

CORCORAN PLANNING COMMISSION MEETING AGENDA

City Council Chambers
1015 Chittenden Avenue
Corcoran, CA 92312

Monday, June 17, 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 April 15, 2019.

3. RE-ORGANIZATION - None

4. PUBLIC HEARING

4.1 Public Hearing to consider Tentative Parcel Map (TPM 19-01) submitted by Antonio & Josephine Andrade for property address 2731 Olympic Avenue, Corcoran, CA 93212, APN 034-143-081) (*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.

4.2 Public Hearing to consider Conditional Use Permit (CUP 19-01) submitted by Raj Singh & Sunita Kaur to allow to sell alcohol/liquor on proposed Superway Market to be located at 1727 Dairy (NE of Dairy and Bainum Avenues), APN 032-191-028.

(*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 regarding Large Truck Parking (LTP) Ordinance 612

5.2 Review and decision regarding applications/requests received for zone exception pertaining to fence height.

5.3 Review and decision regarding applications/requests received for zone exception pertaining to sea trains

6. MATTERS FOR PLANNING COMMISSION

6.1. Information Items:

- Mobile vending
- 2020 Census

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

6.4 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 June 13, 2019.



Kevin J. Tromborg

Community Development Director

**MINUTES
CORCORAN PLANNING COMMISSION
REGULAR MEETING
MONDAY, April 15, 2019**

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

ROLL CALL

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

FLAG SALUTE The flag salute was led by Kassner.

A quorum was declared in the presence of four (4) out of seven (7) Commissioners.

1. PUBLIC DISCUSSION

2. APPROVAL OF MINUTES

Following Commission discussion, a **motion** was made by Bega and seconded by Jarvis to approve the minutes of the regular meeting on March 18, 2019. Motion carried by the following vote:

AYES: Bega, Jarvis and Kassner

NOES:

ABSTAIN: Tristao

ABSENT: DeVaney, Van Velson and Watkins

3. RE-ORGANIZATION - None

4. PUBLIC HEARING - None

5. STAFF REPORTS

5.1 The Commission reviewed the applications/requests received for zone exception pertaining to fence height. Applicants were given three minutes to address the commission regarding their request for exception.

Ms. Veronica Martinez, resident of 1824 North Avenue, Corcoran, CA 93212, mentioned that the fence was already built when they purchased the property. She added that the fence was built sometime in 1970's.

Following Commission discussion, a **motion** was made by Tristao and seconded by Bega to approve zone exception requests for fence height as presented. Motion carried by the following vote:

AYES: Bega, Jarvis , Kassner and Tristao

NOES:

ABSTAIN:

ABSENT: DeVaney, Van Velson and Watkins

5.2 The Commission reviewed five applications/requests received for zone exception pertaining to sea trains. Once again, the Commission allowed each applicant a three minute time to address the commission.

Mr. Dario Gomez of 25541 7th Avenue, mentioned that he has one seatrain on his property, which is about more than half an acre. The property was also annexed by the City after year 2000. Ms. Josephine Andrade, owns the vacant property, west of 2731 Olympic Avenue, where one seatrain was located. The property was zoned as Residential Acreage (RA) and used to be Kings County.

Mr. Rosalio Reynoso, a resident of 1612 Orange Avenue, mentioned that he has three seatrains situated on his property with total of five lots. The seatrains were used for storage purposes. His property was also part of the Kings County and later annexed by the City in 2005.

Mr. Jesus Perez, owner of two seatrains located on 1904 Oregon Avenue, explained that he acquired the seatrains for storage use as well. The City through a verbal approval allowed him to put up the seatrains on his property back in 2009.

Following Commission discussion, a **motion** was made by Tristao and seconded by Jarvis to approve zone exception request for a seatrain on property address 25541 7th Avenue, Corcoran, CA 93212. Motion carried by the following vote:

AYES: Bega, Jarvis, Kassner and Tristao

NOES:

ABSTAIN:

ABSENT: DeVaney, Van Velson and Watkins

Following Commission discussion, a **motion** was made by Tristao and seconded by Jarvis to deny zone exception request for a seatrain on property address 1001 Jepsen Avenue, Corcoran, CA 93212 and to remove the seatrain from the property within one year period. Motion carried by the following vote:

AYES: Bega, Jarvis, Kassner and Tristao

NOES:

ABSTAIN:

ABSENT: DeVaney, Van Velson and Watkins

Following Commission discussion, a **motion** was made by Tristao and seconded by Bega to approve zone exception request for a seatrain on the west side of property address 2731 Olympic Avenue, Corcoran, CA 93212. Motion carried by the following vote:

AYES: Bega, Jarvis, Kassner and Tristao

NOES:

ABSTAIN:

ABSENT: DeVaney, Van Velson and Watkins

Following Commission discussion, a **motion** was made by Tristao and seconded by Jarvis to approve zone exception request for three seatrains on property address 1612 Orange Avenue, Corcoran, CA 93212. Motion carried by the following vote:

AYES: Bega, Jarvis, Kassner and Tristao

NOES:

ABSTAIN:

ABSENT: DeVaney, Van Velson and Watkins

Following Commission discussion, a **motion** was made by Tristao and seconded by Bega to approve zone exception request for two seatrains on property address 1904 Oregon Avenue, Corcoran, CA 93212. Motion carried by the following vote:

AYES: Bega, Jarvis, Kassner and Tristao

NOES:

ABSTAIN:

ABSENT: DeVaney, Van Velson and Watkins

Vice-Chairperson Kassner explained to all applicants that the decision includes compliance with the setbacks and paint of the seatrain of earth tone paints for aesthetic purposes. Commissioner Tristao expressed his opposition specifically on paint requirement.

Tromborg added that the City will send a letter to all applicants both for fence and seatrains exception requests about the commission decision and will allow one year to comply with setbacks and paint requirements.

Joseph Beery, legal counsel for the City of Corcoran also mentioned that that the process and decisions made by the commission will not set a precedent. The Commission made their decision on individual basis.

6. MATTERS FOR COMMISSION

6.1. The Commission received information on Ordinance 612, the Burn Down the House Program (BDTH) and a reminder of the completion of Ethics on-line by April 19, 2019.

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

6.3 Committee Reports – None

7. ADJOURNMENT

At 6:31 p.m., the meeting was adjourned to the next regular meeting on Monday, May 20, 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
David Jarvis
Dennis Tristao
Troy Van Velson
Janet Watkins

Planning Commission



Community
Development
Department

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832 Whitley Avenue, Corcoran
CALIFORNIA 93212

STAFF REPORT Public Hearing

Item # 4.1

To: Planning Commission

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

Meeting Date: June 17, 2019

Subject: Tentative Parcel Map 19-01, submitted by Zumwalt Hansen & Associates, Inc. for Antonio & Josephine Andrade for property located at 2731 Olympic Avenue, APN: 034-143-081. The property is proposed to be divided into two parcel lots

General Information:

APPLICANT

Zumwalt Hansen & Associates
609 North Irwin Street,
Hanford, CA 93230

PROPERTY OWNER

Antonio & Josephine Andrade
2731 Olympic Avenue,
Corcoran, CA 93212

SURVEYOR

Zumwalt Hansen
609 N. Irwin Street
Hanford CA 93230

PROPOSAL AND LOCATION

The applicant proposes the division of one (1) lot into two (2) lots of .80 acres and .97 acres.

PROPERTY CHARACTERISTICS

Background/Existing Land Use:

The property currently has a Posted Sub-standard Mobile home. The property is not in a flood plain (Flood insurance rate map panel No. 06031C0525C, dated June 16, 2009)

General Plan Designation and Zoning:

The General plan and the zoning map designate the property as Single Family Residential (R-1-6). The proposed parcel and its use are consistent with the General Plan and the Zoning Ordinance.

ADJACENT LAND USE AND ZONING

Direction	Existing Land use	Zoning/General Plan
North	Residential Acreage	RA
South	Agriculture	AG
East	Residential Acreage	RA
West	Residential Acreage	RA

UTILITIES/PUBLIC SERVICES:

The private utility companies were contacted to review this tentative parcel map and no comments were received as of the date of this report

REQUIRED TENTATIVE TRACT FINDINGS:

A. Consistency Findings:

A consistency finding can be made because the proposed parcel map is consistent with the State Subdivision Map Act, General Plan, Zoning, and Subdivision Ordinances.

This finding can be made based on the following.

1. The proposed lots meet the minimum requirements of the zoning ordinance.
2. The parcel map is being processed in accordance with the Subdivision Map Act and Corcoran Zoning Ordinance.
3. The proposed tentative parcel map is in compliance with the goals and Objectives of the General Plan.

Evidence:

Subdivision Map Act; General Plan; Zoning Ordinance; Proposed Tentative Parcel Map.

B. Design Finding:

A design finding can be made because the design of the parcel is consistent with The General Plan.

C. Environmental Findings:

The division of land is considered categorically exempt by CEQA guidelines section 15315, minor land divisions.

D. Public Health Findings: None

E. Improvements & Access Finding:

An improvement and access finding can be appropriately made because the design of the parcel map and/or the type of improvements will not conflict with easements, acquired by the public at large, for access of property within the proposed parcel map.

This finding is based on the following:

1. All off-site improvements such as curb, gutter, sidewalk, driveway approach, and transitional paving, when installed by the developer will be inspected and/or verified to ensure the design materials and installation of said improvements meet or exceed standards adopted by the City of Corcoran.
2. The proposed parcel map abuts existing public streets

Evidence: Tentative Parcel Map, City Zoning and street maps, City of Corcoran Improvement Standards, Planning Commission Resolution Conditions of Approval.

RECOMMENDATION OF THE PLANNING COMMISSION:

The recommendation of the Planning Commission, along with any appeal filed by the Sub-divider or interested person shall be presented to the City Council for final action.

EXPIRATION OF MAPS AND EXTENSIONS:

The approval or conditional approval of a tentative parcel map shall expire no later than twenty four (24) months from the date the map was approved or conditionally approved. However, the map may be extended if the sub-divider has complied with Subdivision Map Act Sections 66452.6(a) and (e).

ATTACHMENT:

Tentative Parcel Map

EXHIBIT A
TENTATIVE PARCEL MAP

GENERAL DESIGN:

1. That the applicant in consideration of the approval of said tentative parcel map hereby agrees to hold harmless to the City of Corcoran and all of its departments, officers, agents, or employees, free and harmless of, and from any claims or any kind of nature arising out of or by reason of said project approval, and the development of said project by any person, firm or corporation, public or private, and from the cost and expense of defending the same including attorneys fees.
2. That the approval of this tentative parcel map does not exempt compliance with all applicable sections of the City of Corcoran Zoning Ordinance, public works improvement standards, fees or other City Ordinances.
3. That all proposals of the applicant are conditions of approval if not mentioned herein.
4. That the general design of the parcel map be approved.

Building Department

1. That before any construction is started, a complete set of plans, engineering or any other Construction documents be submitted to the building Department for plan check and Approval.
2. That an approved set of curb, gutter and sidewalk plans have been submitted to the City Engineer and Building Department for plan check and approval.
3. That the properties are kept clean and free of weeds , junk and fire hazards at all times

Fire Department:

1. Adjustment shall not interfere with fire department access. No structure or future structure shall be farther than 150 feet from fire apparatus access. Access roads and adequate turnaround provisions shall be provided if fire apparatus access distance is exceeded.
2. Access roads shall be of an all-weather surface capable of supporting heavy fire apparatus. Access roads shall comply with California Fire Code.

3. Any future development must comply with applicable Fire Code, including rural firefighting water supply requirements.

Public Works Department/Engineering: None

Kings County Department of Public Health: None

Zoning: That the proposed map is subject to the Single Family Residential zone district provisions.

EXPIRATION:

That this tentative parcel map will become null and void after 24 months has elapsed from the date of approval, if the final map has not been recorded. The Planning Commission may grant a time extension if the written request and fee is received from the applicant prior to the expiration

**CORCORAN CITY PLANNING COMMISSION
RESOLUTION NO. 19-04
PERTAINING TO TENTATIVE PARCEL MAP 19-01**

WHEREAS, a Tentative Parcel Map 19-01 filed by Zumwalt Hansen & Associates, Inc. for Antonio & Josephine Andrade reviewed by the Planning Commission of the City of Corcoran; and

WHEREAS, this Commission considered the staff report on June 17, 2019; and

WHEREAS, the property is located at 2731 Olympic Avenue, APN 034-143-081; and

WHEREAS, one parcel is proposed to be divided into two parcels; and

WHEREAS, the subject property is zoned Residential Acreage (RA); and

WHEREAS, this Commission held a public hearing and considered the staff report for Tentative Parcel Map 19-01 on June 17, 2019; and

WHEREAS, all affected public utility companies, various governmental department agencies and the Planning Commission have given careful consideration to this parcel map and have made recommendations thereon; and

WHEREAS, the project is Categorically Exempt from CEQA, Section 15315, Minor Land Divisions; and

WHEREAS, the Planning Commission has made the following findings for the tentative parcel map:

PARCEL MAP

1. The proposed parcel map meets the requirements of the Zoning Ordinance.
2. The proposed parcel map is consistent with the goals and objectives of the General Plan.
3. The property is currently in the City of Corcoran.
4. The proposed division will not be finale, and cannot be occupied, until after the parcel map is recorded.
5. That all City infrastructure improvements be completed according to City Standards prior to the issuance of building permits or occupancy of the property.

ENVIRONMENTAL:

1. That the project is categorically exempt from CEQA, section 15315,
minor land divisions therefore no Negative Declaration is required

WHEREAS, the Planning Commission has carefully considered recommendations and testimony presented at the public hearing of June 17, 2019; and

THEREFORE, BE IT RESOLVED that Tentative Parcel Map 19-01 be approved subject to the conditions listed in Exhibit A of this resolution.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Corcoran on June 17, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED BY:

Shea DeVaney
Planning Commission Chairman

ATTEST BY:

Kevin J. Tromborg
Community Development Director

Chairperson
Shea DeVaney

Vice-Chairperson
Karl Kassner

Commissioners
David Bega
David Jarvis
Dennis Tristao
Troy Van Velson
Janet Watkins

Planning Commission



**Community
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Department**

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832 Whitley Avenue, Corcoran
CALIFORNIA 93212

STAFF REPORT Public Hearing

Item # 4.2

To: Planning Commission

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

Date: June 4, 2019

Subject: **Conditional Use Permit 19-01, Resolution No 19-03 to sell alcohol/liquor on proposed Superway Market to be located at 1727 Dairy Avenue, APN: 032-191-028**

General Information:

APPLICANT

Raj Sing and Sunita Kaur
438 Nimitz Avenue
Corcoran Ca 93212

PROPERTY OWNER

Raj Sing and Sunita Kaur
438 Nimitz Avenue
Fresno, CA 93729

REPORT

The applicant proposes to sell on-site alcoholic beverages on proposed Superway Market to be located at 1727 Dairy Avenue, Corcoran, CA 93212. The applicant is in the process of applying to the Department of Alcoholic Beverages Control (ABC) for an on-site sale license type 47. According to ABC, there are four (4) off sale licenses and one (1) on-site licenses in census tract 0014.02 adding a second on site license creates an over concentration of licenses. In an area of over concentration, a letter of convenience and necessity is required from the City Council before the office of Alcoholic Beverages Control will approve the license.

SURROUNDING ZONING AND USES

<u>Use</u>	<u>Zoning</u>
Subject: Convenience Store	CN: Neighborhood Commercial
North: Residential	R-1-6: Single Family Residential
South: Commercial	CN: Neighborhood Commercial
East: Residential	R-1-6: Single Family Residential
West: Commercial	CN: Neighborhood Commercial

All businesses in the neighborhood commercial shall be subject to standards that may be required for new businesses as adopted in the Corcoran Zoning Code. Standards may include, but are not limited to:

1. Landscaping requirements
2. Parking requirements
3. Water ordinance requirements
4. Public improvement requirements

COMPLIANCE WITH CEQA

The building proposed for on-site alcoholic beverage sale and is existing and exempt under CEQA 15301, Class1, Existing Facilities.

CONDITIONAL USE PERMIT FINDINGS

The following findings are proposed:

- (A) The building is existing and categorically exempt under CEQA 15301, Existing Facilities.
- (B) There is an over concentration of alcohol beverage licenses in the area as identified by the Office of Alcohol Beverage Control.
- (C) A letter of convenience and necessity will be required from the City Council if the Planning Commission approves the CUP.
- (D) That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this Title to adjust said use with land and use in the neighborhood;
- (E) That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;
- (F) That the proposed use will have no adverse effects upon adjoining or other properties. In making this determination, the Commission shall consider the proposed location of

improvements on the site; vehicular ingress, egress and internal circulation; setbacks; height of buildings; walls and fences; landscaping; outdoor lighting; signs; and such other characteristics as will affect surrounding property;

(G) That the proposed use is consistent with the objectives and policies of the Corcoran General Plan, or any specific plans, or planned developments approved by the City;

CONDITIONAL USE PERMIT-ACTION BY THE PLANNING COMMISSION (from Zoning Ordinance Section 11-21 and 11-23)

The Planning Commission, by written resolution, may approve, approve with conditions, disapprove, or disapprove without prejudice a conditional use permit application.

The decision of the Planning Commission shall be final unless appealed to the City Council in accordance with the procedure outlined below. (In this case, if the Conditional Use Permit is approved by Planning Commission, then, because this requires a letter of public convenience and necessity from the City Council, the request will also go to the City Council).

No building permit or business license shall be issued where a conditional use permit has been approved or conditionally approved by the Planning Commission until such permit has been granted by the Planning Commission and after the appeal period has expired, and then only in accordance with the terms and conditions of the conditional use permit granted and only if the approval or conditional approval of the conditional use permit by the Planning Commission has not been appealed to the City Council pursuant to the procedure specified in Section 11-27

CONDITIONAL USE PERMIT-APPEAL TO THE CITY COUNCIL (Section 11-27-2 B)

In case the applicant or any other party is not satisfied with the action of the Planning Commission he may, within ten days after the date of the adoption of the Planning Commission resolution, file in writing with the City Clerk an appeal to the City Council. The appeal shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Planning Commission, or whereby its decision is not supported by the evidence in the record.

The City Council shall set a date a date for the public hearing and shall post notices as set forth in Section 11-27. The date for the public hearing shall not be less than ten nor more than thirty days from the date on which the appeal was filed.

By resolution, the City Council may affirm, reverse or modify a decision of the Planning Commission, providing that the City Council make the findings prerequisite to the granting of a conditional use permit as required in Section 11-27

The decision of the City Council shall be final, and shall have immediate effect.

TIME LIMIT FOR DEVELOPMENT-RENEWAL RESTRICTIONS (Zoning Ordinance Section 11-25-05)

A conditional use permit shall lapse and become void one year following the date on which the conditional use permit became effective unless by conditions of the conditional use permit a lesser or greater time is prescribed, or unless, prior to the expiration, either the use is being diligently pursued in accordance with the conditional use permit, or a building permit is issued by the Building Official and construction is commenced and is being diligently pursued in accordance with the conditional use permit. A conditional use permit may be renewed for an additional period of one year or for a lesser or greater period as may be specified, provided that an application for renewal is filed with the Planning Commission prior to the expiration of the time period granted. The Planning Commission, pursuant to the procedure set forth in Section 11-25, may grant or deny an application for renewal.

A conditional use permit shall lapse and become void if there is discontinuance for a continuous period of six months of the exercise of rights granted under said permit.

NEW APPLICATION

Should the Planning Commission deny an application for a use permit, no application for a use permit for the same or substantially the same use on the same or substantially the same site shall be filed within six (6) months from the date of denial or revocation of the use permit, except when the Planning Commission denies “without prejudice”.

USE PERMIT TO RUN WITH THE LAND (Zoning Ordinance, Section 11-25-08).

A use permit granted pursuant to the provisions of this Chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application.

Any expansion of the use or structures or area associated with such use not originally approved in the conditional use permit shall require a modification to the conditional use permit through the public hearing process.

REVOCAION

Upon violation of any applicable provisions of this Code, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a use permit shall be suspended automatically. Notice of such suspension shall be sent immediately to the person or persons responsible for noncompliance by the Planning Department. Within thirty (30) days of the suspension, the City Council shall consider the suspension. If not satisfied that the regulation, general provision, condition or conditions are being complied with, the City Council may revoke the use permit or take such action as may be necessary to ensure compliance with the regulation, general provision, condition or conditions. Before acting on the suspension, the City Council may refer the matter to the Planning Commission for a report and recommendations.

RESOLUTION NO. 19-03
CORCORAN CITY PLANNING COMMISSION
PERTAINING TO
CONDITIONAL USE PERMIT 19-01

At a meeting of the Planning Commission of the City of Corcoran duly called and held on June 17, 2019, the Commission approved the following:

Whereas, Raj Singh and Sunita Kaur, submitted an application requesting approval for a Conditional Use Permit to sell alcohol/liquor for a proposed business located at 1727 Dairy Avenue, Corcoran, CA 93212 with APN 032-191-028; and

Whereas, this Commission considered the staff report on June 17, 2019; and

Whereas, the Alcohol Beverage Control Department (ABC) has determined that there is an over concentration of off-site and on-site licenses in the 0014-02 census tract area; and

Whereas, the Planning Commission has made the following findings pursuant to the City of Corcoran Zoning Ordinance;

(A) The proposed business is to be located in an existing building that is zoned for this type of business and therefore is categorically exempt under CEQA 15301 as an existing facility.

(B) There is an over concentration of alcohol beverage licenses in the area as identified by the Office of Alcohol Beverage Control.

(C) A letter of convenience and necessity will be required from the City Council if the Planning Commission approves the CUP.

(D) That the site for the proposed use is adequate in size and shape to accommodate the said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this Title to adjust said use with land and use in the neighborhood;

(E) That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

(F) That the proposed use will have no adverse effect upon adjoining or other properties and that a Site Plan Review application be submitted for full review by Community Development Staff and other agencies as may be required.

(G) That the proposed use is consistent with the objectives and the policies of the Corcoran General Plan, or any specific plans, area plans, or planned development approved by the City;

IT IS THEREFORE RESOLVED that Resolution No. 19-03 and Conditional Use Permit 19-01 be approved with the Conditions stated in Exhibit A, General Conditions, and that the Planning Commission recommends to the City Council approval of Resolution No. 19-03 and Conditional Use Permit 19-01.

AYES:

NOES:

ABSENT:

ABSTAIN:

PASSED AND ADOPTED on this 17th day of June 2019

Shea DeVaney
Planning Commission Chairman

Kevin J. Tromborg
Community Development Director

EXHIBIT A
CONDITIONAL USE PERMIT

General Conditions:

1. That the applicant in consideration of the approval of said project hereby agrees to hold harmless the City of Corcoran and all of its departments, officers, agents, or employees free and harmless of, and from any claims or any kind of nature arising out of or by reason of said project, and the development of said project by any person, firm or corporation, public or private, and from the cost and expense of defending the same including attorney's fees.
2. That all proposals of the applicant be conditions of approval if not mentioned herein.
3. That the business complies with any and all local, state and federal laws and regulations governing the sale of alcohol.

CERTIFICATE

City of Corcoran }
County of Kings } ss.
State of California }

I, Ma. Josephine D. Lindsey, Planning Commission Secretary of the City of Corcoran, hereby certify that this is a full, true and correct copy of Resolution No. 19-01 duly passed by the Planning Commission of the City of Corcoran at a regular meeting thereof held on the 17th day of June, 2019, by the vote as set forth therein.

DATED: June 17, 2019

Ma. Josephine D. Lindsey
Planning Commission Secretary

ATTEST:

Marlene Spain, City Clerk

Chairperson

Shea DeVaney

Vice-Chairperson

Karl Kassner

Commissioners

David Bega

Dennis Tristao

David Jarvis

Troy Van Velson

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832 Whitley Avenue, Corcoran
CALIFORNIA 93212

STAFF REPORT

Item # 5.1

To: Planning Commission

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

Date: March 18, 2019

Subject: Discussion regarding Large Truck Parking (LTP) Ordinance 612

A. General Information:

In 2008 the Council asked the Corcoran Police Department to look at the then, current ordinance regarding large truck parking and if necessary propose revisions. Staff look at several other jurisdictions and discovered that they all prohibited LTP in residential zones. City Council asked the Planning Commission to review the issue and provide recommendations. The Commission reviewed and discussed the issue for several months. The Commission asked staff to solicit input from stakeholders, and a stakeholders meeting was held in October of 2009. It was attended by 28 citizen many of whom were truck drivers. Subsequent to that meeting staff brought the input gained from that meeting back to the Planning Commission for consideration. The Commission asked city staff to prepare specific options and to seek further input from the stakeholders.

On January 11, 2010 city staff brought several options before the Planning Commission for consideration. Additionally, city staff invited the stakeholders to attend the meeting to provide their input on the options presented. During that meeting, the Planning Commission directed city staff to prepare an Ordinance that was a combination of the options that were presented. Specifically, the Planning Commission wanted the ordinance to prohibit large commercial vehicle parking in residential areas, with a couple of exceptions.

Exceptions

1. In residential zones, LTP on private parking is allowed on lots 20,000 square feet or more.
2. The vehicle must be set back a minimum of 20 feet from any public improvement. (Sidewalk, curb and gutter, street or road) and be behind a fence or gate.

Staff worked with the City Attorney to draft an ordinance that was consistent with the direction provided by the Planning Commission. At the regularly scheduled Planning Commission meeting held on February 8, 2010, a public hearing was held on the proposed ordinance. The Planning Commission voted to pass resolution 10-02 which recommended that the City Council consider approval of Ordinance 612.

At the regularly scheduled meeting of the Planning Commission on February 18, 2019 comments from the general public were heard regarding Large Truck Parking in residential zones. The Planning Commission directed staff to bring the issue back for discussion at a regularly scheduled meeting.

Discussion:

At the regularly scheduled meeting on March 18, 2019 staff presented a report regarding Large Truck Parking and showed the comprehensive process the City undertook in 2009 regarding Ordinance 612. The Planning Commission directed staff to bring back a draft ordinance as an option to ordinance 612. Staff worked in conjunction with the City attorney on an example draft ordinance that allows off street large truck parking in residential zones. (See attached example draft ordinance) Staff was also directed by the Planning Commission to review the possibility of combining an ordinance regulating large truck parking and recreational vehicle parking. Staff and the City attorney feel that these are separate and distinctive issues that may require selective and unique regulation language and therefore should be address separately. Our current Ordinance section 6-2-8 B and C regulates large truck parking on the street. It allows parking along the truck routes. (See attached map of truck routes). The approve truck route outlined in the Corcoran General Plan tours through many residential zones and ordinance 612 allows for LTP along any section of the truck route. However, vehicle code section 22507 authorizes local authorities to prohibit or restrict the stopping, parking, or standing of vehicles that are six (6) feet or more and any load on or with them within 100 feet of an intersection during certain or all hours of the day with approved signage. Street parking of large commercial vehicles can remain as outline in Ordinance 612 along our truck routes with the addition of approve signage or the city can restrict the parking of large commercial vehicle parking to light industrial and industrial zones with a 100 ft. buffer from intersections.

Attached is Ordinance 612 that was approved by Corcoran City Council on April 5, 2010 and a draft ordinance example to be reviewed and discussed.

Public Input: This is not a public hearing, no public input is required at this time.

Recommendation: Staff is recommending that Large Truck parking to not be an allowed use in R-1 zones. Large Truck parking is not an allowed use on typical single family lots under a certain size in most of the cities in the state of California for several reasons. Local residential roads are not sufficient in width to allow for free movement and turning radius of most large commercial vehicles. Commercial driveway approaches are reinforced with a surcharge to handle the substantial weight of large commercial vehicles and are eight (8) to twelve (12) feet wider than residential driveway approaches. Large Commercial vehicle present a line of site issue while driving or parking in

residential zones that can be hazardous to vehicles and pedestrians. Additionally, The Circulation Element of our approved General Plan requires neighborhood livability by ensuring that streets are related to other aspects of the community that enhance and contribute to the whole community, and to provide safe and pleasant conditions for all residents. It also calls to eliminate truck conflicts with commercial and residential areas of the community. Staff is also recommending that on street parking be limited to our Heavy and light industrial zones with the appropriate signage.

Attachment:

Ordinance 612

Resolution 10-02

Draft example Ordinance

Map of truck route

Vehicle code 22507

Vehicle code 22507.5

Lemoore zoning code section LTP

Kingsburg zoning code section LTP

COPY

ORDINANCE NO. 612

AN ORDINANCE OF THE CITY OF CORCORAN ENACTING REASONABLE
LIMITS ON PARKING OF LARGE COMMERCIAL VEHICLES IN RESIDENTIAL
DISTRICTS WITHIN THE CITY OF CORCORAN.

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

Section 1. PURPOSE. The provisions of this ordinance are necessary for the safety of the public in residential zones (zones RA, R-1 and RM). The provisions of this ordinance will reduce or mitigate the potential hazards that exist when commercial vehicles parked in residential zones obstruct the view of motorists entering onto or off of the corresponding public roadway. The provisions of this ordinance will also enhance the aesthetics of residential zones.

Section 2. REPEAL. Subsection 6-2-8(A) of Chapter 2 of Title 6 of the Municipal Code is hereby repealed in its entirety.

Section 3. CODE ADOPTION. Subsections 6-2-8(A), 6-2-8(D) and 6-2-8(E) of Chapter 2 of Title 6 of the Municipal Code of the City of Corcoran are added to read as follows:

6-2-8 Parking Requirements for Large Vehicles.

A. *Residentially Zoned Areas:* It is unlawful to leave, park or allow to be parked any large commercial vehicle, whether attended or not, on any public street, or alley fronting on any real property zoned as residential, or in a residential area within the city. Nothing in this section relating to the parking or standing of large commercial vehicles in a residential area will be effective with respect to any commercial vehicle, or trailer component thereof, making pickups or deliveries of goods, wares, merchandise from or to any building or structure located on the restricted streets or highways or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon the restricted streets or highways for which a building permit has previously been obtained. For purposes of this section, "large commercial vehicle" means a commercial vehicle with a maximum gross weight of thirty thousand (30,000) pounds or more, or which exceeds either eight (8) feet in height, nine (9) feet in width or eighteen (18) feet in overall length.

B. *Truck Routes Excluded.* The parking restriction in subsection (A) of this section, for large commercial vehicles, shall not apply on those portions of public streets during such times as they are designated as a "truck route" pursuant to section 6-4-1. This subsection shall not apply to those portions of a "truck route" that are within 200 feet of any school zone as defined by California Vehicle Code section 40802(b)(2), as amended from time to time.

C. *Required Signage:* This section shall not be enforceable until signs or markings giving adequate notice thereof have been posted.

Section 4. CODE ADOPTION. Section 11-14-6 is revised as follows to add subsection (B.) and now reads in its entirety:

11-14-6 Location of Off-Street Parking and Loading Facilities.

A. Off-street parking and off-street loading facilities prescribed in Sections 11-14-2 and 11-14-4 of this Chapter shall be located on the same site with the use for which the berths are required or on an adjoining site, except that in the CC District, located within the Central Business District, off-street parking facilities prescribed in Section 11-14-2 of this Chapter may be located within six hundred feet (600') of the use for which the spaces are required, measured by the shortest route of pedestrian access. No off-street loading space shall be required where buildings are served by a public alley. (Ord. 527, 8-4-1997).

B. This subsection applies only in residential districts zoned as RA, R-1 and RM. After the effective date of this subsection, all off-street parking spaces and garages used to park or store a large commercial vehicle as defined in section 6-2-8, and which front a public roadway or right-of-way, must be set back a minimum of fifty (20) feet from the exterior edge of the nearest public improvement (such as a sidewalk or street). The parking or storing of a large commercial vehicle is prohibited on any lot less than twenty-thousand (20,000) square feet. On lots where the parking of large commercial vehicles is not prohibited, such parking must occur only on a paved or semi-paved surface.

Section 5. POSTING. The City shall post appropriate signage at all City entrances to provide notice of Section 6-2-8.

Section 6. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment] and 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment]. The City Manager is hereby directed to ensure that a NOTICE OF EXEMPTION is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

Section 7. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Corcoran, or any official, employee or agent thereof.

Section 8. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 9. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or

circumstance. The City Council of the City of Corcoran hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 10. 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. To the extent the provisions of the Corcoran Municipal Code as amended by this ordinance are substantially the same as provisions in the Corcoran Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 11. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Corcoran Journal, a newspaper printed and published in the City of Corcoran, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Corcoran, State of California, on April 5, 2010 at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES: Councilmembers: Baltierra, Haile, Wadsworth, and Hanshew

NOES: Councilmember: Lerma

ABSENT: None

ABSTAIN: None

APPROVED:


Raymond Lerma, Mayor

ATTEST:


Lorraine P. Lopez, City Clerk

**CORCORAN CITY PLANNING COMMISSION
RESOLUTION NO. 10-02**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORCORAN
RECOMMENDING ADOPTION OF ZONING ORDINANCE REVISION 10-01
LIMITING PARKING OF LARGE COMMERCIAL VEHICLES IN RESIDENTIAL
DISTRICTS**

At a meeting of the Planning Commission of the City of Corcoran duly called and held on February 8, 2010 on motion of Commissioner Tristao, seconded by Commissioner VanVelson and duly carried, the following Resolution was adopted.

WHEREAS, this Planning Commission considered an ordinance enacting limits on parking of large commercial vehicles in residential zones: RA, R-1 and RM;

WHEREAS, in accordance with sections 11-25-2(B), this Planning Commission held a public hearing to review the proposed ordinance and considered whether the proposed ordinance would be consistent with the City's General Plan, is required to achieve the objectives of Title 11 of the Corcoran Municipal Code and would be consistent with all residential zoning classifications; and

WHEREAS, pursuant to Government Code sections 65854, 65090 and 65091 section 11-25-4 of the Municipal Code, notice was given of the public hearing held on February 8, 2010, at 5:30 P.M. in front of this Planning Commission regarding said the proposed ordinance and at said public hearing, evidence was received by this Planning Commission from all persons in attendance who offered to give testimony.

WHEREAS, The Planning Commission finds that the Zoning Ordinance Revision would not be detrimental to the public interest, health, safety, convenience, and welfare of the City

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF CORCORAN, the Planning Commission hereby recommends that the proposed ordinance is consistent with the City's General Plan, is required to achieve the objectives of Title 11 of the Municipal Code and is consistent with all relevant zoning classifications; and Pursuant to Government Code section 65855, recommends as follows: That the City Council adopt the revision to the Zoning Ordinance.

PASSED AND ADOPTED by the City of Corcoran Planning Commission on this 8th day of February, 2010 by the following vote:

AYES: Commissioners: Cortez, VanVelson, Tristao, Mustain and Barrera
NOES: None
ABSTAIN: None
ABSENT: Commissioners: Garcia and Bajwa



Planning Commission Chairman


Community Development Director

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CORCORAN ENACTING REASONABLE
LIMITS ON PARKING OF LARGE COMMERCIAL VEHICLES IN RESIDENTIAL
DISTRICTS WITHIN THE CITY OF CORCORAN.

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

Section 1. PURPOSE. The provisions of this ordinance are necessary for the safety of the public in residential zones (zones RA, R-1 and RM). The provisions of this ordinance will reduce or mitigate the potential hazards that exist when commercial vehicles parked in residential zones obstruct the view of motorists entering onto or off of the corresponding public roadway. The provisions of this ordinance will also enhance the aesthetics of residential zones.

Section 2. CODE REPEAL. Chapter 16 of Title 11 of the Corcoran Municipal Code is hereby repealed.

Section 3. ORDINANCE REPEAL. Ordinance No. 612 passed and adopted by the City Council of the City of Corcoran, State of California, on April 5, 2010.

Section 4. CODE ADOPTION. Subsections 6-2-8(A), 6-2-8(D) and 6-2-8(E) of Chapter 2 of Title 6 of the Municipal Code of the City of Corcoran are added to read as follows:

6-2-8 Parking Requirements for Large Commercial Vehicles.

A. Residentially Zoned Areas: It is unlawful to leave, park, or allow to be parked any large commercial vehicle, whether attended or not, on any public street, or alley fronting on any real property zoned as residential, or in a residential area within the city. Nothing in this section relating to the parking or standing of large commercial vehicles in a residential area will be effective with respect to any commercial vehicle, or trailer component thereof, making pickups or deliveries of goods, wares, merchandise from or to any building or structure located on the restricted streets or highways or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon the restricted streets or highways for which a building permit has previously been obtained. For purposes of this section, "large commercial vehicle" means any commercial vehicle, truck tractor, semitrailer or trailer with a manufacturer's gross vehicle weight rating of 10,000 pounds or more.

Section 4. CODE ADOPTION. Section 11-14-6 is revised as follows to add subsection (B.) and now reads in its entirety:

11-14-6 Location of Off-Street Parking and Loading Facilities.

A. Off-street parking and off-street loading facilities prescribed in Sections 11-14-2 and 11-14-4 of this Chapter shall be located on the same site with the use for which the berths are required or on an adjoining site, except that in the CC District, located within the Central Business District, off-street parking facilities prescribed in Section 11-14-2 of this Chapter may be located within six hundred

Commented [K1]: To take out the signage requirement, we need to follow CA Vehicle Section 22507.5's definition of commercial trailer.

Thus, no height and or width restrictions allowed without signage and within 100 feet of intersection language (22507)

feet (600') of the use for which the spaces are required, measured by the shortest route of pedestrian access. No off-street loading space shall be required where buildings are served by a public alley. (Ord. 527, 8-4-1997).

B. This subsection applies only in residential districts zoned as RA, R-1 and RM. After the effective date of this subsection, all off-street parking spaces and garages used to park or store a large commercial vehicle as defined in section 6-2-8, and which front a public roadway or right-of-way, must be set back a minimum of 40 feet from the exterior edge of the nearest public improvement (such as a sidewalk or street) and shall be screened by a fence, gate, or wall (at ground level) from public view, and does not violate any successor statutes regulating the storage of vehicles on property in residential use. The parking or storing of a large commercial vehicle is prohibited on any lot less than 6,000 square feet. On lots where the parking of large commercial vehicles is not prohibited, such parking must occur only on a paved or semi-paved surface.

Commented [KJ2]: A least 40 feet from nearest R/W parking lot and the nearest public street.

Commented [KJ3]: 6,000 square feet.

Section 5. POSTING. The City shall post appropriate signage at all City entrances to provide notice of Section 6-2-8.

Section 6. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment] and 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment]. The City Manager is hereby directed to ensure that a NOTICE OF EXEMPTION is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

Section 7. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability, or responsibility for damage to person or property upon the City of Corcoran, or any official, employee, or agent thereof.

Section 8. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 9. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this ordinance, or its application to any other person, or circumstance. The City Council of the City of Corcoran hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that anyone or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases hereof be declared invalid or unenforceable.

Section 10. 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. To the extent the provisions of the Corcoran Municipal Code as amended by this ordinance are substantially the same as provisions in the Corcoran Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

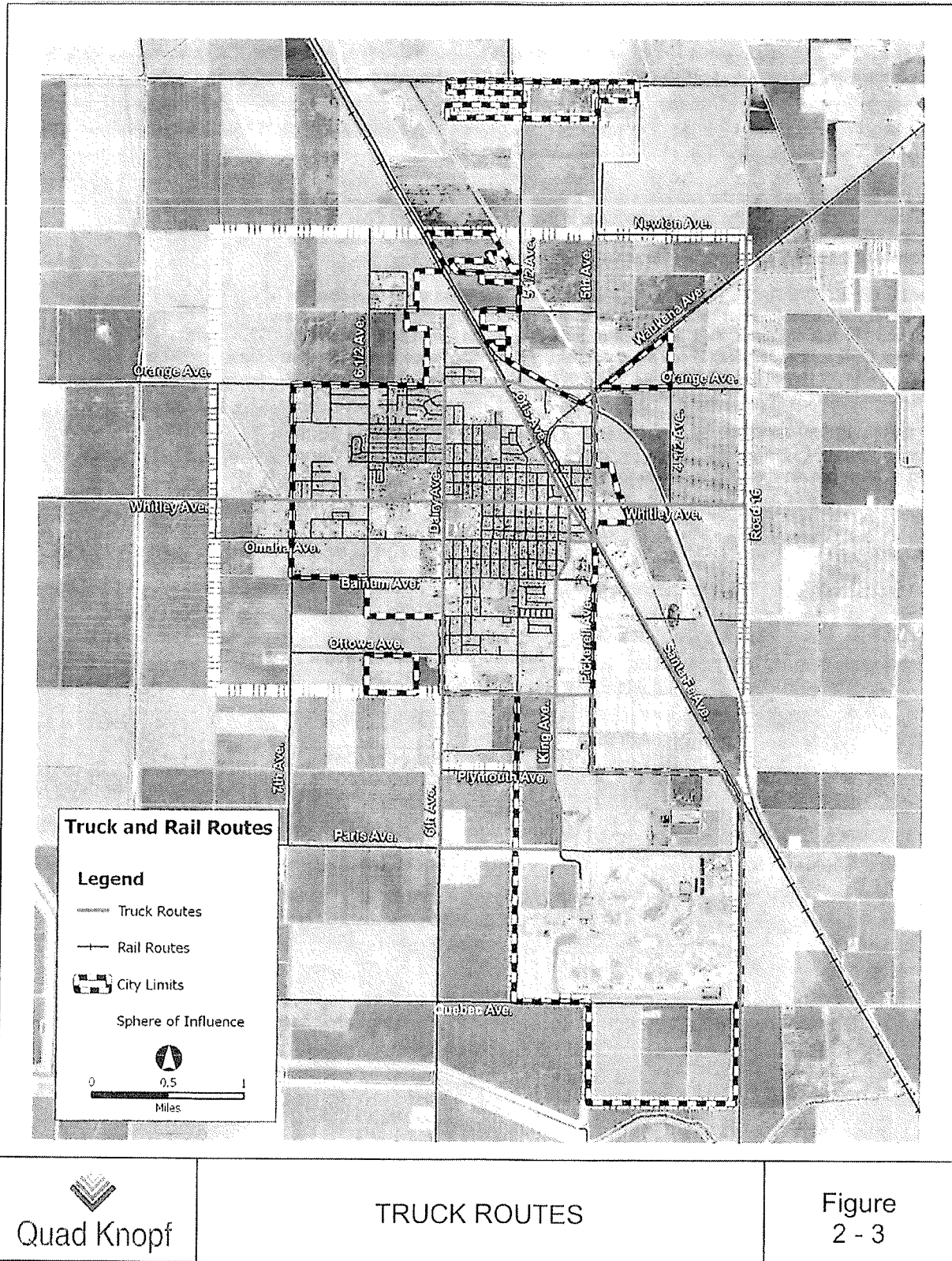
Section 11. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty days from the date of the passage hereof. Prior to the expiration of fifteen days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Corcoran Journal, a newspaper printed and published in the City of Corcoran, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Corcoran, State of California, on , 2019 at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

SIDONIO "SID" PALMERIN, Mayor
CITY OF CORCORAN

ATTEST: _____
MARLENE SPAIN, City Clerk
CITY OF CORCORAN



Transit and Rail

- 2.72 Ensure choices among modes of travel and give priority to each mode when and where it is most appropriate.
- 2.73 Continue to provide incentives for the use of public transit.
- 2.74 Improve the speed and efficiency of mass transit in the City and enhance the current status of the existing rail system including connections to rail passenger service.
- 2.75 The transportation facilities are interdependent, and efforts shall be made to ensure an efficient system by coordination of local and regional efforts. The regional and local transit links must be closely related and synchronized to provide maximum efficiency and transfers.
- 2.76 Coordinate the City's transit system with regional transit services.
- 2.77 Arterials and Collectors will be designed to allow transit vehicles to pull out of traffic. This policy may be implemented with either a continuous parking lane with bus stops, or with special bus pull-out lanes.
- 2.78 Give a high priority to public transportation systems which are responsive to the needs of commuters, the elderly, handicapped and disadvantaged.

Truck Routes

- 2.79 The City's Truck Routes shall be limited to those Arterials as shown in Figure 2-3. Truck Routes on City Local, Collector and Minor Collector streets shall be prohibited.
- 2.80 Discourage truck traffic along Whitley Avenue (in the downtown area) in order to facilitate and encourage pedestrian access to downtown.
- 2.81 Established truck routes shall be maintained. New truck routes should be limited to Arterials and Collectors.
- 2.82 The city will continue to encourage the construction of the City's Arterial Street system as part of the countywide network, and to seek non-local funding for its construction.

§ 22507. Local regulation; preferential parking, CA VEHICLE § 22507


West's Annotated California Codes
Vehicle Code (Refs & Annos)
Division 11. Rules of the Road
Chapter 9. Stopping, Standing, and Parking (Refs & Annos)

West's Ann.Cal.Vehicle Code § 22507

§ 22507. Local regulation; preferential parking

Effective: January 1, 2002

Currentness

(a) Local authorities may, by ordinance or resolution, prohibit or restrict the stopping, parking, or standing of vehicles, including, but not limited to, vehicles that are six feet or more in height (including any load thereon) within 100 feet of any intersection, on certain streets or highways, or portions thereof, during all or certain hours of the day. The ordinance or resolution may include a designation of certain streets upon which preferential parking privileges are given to residents and merchants adjacent to the streets for their use and the use of their guests, under which the residents and merchants may be issued a permit or permits that exempt them from the prohibition or restriction of the ordinance or resolution. With the exception of alleys, the ordinance or resolution shall not apply until signs or markings giving adequate notice thereof have been placed. A local ordinance or resolution adopted pursuant to this section may contain provisions that are reasonable and necessary to ensure the effectiveness of a preferential parking program. 

(b) An ordinance or resolution adopted under this section may also authorize preferential parking permits for members of organizations, professions, or other designated groups, including, but not limited to, school personnel, to park on specified streets if the local authority determines that the use of the permits will not adversely affect parking conditions for residents and merchants in the area.

Credits

(Stats.1959, c. 3, p. 1700, § 22507. Amended by Stats.1963, c. 1070, p. 2530, § 1; Stats.1969, c. 541, p. 1168, § 1; Stats.1976, c. 1102, p. 4982, § 1; Stats.1980, c. 140, p. 334, § 1; Stats.1984, c. 181, § 2; Stats.1985, c. 912, § 2; Stats.1987, c. 455, § 4; Stats.1997, c. 343 (S.B.626), § 2; Stats.2001, c. 223 (S.B.779), § 1.)

West's Ann. Cal. Vehicle Code § 22507, CA VEHICLE § 22507

Current with urgency legislation through Ch. 5 of 2019 Reg.Sess

End of Document

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West's Annotated California Codes

Vehicle Code (Refs & Annos)

Division 11. Rules of the Road

Chapter 9. Stopping, Standing, and Parking (Refs & Annos)

West's Ann.Cal.Vehicle Code § 22507.5

§ 22507.5. Local regulation; overnight parking; commercial vehicles or trailer component thereof; vehicles transporting hazardous waste

Effective: January 1, 2005

Currentness

(a) Notwithstanding Section 22507, local authorities may, by ordinance or resolution, prohibit or restrict the parking or standing of vehicles on certain streets or highways, or portions thereof, between the hours of 2 a.m. and 6 a.m., and may, by ordinance or resolution, prohibit or restrict the parking or standing, on any street, or portion thereof, in a residential district, of commercial vehicles having a manufacturer's gross vehicle weight rating of 10,000 pounds or more. The ordinance or resolution relating to parking between the hours of 2 a.m. and 6 a.m. may provide for a system of permits for the purpose of exempting from the prohibition or restriction of the ordinance or resolution, disabled persons, residents, and guests of residents of residential areas, including, but not limited to, high-density and multiple-family dwelling areas, lacking adequate offstreet parking facilities. The ordinance or resolution relating to the parking or standing of commercial vehicles in a residential district, however, shall not be effective with respect to any commercial vehicle, or trailer component thereof, making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted streets or highways or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted streets or highways for which a building permit has previously been obtained.

(b) Subdivision (a) of this section is applicable to vehicles specified in subdivision (a) of Section 31303, except that an ordinance or resolution adopted pursuant to subdivision (a) of this section shall not permit the parking of those vehicles which is otherwise prohibited under this code.

(c) For the purpose of implementing this section, each local authority may, by ordinance, define the term "residential district" in accordance with its zoning ordinance. The ordinance is not effective unless the legislative body of the local authority holds a public hearing on the proposed ordinance prior to its adoption, with notice of the public hearing given in accordance with Section 65090 of the Government Code.

Credits

(Added by Stats.1969, c. 541, p. 1168, § 2. Amended by Stats.1975, c. 1213, p. 3069, § 1; Stats.1976, c. 37, p. 64, § 1, eff. March 9, 1976; Stats.1987, c. 349, § 1; Stats.1989, c. 533, § 11; Stats.1996, c. 1156 (A.B.3157), § 1; Stats.2004, c. 404 (S.B.1725), § 11; Stats.2004, c. 518 (A.B.2201), § 3.)

licensed physician when actually engaged in making professional calls. (1975 Code §9-11.08)

D. Parkways: No person shall stop, stand or park a vehicle within any parkway. (1975 Code §9-10.01)

E. Parking Near Schools:

1. The city chief of police is hereby authorized to erect signs indicating that no parking upon that side of any street adjacent to any school property shall be permitted, when such parking would, in his opinion, interfere with traffic or create a hazardous situation.
2. When official signs are erected prohibiting parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place. (1975 Code §9-10.09)

F. Parking Vehicles For Certain Purposes:

1. Storage: No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley for more than seventy two (72) consecutive hours in any thirty (30) day period.
2. Vehicles For Sale: No operator of any vehicle shall park said vehicle upon any street in this city for the principal purpose of advertising or displaying it for sale, unless authorized by a resolution of the city council.
3. Repairing Or Greasing Vehicles: No person shall construct or cause to be constructed, repair or cause to be repaired, grease or cause to be greased any vehicle or any part thereof upon any public street in this city. Temporary emergency repairs may be made upon a public street.
4. Washing Or Polishing Vehicles For A Fee: No person shall wash or cause to be washed, polish or cause to be polished any vehicle or any part thereof upon any public street in this city when a charge is made for such service. (Ord. 2003-11, 12-16-2003)

G. Parking Of Heavy Trucks Regulated:

1. It is unlawful to leave, park or allow to be parked any commercial vehicle exceeding a maximum gross weight of five (5) tons commonly described as a truck, truck and trailer, or tractor, whether attended or not attended, on any public street, or alley fronting on any property zoned as residential, or in a residential area within the city, except that such parking will be permitted along those truck routes as designated in section 6-3-12 of this title where such parking is not restricted by appropriate signage. Nothing within this section relating to the parking or standing of commercial vehicles in excess of five (5) tons in a residential area will be effective with respect to any commercial vehicle making pick ups or deliveries of goods, wares and merchandise from or to any building or structure located on the restricted streets for the purpose of

delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon the restricted street for which a building permit has previously been obtained.

2. For residents conducting a permitted home occupation in a residential area, only one vehicle, no larger than a one ton truck, may be used by the occupant directly or indirectly in conjunction with the home occupation. (Ord. 2014-02, 7-1-2014)

H. Parking, Stopping Or Letting Vehicles Stand In Certain Zones And Areas:

1. Except for temporary loading and unloading purposes, no person shall park, stop, or let stand any vehicle on private property in any zone of the city in such a manner that any portion of the vehicle extends beyond the property line into the public right of way and obstructs or seriously impedes the view of the driver of any vehicle lawfully approaching an intersection or while said driver lawfully enters or leaves any driveway; provided, however, that this subsection H1 shall not apply to vehicles parked, stopped, or let stand in the private driveway of private property constituting a corner lot where the vehicle cannot reasonably be parked in the driveway without encroaching beyond the property line into the right of way.
2. No person shall store, park, or let stand any vehicle in any street or alley of the city in any residential district for a continuous period of more than seventy two (72) hours in any thirty (30) day period.
3. Notwithstanding the provisions of subsections H1 and H2 of this section, approval may be granted by the chief of police for the temporary parking of a vehicle on a residential public street immediately adjacent thereto for up to seven (7) additional days if requested by the resident and if the vehicle is owned by someone other than the resident and good cause is shown. Said approval shall be visibly displayed on the vehicle. (Ord. 2003-11, 12-16-2003)

6-4-5: TIME LIMIT PARKING:

A. Ten Minute Parking:

1. Green curb marking shall mean no standing or parking for a period of time longer than ten (10) minutes at any time between nine o'clock (9:00) A.M. and six o'clock (6:00) P.M on any day except Sundays and holidays.
2. When authorized signs, parking meters or curb markings have been determined by the city chief of police to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park said vehicle adjacent to any such legible curb marking or sign or parking meter in violation thereof. (1975 Code §9-11.01)

- B. One Hour Parking: When authorized signs, parking meters or curb markings have been determined by the city chief of police to be necessary and are in place giving notice

Chapter 17.52 - OFF-STREET PARKING AND OFF-STREET LOADING FACILITIES

17.52.010 - Purposes and application.

In order to alleviate progressively or to prevent traffic congestion and shortage of curb spaces, off-street parking and off-street loading facilities shall be provided incidental to new land uses and major alterations and enlargements of existing land uses. The number of parking spaces and loading berths shall be in proportion to the need for such facilities as created by the particular type of land use. Off-street parking and loading areas are to be laid out in a manner which will ensure their usefulness, protect the public safety and, where appropriate, insulate surrounding uses from their impact.

Provisions of this chapter are also intended to deal with problems, conditions and needs which are apparent in attempting to provide sufficient off-street parking facilities in areas of intense commercial development, including:

- A. The difficulty in assembling land by private means, including the often excessive time required;
- B. The varying financial capabilities and traffic generating characteristics among varying types of commercial enterprise;
- C. The importance of avoiding fragmented patterns of off-street parking facilities which may bear little relation to the needs of a commercial area as a whole;
- D. The importance of having regulations which will not inadvertently discourage private investment while alleviating or preventing traffic congestion; and
- E. The importance of achieving a reasonable distribution of financial burden among private interests and the public at large consistent with their individual and collective responsibilities to provide off-street parking facilities.

(Ord. 92-11 § 1 (part), 1992; Ord. 408 (part), 1982)

17.52.020 - Off-street parking facilities required.

- A.

Definition of Parking Space. A parking space is an area for the parking of a motor vehicle plus those additional areas and facilities required to provide for safe access to and from the motor vehicle parking area. The parking space must be useable and accessible for the type of motor vehicle allowed to use the parking space.

- B. Special Limitations and Requirements for Parking in Residential Areas. No semi-truck and trailer or truck-tractor, or truck-tractor and trailer, or other vehicle having a gross vehicle weight rating in excess of eight (8) tons (sixteen thousand (16,000) pounds), excluding public utility vehicles shall be parked within any residential zone district except for the purpose of loading, unloading or delivery of merchandise, materials or packages. No recreational vehicles, including, without limitation, motor homes, camping trailers, above-cab campers, boat trailers, boats, pick-up campers, fifth wheel trailers or dune buggies (collectively "RVs"), shall be stored or parked in a residential zone except as follows:
1. RVs may be parked within paved or graveled front yard areas (including the front yard driveway): (i) so long as the paved or graveled area is not within any required setback; or (ii) if the property is not subject to any required setbacks, the RV may be parked within paved or graveled front yard areas (including the front yard driveway) so long as the paved or graveled area is at least five (5) feet away from the side yard property line. An RV parked within the front yard of a property must be parked at least ten (10) feet behind the curb line of the street. If the RV is parked in the driveway, the front of the RV including, without limitation, trailer tongues, goosenecks and other trailering apparatus must be at least ten (10) feet from the curb line of the street.
 2. RVs may be parked on a paved or graveled side yard area so long as the paved or graveled side yard area is not within any required setbacks. If the property is not subject to any required setbacks, the RV may be parked on a paved or graveled side yard area so long as the paved or graveled side yard area is at least five (5) feet away from the side yard property line.
 3. RVs may be parked in any portion of the backyard area of a property within the property lines of the property.
 4. Guest parking of RVs in the street in front of a residence is limited to not more than seven (7) days in any thirty-day period, measured from the first day of parking, provided a permit for such RV parking is first obtained from the city's police department. The permitted RV shall be used solely as

sleeping quarters and water and electricity may be provided by on-site hookups from the residence. However, on-site hookups of an RV to on-site, gas or sewage disposal facilities are prohibited.

5. RV parking at the street curb line is permitted for the time period needed for actual loading or unloading of the RV which time period shall not exceed seventy-two (72) hours.
6. In any residential zone district, all motor vehicles incapable of movement under their own power, other than in cases of emergency, accident or breakdown, shall be stored in an entirely enclosed space, garage or carport. No more than one such vehicle shall be so stored at any time at a residence, and no more than one such vehicle shall be under repair at any time at a residence. Parking on lawns and, except as otherwise provided in this Section 17.52.020, other areas in front yards is prohibited.

A fine of one hundred dollars (\$100.00) will be imposed for each violation of the provisions of this Paragraph B.

- C. Time when Off-Street Parking is Required. Except as provided in paragraph J. of this section or in Section 17.52.100 of this chapter, there shall be provided off-street parking facilities in accordance with the provisions of this chapter when any of the following shall occur:
 1. Initial occupancy of a site;
 2. A major alteration or enlargement of a use, site or building; and
 3. A change in use that requires additional parking.
- D. Parking Space Schedule.
 1. Residential Uses.
 - a. One-family dwellings, duplexes, triplexes, fourplexes and multi-family dwellings: two spaces for each dwelling unit, with at least one space within a garage or carport.
 - b. Except for driveways allowed in the front setback area of a garage or carport, all additional parking for 2-4 unit structures and multi-family units shall be to the rear or side of such units. If parking is located to the side of the units, the first parking space shall be to the rear of the front yard setback line.

Chairperson

Shea DeVaney

Vice-Chairperson

Karl Kassner

Commissioners

David Bega

David Jarvis

Dennis Tristao

Troy Van Velson

Janet Watkins

Planning Commission



**Community
Development
Department**

(559) 992-2151
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832 Whitley Avenue, Corcoran
CALIFORNIA 93212

STAFF REPORT

Item # 5.2

To: Planning Commission

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

Date: June 17, 2019

Subject: **Fence violations exception requests**

A. General Information:

City of Corcoran Zoning Code 11-12-1, Measurement of Fence and Wall Height, states “the height of a fence or wall is measured from the adjacent finished grade at the base of the fence or wall to the top edge of the fence or wall.”

Zoning Code Section 11-12-2 Height Limits:

A fence or wall shall not exceed the maximum permitted height for Residential Zoning Districts (RA, R-1, RM) and Professional Office (PO):

- Within front setbacks area - 3 ft.

(A 4 ft. height is permitted provided that the top one foot is at least 50% open.)

- Within street side setback area - 7 ft.
- Within side and rear setback areas - 7 ft.
- Traffic safety visibility area - 3 ft.

Note: Fence height in all residential zones in excess of seven feet require a variance and a building permit.

Public Input: No public input is required.

Discussion:

The citizens of Corcoran were notified through a mass mailer in February 2019, of the zone exception request application pertaining to fences. The City started a six (6) month period (or until August 1, 2019) to allow anyone in violation regarding fence heights to apply for a zoning exception request for approval by the Planning Commission.

The Community Development Department has received one zone exception request in the past month.

Attachment:

Summary of fence exception request

Chairperson

Shea DeVaney

Vice-Chairperson

Karl Kassner

Commissioners

David Bega

David Jarvis

Dennis Tristao

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Planning Commission



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STAFF REPORT

Item # 5.3

To: Planning Commission

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

Date: June 17, 2019

Subject: **Request for zone exception regarding sea trains**

General Information:

City of Corcoran Zoning Code 11-11-2 (E) states "outdoor storage of equipment, materials and merchandise is prohibited in residential zoning districts. Use of commercial storage containers, including sea trains, is prohibited.

The Planning Commission at its regularly scheduled meeting on January 14, 2019, approved the use of sea train in Residential Acreage (RA) zone, minimum of 20, 000 square feet through administrative use permit. Further, the Commission likewise approved to allow owners of the property that were annexed by the City after the year 2000, with sea trains as storage unit, to apply for a zone exception. Below is a summary of the approved exception criteria

Proposed criteria for zone exception:

1. One (1) sea train for lots minimum 20,000 square feet to one (1) acre;
2. Two (2) sea trains for lots over one (1) acre;
3. Maximum allowable sea train in RA zone are two (2);
4. Properties that had storage units or sea trains that were annexed after the year 2000;
5. Sea trains or storage unit must be located at the back of the property on the same lot as primary land use and must be a minimum of ten (10) feet from any other building or structure;
6. Minimum setbacks as follow:
 - Front yard, (Not allowed)
 - 5 feet - side yard set back
 - 5 feet - rear yard set back

7. Shall be completely screened from public view through the use of gates, fences, building walls, free standing walls, earth tone paints or other similar method approved by the Community Development Department;
8. Sea trains and storage containers shall not be double stacked;
9. No combustible materials shall be stored in or on the storage units or sea trains;
10. A minimum of twenty (20) foot-wide clear access drive shall be provided to the storage area to permit free access of fire trucks or any other safety vehicles at any time;

The Community Development Department has received three zone exception requests in the past month.

Attachment:

Summary of sea train exception requests

Chairperson
Shea DeVaney

Vice-Chairperson
Karl Kassner

Commissioners
David Bega
Dennis Tristao
David Jarvis
Troy Van Velson
Janet Watkins

Planning Commission



Community
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832 Whitley Avenue, Corcoran
CALIFORNIA 93212

STAFF REPORT Information

Item # 6.1

To: Planning Commission

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

Date: June 17, 2019

Subject: Information regarding Mobile Vending

A. **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. Staff and the City's Attorney are currently evaluating the new state law and will be preparing and Ordinance based on these new regulations. The draft Ordinance will be brought before the planning commission at a future date for evaluation and recommendations. Attached is Senate Bill 946 for your reference.

Attachment:

State Senate Bill 946
Current Corcoran Zoning code regulations

- 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.

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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.

Chairperson
Shea DeVaney

Vice-Chairperson
Karl Kassner

Commissioners
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Planning Commission



**Community
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832 Whitley Avenue, Corcoran
CALIFORNIA 93212

STAFF REPORT Information

Item # 6.2

To: Planning Commission

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

Date: June 17, 2019

Subject: **Information regarding the 2020 Census**

A. General Information:

The United States began conducting a census of population and housing in 1790. The U.S. constitution, Article 1, Section 2, mandates an apportionment of representatives among the states for the House of Representatives every ten years.

The many uses of the census data:

1. Distribution of more than \$675 billion in federal monies annually
2. Redistricting of State legislative districts
3. Forecasting future transportation needs.
4. Housing assistance and rehab grants
5. Determining emergency response funding
6. Funding for people with disabilities and the elderly

Kings County and the cities of Kings County will be working together over the next 18 months to ensure an accurate count to safeguard the cities and county the representation and funding for the next ten years.

Attachment: None