to the lower righthand side of the windshield, a current, valid county health inspection sticker affixed to the lower righthand side of the windshield, and a current valid city police department inspection sticker affixed to the left side of the rear of the mobile kitchen.

(b) Each mobile kitchen licensed to conduct business in the city shall be annually inspected by a state consumer affairs certified automotive repair/inspection facility. The vehicle inspection shall include brakes, tires, all lighting equipment, horn device, adequate mirrors, seat belts, and steering. A safety certificate must be obtained for every licensed vehicle certifying the vehicle is in safe operating condition. The safety certificate must then be presented to the city with a copy routed to the police department.

(c) The owner or operator of a mobile kitchen shall obtain a business license and any other required permit from the city clerk prior to commencing operation.

(Ord. No. 407, § 1(C), 8-2-1999)

Sec. 5-6-3. - Operations.

(a) A mobile kitchen may be operated **only** in manufacturing districts (M) **subject to a staff level review and permitting under the provisions of this chapter. A Mobile kitchen may also be permitted under a Use Permit issued by the Planning Commission within the following commercial zoning districts - C1, C2, and C-H (see sub section d for specific Commercial Mobile Kitchen Guidelines). Although permissible in the C1 zoning district Mobile Kitchens are expressly prohibited within any properties located on 5th St. Mobile kitchens may** otherwise be permitted by special permission of the city council during approved festivals, parades, and other public events providing it meets with all health, safety, insurance, and licensing requirements. **Mobile Kitchens are prohibited in all other zoning districts not listed or referenced in this chapter.**

(b) A mobile kitchen shall operate only during designated lunch and dinner periods, not to exceed three consecutive hours in one designated manufacturing location. Food service shall be "take out" only and a dining area with tables and/or chairs is specifically not permitted.

(c) **For Mobile Kitchens with the (M) manufacturing district** there shall be an eight-foot buffer zone between the mobile kitchen and any adjoining district which is not a manufacturing district (M).

(d) **Mobile Kitchens within the C1, C2 and C-H zoning districts shall only be permitted under an approved Use Permit. The Planning Commission shall review and have authority to condition each proposed permit on a case by case basis to ensure appropriate parking, site design and operational**

requirements. Sites proposed for Mobile Kitchens are preferred to be improved surfaces where possible. Mobile Kitchens must comply with all other applicable sections of the Gustine Zoning Ordinance, Building Code and any other State or Federal Regulations.

(e) Within the C1, C2, and C-H zoning districts there shall be no more than one (1) approved mobile kitchens per City population of 2,500 as reported by the California Department of Finance population estimates.

(f) For those Mobile Kitchens granted conditional use permit to operate within commercial zoning districts a 1 year mandatory review of compliance with the conditions of approval by the Planning Commission shall take place on an annual basis. If the Commission finds that the conditions of approval have been complied with the Commission shall affirm a one year extension of the Conditional Use Permit.

(Ord. No. 407, § 1(B), 8-2-1999)

Sec. 5-6-4. - Insurance. 

(a) The operator of a mobile kitchen shall obtain a comprehensive liability insurance policy which shall protect the operator and the city (as an additional insured) under the policy with types and amounts of coverage as follows: bodily injury and property damage liability insurance: \$500,000.00 for each person and \$1,000,000.00 each occurrence; workers' compensation and employer's liability: \$1,000,000.00 each accident.

(b) The owner or operator shall furnish a certificate of insurance countersigned by an authorized agent of the insurance carrier on a form of the insurance carrier setting forth the general provisions of the insurance coverage. This countersigned certificate shall name the city as an additional insured under the policy, and shall contain a statement of obligation on the part of the insurance carrier to notify the city of any material change, cancellation, or termination of such insurance. The required certificate shall be furnished by the owner or operator to the city issuing a business license, and a copy thereof shall be carried at all times in the vehicle.

(Ord. No. 407, § 1(D), 8-2-1999)

RESOLUTION NO. 2014-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GUSTINE RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A GUSTINE MUNICIPAL CODE ORDINANCE TEXT AMENDMENT OF TITLE 5, CHAPTER 6, SECTION 5-6-3, MOBILE FOOD VENDORS OPERATIONS - AS REFLECTED IN EXHIBIT A.

WHEREAS, on April, 15th 2014 the Gustine City Council considered whether or not to review the Mobile Food Vendor Ordinance; and

WHEREAS, on May 14th the Planning Commission reviewed the ordinance and directed staff to return with a code amendment with specific changes relating to the use of commercial zoning area for mobile kitchens; and

WHEREAS, on July 9th the Planning Commission reviewed the updates to the proposed ordinance and directed staff to bring additional changes to the ordinance; and

WHEREAS, the Planning Commission initiated a zoning ordinance amendment that proposes a specific permit requirement changes for Mobile Kitchens in commercial zoning districts (C-1, C-2 and C-H); and

WHEREAS, this resolution shall act as the Planning Commissions written recommendation of approval regarding this text amendment to the City Council; and

WHEREAS, before making any findings or any consideration of the proposal on its merits, this Commission called for objections or comments on said document; and

WHEREAS, The City Clerk caused the legal advertisement to be published as is required by law at least ten (10) days prior to the Planning Commission hearing date; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF GUSTINE, AS FOLLOWS:

A. FINDINGS:

1. This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and
2. Pursuant to the California Environmental Quality Act (CEQA) §1537(b)(5) [Not Defined as a Project] the proposed ordinance is exempt from the provisions of CEQA.
3. The proposed amendment is consistent with the General Plan; and
4. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
5. The City Clerk caused the legal advertisement to be published as is required by law ten (10) days prior to the Planning Commission hearing date.³

DECISION:

Based on the findings of fact and determinations, it was moved by Commissioner ____ and seconded by Commissioner _____ to recommend approval of the Text Amendment as reflected in Exhibit A to the Gustine City Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

Deputy City Clerk

Planning Commission Chairman



PLANNING COMMISSION AGENDA ITEM

OCTOBER 8, 2014

PREPARED BY: SEAN SCULLY, ASSISTANT CITY MANAGER

SUBJECT: Public Hearing: Tentative Map – 020-046-030

BACKGROUND/ DISCUSSION:

Staff has received an application requesting subdivision of a 1.15 acre parcel identified as APN – 020-046-030 into one .76 acre parcel and one .38 acre parcel. This parcel is located on the southeast corner of 3rd Ave and Highway 33/140. At the time this staff report was being formulated the City Engineer's office and the Engineer representing the applicant were working out final technical details relating to the subdivision request. As the engineering review is still pending completion staff will be requesting that Planning Commission continue the Public Hearing to a date specific at the time of the Planning Commission meeting.

RECCOMENDED ACTIONS:

Planning Commission continue the public hearing on this item to a date specific to be determined at the Public Hearing.

EXHIBIT

None

APPROVED BY:

A handwritten signature in blue ink, appearing to be "Greg Greeson". To the right of the signature, the word "for" is written above the initials "GG".

GREG GREESON, CITY MANAGER

**PLANNING COMMISSION AGENDA ITEM****OCTOBER 8, 2014****PREPARED BY:** SEAN SCULLY, ASSISTANT CITY MANAGER**SUBJECT:** Public Hearing: Tentative Map – 020-072-040**BACKGROUND/ DISCUSSION:**

Staff has received an application requesting subdivision of a .92 acre parcel identified as (after lot line adjustment) APN – 020-072-040 into one .46 acre parcel and another .46 acre parcel. This parcel is located on the northeast corner of 5th Ave and Highway 33/140. At the time this staff report was being formulated the City Engineer's office and the Engineer representing the applicant were working out final technical details relating to the subdivision request. As the engineering review is still pending completion staff will be requesting that Planning Commission continue the Public Hearing to a date specific at the time of the Planning Commission meeting.

RECOMMENDED ACTIONS:

Planning Commission continue the public hearing on this item to a date specific to be determined at the Public Hearing.

EXHIBIT

None

APPROVED BY:

GREG GREESON, CITY MANAGER