

AGENDA
PLANNING COMMISSION
of the
CITY OF HANFORD

COUNCIL CHAMBERS
400 N. Douty Street
5:30 PM, Tuesday, August 25, 2020

CALL TO ORDER

ROLL CALL

INVOCATION

Rev. Kyle Johnson, Lead Pastor, Glad Tidings Church

FLAG SALUTE

PUBLIC COMMENT

*This is the time for citizens to comment on subject matters not on the agenda and that are within the jurisdiction of the Commission. This is also the public's opportunity to request an item from the Consent Calendar be pulled for discussion purposes or to comment on any item on the agenda. Comments related to Public Hearing items will be heard at the time the item is discussed. A maximum of **three minutes** is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.*

CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

Approval of the Minutes of the August 11, 2020 Planning Commission Meeting

PUBLIC HEARING

- 1. Zone Text Amendment No. 2020-02, A request by the City of Hanford to: - Amend Title 5, adding Chapter 5.64, establishing operating conditions for mobile food vendors; Amend Title 10, Section 10.14.140 conditions for use of public right-of-way by peddlers and vendors was amended to reference the requirements of Section 5.64; Amend Title 17, Section 17.08.030 – Commercial, Office, and Industrial Zone Use Table of the Hanford Municipal Code by adding Mobile Vendors as a temporary use in all commercial zones; Amend Title 17, Section 17.76 to allow mobile vendors as a temporary use; and Amend Title 17, Section 17.96 to amend the definition of mobile food vendor and food trucks. Location: Citywide.**
- 2. Conditional Use Permit No. 2020-06: a request by Herb and Joy to allow a Commercial Cannabis Business for a storefront dispensary for retail and delivery of cannabis products in the MX-D zone district. The project is located at 102 S. Douty Street (APN 012-095-006).**

DIRECTORS' COMMENTS

COMMISSIONERS' ITEMS OF INTEREST

ADJOURNMENT

Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available to public inspection in the Planning Division Office located at 317 N. Douty Street, Hanford, California 93230, during normal business hours. Such documents are also available at the city's website, www.cityofhanfordca.com subject to staff's ability to post documents before the meeting.

If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the Planning Division's office, 559-585-2580, 317 N. Douty Street, Hanford, California 93230, at least 2 days prior to the meeting {28 CFR 35.102.35.104 ADA Title II}

APPEALS:

Any action of the Planning Commission, which is a final project decision, may be appealed to the City Council by the applicant or any adversely affected person. To file an appeal, an appeal application and filing fee of \$1,000.00 must be submitted to the Community Development Department, 317 N. Douty Street, Hanford, California, within ten (10) days following the date of the final decision of the Planning Commission.



**AGENDA
STAFF REPORT**

MEETING DATE: 8/25/2020	AGENDA SECTION:
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SUBJECT:

Approval of the Minutes of the August 11, 2020 Planning Commission Meeting

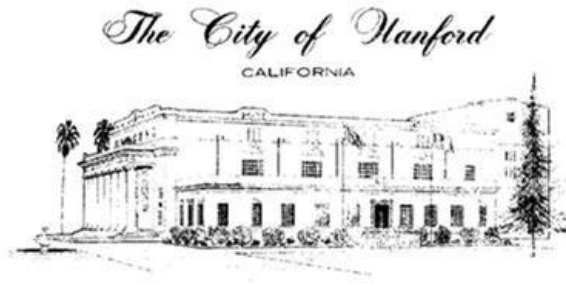
RECOMMENDATION:

Approve the minutes of the August 11, 2020 meeting.

FISCAL IMPACT:

ATTACHMENTS:

08-11-2020



MINUTES
PLANNING COMMISSION
of the
CITY OF HANFORD

COUNCIL CHAMBERS
400 N. Douty Street
5:30 PM, Tuesday, August 11, 2020

CALL TO ORDER

Chairperson DOUGLAS called the meeting to order at 5:30 p.m.

ROLL CALL

Attendee Name	Title	Status	Arrived
Richard Douglas		Present	
Travis Paden		Present	
Savino Perico		Present	
Angel Vee Galvan		Present	
Roger Snow		Present	
Jacob Sanchez		Present	
Jason Kemp Van Ee		Absent	

INVOCATION

Pastor Robert Hayden, Howard Chapel Zion AME Church

FLAG SALUTE

Commissioner SANCHEZ led the flag salute.

PUBLIC COMMENT

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None.

CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

Motion to approve the Consent Calendar.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Travis Paden
SECONDER:	Roger Snow
AYES:	Douglas, Paden, Perico, Galvan, Snow, Sanchez
ABSENT:	Kemp Van Ee

Approval of the Minutes of the July 14, 2020 Meeting

PUBLIC HEARING

- 1. (Item continued from July 14, 2020) Vesting Tentative Tract 928: A request by Cal-Clark Farms to subdivide 81.71 acres into 283 single-family residential lots, a 2.25-acre park, and a 4.94-acre basin in the R-L-5 Low-Density Residential zone district. Mitigated Negative Declaration No. 2020-22: An initial study was prepared and it was determined that the project will not result in significant impacts to the environment with the incorporation of mitigation measures; therefore, Mitigated Negative Declaration 2020-22 has been prepared. The project is located at the southeast corner of Centennial Drive and Fargo Avenue (APN 009-030-158, -005, and -115).**

Chairperson DOUGLAS opened the public hearing at 5:37 p.m. and called for the staff report.

Senior Planner Myers presented the staff report, recommended approval of the project, and invited questions of staff.

Following questions of staff, Chairperson DOUGLAS opened Public Comment:

FAVOR

John Zumwalt, representing the applicant, thanked staff for a very thorough staff report and requested approval of the project.

OPPOSED

The following residents of Vintage Estates spoke in opposition to the opening of Muscat Place, stating that it would destroy their neighborhood, decrease property value, and adversely affect traffic: Doctor, Kes Andersen, Anup, Robert Fisher, Gita Patel, Dr. Reddy, Ajmer "Shah" Nahal, Norman Macedo, Dr. Sahas, Paul Sadhu, Pam, Woman who lives on Chardonnay, Elizabeth, Eddie Brieno, Ruth Andersen, Sue Gavini, Virginia Gonzales.

REBUTTAL

Mr. Zumwalt stated that the opening of Muscat Place was a City requirement. He requested approval of the tract, either with or without opening Muscat. He stated that the applicant is willing to make adjustments.

Ruth Andersen presented copies of a document providing history of the Vintage Estate homeowners' research and attempts to find an alternative to opening Muscat Place.

Community Development Director Mata stated that City staff worked with the engineer and the applicant to reduce impacts to the existing Vintage Estates.

Director Doyel explained that it would be necessary to open Muscat Place, for traffic circulation and public safety. He stated that it had been planned as a connector street since the area was annexed into the City. He confirmed that residents did meet with City staff several times to find an alternative and restated that, in order not to open Muscat, they would have to make Vintage Estates a private subdivision, with 100% vote by the residents to abandon the right of way.

Fire Chief Pendergrass explained that the California Fire Code requires two means of egress. He responded to questions from Commissioners.

Chairperson DOUGLAS reopened Public Comment:

- Three Vintage Estates residents inquired about a crash gate.
- Shah Nahal asked if a different street could be opened, instead of Muscat.
- John Zumwalt stated that the developer will cooperate with whatever is approved, but he will expect the residents to pay their own expenses.

Director Mata stated, and City Attorney Mizote confirmed, that approval of the map is a separate issue from the possible Vintage Estates HOA formation and alternative(s) to opening Muscat Place.

Chairperson DOUGLAS closed the public hearing at 7:18 p.m. and called for a motion.

Motion by Commissioner PADEN, seconded by Commissioner SNOW, to deny the project. City Attorney Mizote strongly encouraged the Commission to state specific findings as to why they are voting not to approve. Commissioner PADEN withdrew the motion.

Motion to continue the public hearing to the August 25, 2020 meeting.

RESULT:	FAILED [3 TO 3]
MOVER:	Travis Paden
SECONDER:	Roger Snow
AYES:	Paden, Galvan, Snow
NAYS:	Douglas, Perico, Sanchez
ABSENT:	Kemp Van Ee

Motion to certify Mitigated Negative Declaration No 2020-22 for the project.

RESULT:	FAILED [3 TO 3]
MOVER:	Savino Perico
SECONDER:	Richard Douglas
AYES:	Douglas, Perico, Sanchez
NAYS:	Paden, Galvan, Snow
ABSENT:	Kemp Van Ee

Commissioner SANCHEZ asked what would happen if there continued to be no action taken, due to the vote. Director Mata replied that the applicant would be able to appeal to the City Council.

Motion by Commissioner PERICO to adopt amended Resolution No. 2020-09, amended further to approve Vesting Tentative Tract 928, without the opening of Muscat Place. There being no second, he withdrew the motion.

Motion to adopt amended Resolution No. 2020-09.

RESULT:	FAILED [3 TO 3]
MOVER:	Savino Perico
SECONDER:	Jacob Sanchez
AYES:	Douglas, Perico, Sanchez
NAYS:	Paden, Galvan, Snow
ABSENT:	Kemp Van Ee

All motions for the project failed, resulting in no action taken.

RECESS - 7:20 p.m.-7:26 p.m.

Commissioner PADEN left the meeting at 7:26 p.m.

2. Conditional Use Permit No. 2020-03, a request to convert a former medical office into a day care facility for over 14 persons in the O-R Office Residential zone district. The project is located at 1105 N. Irwin Street (APN 010-153-011).

Chairperson DOUGLAS opened the public hearing at 7:27 p.m. and called for the staff report.

Assistant Planner Mark Manha presented the staff report, recommended approval, and invited questions of staff.

Chairperson DOUGLAS opened Public Comment:

FAVOR

- Art Quintero, designer for the project, recommended approval.
- Gil Puga, owner, requested approval, noting that it is a great location for the neighborhood and for downtown employees.

OPPOSED

Rachel Moreno, was not opposed to the project but had questions regarding traffic and parking and health precautions (re: COVID-19). Mr. Puga stated that they have another childcare center in Armona, and they have always had a good relationship with the neighbors. He also assured her that they are staying current with all CDC and Kings County Health Department guidelines. Mr. Quintero offered to place a "Left Turn Only" sign at the parking exit. Ms. Moreno was happy with the answers and welcomed approval of the project.

Chairperson DOUGLAS closed Public Comment, closed the public hearing at 7:43 p.m., and called for a motion.

Motion to adopt Resolution No. 2020-07, approving Conditional Use Permit No. 2020-03.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Roger Snow
SECONDER:	Jacob Sanchez
AYES:	Douglas, Perico, Galvan, Snow, Sanchez
ABSENT:	Paden, Kemp Van Ee

3. **Conditional Use Permit No. 2020-04: A request by Western Milling to allow liquid fertilizer mixing on an existing fertilizer storage site in the I-H Heavy Industrial zone district. Mitigated Negative Declaration No. 2019-29: An addendum to the previously approved Mitigated Negative Declaration No. 2019-29 has been prepared to certify that the project will not have a significant effect on the environment with the incorporation of mitigation measures. The project is located at 10361 Idaho Avenue on the southwest corner of Idaho Avenue and 10th Avenue (APN 028-030-048).**

Chairperson DOUGLAS opened the public hearing at 7:45 p.m. and called for the staff report.

Senior Planner Myers presented the staff report, recommended approval, and invited questions of staff.

Chairperson DOUGLAS opened Public Comment:

FAVOR

William Sweeney, applicant, requested approval.

OPPOSED

None.

There being no questions, Chairperson DOUGLAS closed the public hearing at 7:52 p.m. and called for a motion.

Motion to adopt Resolution No. 2020-08, approving Conditional Use Permit No. 2020-04.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Savino Perico
SECONDER:	Jacob Sanchez
AYES:	Douglas, Perico, Galvan, Snow, Sanchez
ABSENT:	Paden, Kemp Van Ee

DIRECTOR'S COMMENTS

Director Mata had no comments.

COMMISSIONERS' ITEMS OF INTEREST

Commissioner SANCHEZ congratulated Assistant Planner Manha on a good job with his first presentation.

ADJOURNMENT

Chairperson DOUGLAS adjourned the meeting at 7:54 p.m.

Respectfully submitted,

Diana Black
Recording Secretary



AGENDA STAFF REPORT

MEETING DATE: 8/25/2020	AGENDA SECTION: 1
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SUBJECT:

Zone Text Amendment No. 2020-02, A request by the City of Hanford to: - Amend Title 5, adding Chapter 5.64, establishing operating conditions for mobile food vendors; Amend Title 10, Section 10.14.140 conditions for use of public right-of-way by peddlers and vendors was amended to reference the requirements of Section 5.64; Amend Title 17, Section 17.08.030 – Commercial, Office, and Industrial Zone Use Table of the Hanford Municipal Code by adding Mobile Vendors as a temporary use in all commercial zones; Amend Title 17, Section 17.76 to allow mobile vendors as a temporary use; and Amend Title 17, Section 17.96 to amend the definition of mobile food vendor and food trucks. Location: Citywide.

See staff report, attached.

FISCAL IMPACT:

Insert Fiscal Impact Here or Erase Completely

ATTACHMENTS:

Staff Report

Resolution No. 2020-11

Attachment 1- Zone Text Amendment No. 2020-02

Attachment 2 - Notice of Exemption

**CITY OF HANFORD PLANNING COMMISSION
STAFF REPORT
Tuesday, August 25, 2020**

PROJECT: **Zone Text Amendment No. 2020-02:** A request by the City of Hanford to:

- Amend Title 5, adding Chapter 5.64, establishing operating conditions for mobile food vendors;
- Amend Title 10, Section 10.14.140 conditions for use of public right-of-way by peddlers and vendors was amended to reference the requirements of Section 5.64;
- Amend Title 17, Section 17.08.030 – Commercial, Office, and Industrial Zone Use Table of the Hanford Municipal Code by adding Mobile Vendors as a temporary use in all commercial zones;
- Amend Title 17, Section 17.76 to allow mobile vendors as a temporary use; and
- Amend Title 17, Section 17.96 to amend the definition of mobile food vendor and food trucks;

LOCATION: Citywide

STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

1. Hold a public hearing, receive a staff presentation and public testimony and consider recommending approval of Zone Text Amendment No. 2020-02 by adopting Resolution No. 2020-11.

RECOMMENDED MOTION

1. I move to adopt Resolution No. 2020-11, recommending approval of Zone Text Amendment No. 2020-02 to the City Council.

PROJECT DESCRIPTION

The project is a request to amend Title 17 and Title 5 of the Hanford Municipal Code, as follows:

Amend Title 17:

- Section 17.08.030 – Commercial, Office, and Industrial Zone Use Table of the Hanford Municipal Code, by adding mobile vendors as a temporary use in all commercial zones;
- Section 17.76 to allow mobile vendors as a temporary use;
- Section 17.96 to amend the definition of mobile food vendor and food trucks; and

Amend Title 5:

- Adding Chapter 5.64, establishing operating conditions for mobile food vendors.

The revisions to Title 17 and addition of Chapter 5.64 are attached - **Attachment 1.**

BACKGROUND INFORMATION

For many years, there has been discussion regarding the creation of a “food truck” ordinance for the City of Hanford. However, clear direction from the full Council was not given to staff until 2019, during the City Council Goals and Objectives session, when the Council officially directed to staff to create an ordinance to allow mobile vendors and to change the current restrictions in the City of Hanford.

In April 2019, staff conducted a study session with City Council to receive direction on the regulation of mobile food vendors in the City of Hanford. In addition, staff recommended addressing sidewalk vendors in response to Senate Bill 946, signed by the governor in September 2018. The Bill pertained to non-motorized sidewalk vendors and limited local regulation, unless it is consistent with the State law.

The council suggested criteria to incorporate into the mobile food vendor ordinance, as follows:

1. Vending vehicles should be located no closer than 400 feet from brick and mortar restaurants;
2. Require property owner approval;
3. Require access to restrooms;
4. Could not be permanent, limited to six months, then no other food truck could locate there for another six months;
5. Required to be licensed by Kings County Department of Public Health and Environmental Health Services;
6. Required to be licensed by the City of Hanford – requirement to provide proof of insurance, background check, and fingerprinting

Following the study session, staff conducted stakeholder meetings with restaurant owners in Hanford and mobile food vendors with current licenses in Kings County, requesting feedback regarding the Council’s proposed regulations for mobile food vendors.

Restaurant owners provided the following comments:

1. Restaurants already compete with food trucks in the County;
2. Owners recommend not allowing food trucks in MX-D Downtown Mixed Use or C-R Regional Commercial (Mall and Costco area);

3. Restaurant owners reported lower sales during Thursday Night Market;
4. Restaurant owners didn't think food truck owners should need to be fingerprinted:

Staff response: The difference is food trucks are roving; Ice cream trucks are classified as food trucks and do require fingerprinting, since they serve children

5. Didn't think food trucks becoming permanent was an issue

Mobile vending vehicle operators provided the following comments:

1. Requesting permanent location, so they are not limited to six months. There was concern a food truck would establish and then six months down the road another business comes in and benefits off the reputation one business established;
2. Worried about property owner approval fee

Staff response: this is not a City issue, that would be at the discretion of the property owner; private agreement with individual property owners

3. If they owned the property, could they be located there without an expiration?

Staff response: Staff explained it was not the direction of the council to allow businesses to establish permanently without putting in the infrastructure required of other businesses they are competing with (such as a full kitchen and restrooms)

4. In agreement about the requirement to have fingerprinting and background checks, since they are roving.

In November 2019, staff conducted another study session with City Council to provide an update of the feedback received from restaurant owners and mobile vendors and receive direction.

Council directed staff to develop an ordinance for sidewalk vendors, consistent with State regulations, and mobile food vendors, incorporating the following regulations:

1. Mobile food vendors cannot operate within 400 feet of a brick and mortar restaurant, with exceptions for Civic Park and special events, such as concerts in the park and Thursday Night Market Place;
2. Mobile vendors operating on private property require property owner permission;
3. Stationary mobile vendors must have access to restrooms;
4. Mobile vendors operating on private property shall not become permanent and shall be limited to six months; another mobile vendor could not be approved for six months after the end of the previous vendor's occupancy. Mobile vendors operating on private property could be permitted to remain beyond the six-month period, with approval of a conditional use permit;

5. Vendors selling items appealing to children (such as snow cones and ice cream) require finger printing and a background check;
6. Mobile vendors can only be permitted on fully developed sites (with curb, gutter, and paving); and
7. Mobile vending vehicles require an inspection by the Fire Department.

Using the direction received by City Council, staff drafted the proposed ordinance. The direction given by Council was varied and it has taken many months to produce an ordinance that addressed the many concerns that Council had.

PROJECT EVALUATION

Development

The draft ordinance was developed based on an evaluation of mobile vendor ordinances from various cities, meetings with stakeholders, and council direction.

General Plan Consistency

The ordinance does not conflict with any language set forth in the General Plan.

The ordinance enforces Hanford's overarching principles, including:

- Contributing to a prosperous community;
- Creating opportunities for jobs that benefit the existing and future community;
- Facilitation of a successful business environment;
- Contributing to the downtown area as the physical, cultural, civic, and commercial center of Hanford;
- Contributing to the diversification of industry; and
- Ensuring the safe, reliable, and efficient movement of people and goods

Section Summaries

TITLE 5

Section 5.64.100 sets forth the perceived challenges and potential safety issues created by mobile food and sidewalk vending. The purpose of the regulations set forth by Section 5.64 is to address the operation of mobile food and sidewalk vendors to protect public safety.

Section 5.64.020 provides definitions of terms used throughout the mobile food vendors' ordinance.

Section 5.64.030 establishes the requirement to obtain a business license and pay business license taxes.

Section 5.64.040 sets forth regulations applying to all vendors in general.

- A. Vendors shall not display, sell, dispense, or exchange any item other than food and/or beverages within the City limits, unless authorized by a mobile food vendor permit, obtained from the City.
- B. Vendors shall maintain a valid California Department of Tax and Fee Administration seller's permit, as required.
- C. Vendors shall maintain a copy of a valid Food Vending Permit, issued by the Kings County Department of Public Health, as required.
- D. Mobile vending vehicles shall not operate in any city-owned parking lot, park, or garage, with the exception of Civic Park.
- E. Number of Vendors. Vendors, excluding sidewalk vendors, shall be permitted to operate on a site (or combination of sites in the case of an integrated shopping center), as follows, excluding those vendors allowed to operate in Civic Park, or as part of a special event, permitted through a temporary use permit or special event permit:

<u>Site Size:</u>	<u>Number of Vendors Permitted to Operate:</u>
1. 0.01 – 5 acres:	one (1) vendor
2. 5.01 – 10 acres:	two (2) vendors
3. 10.01 – 20 acres:	three (3) vendors
4. 20.01 – 40 acres:	four (4) vendors
5. Upward of 40.01 acres:	five (5) vendors

Vendors operating in the public right-of-way shall not be counted towards the number of vendors per site.

- F. Vendors shall not operate in yellow commercial loading/unloading zones or white passenger loading zones.
- G. Vendors shall not stop within twenty-five (25) feet of an intersection when making a sale or attempting to make a sale.
- H. Vendors operating on private property shall only occupy parking spaces not required to meet the minimum requirements of the current primary use(s) on the property, as required in Section 17.54.040. Use of the primary business(es)' required parking spaces by a vendor is prohibited.
- I. Vendors shall not park within ten (10) feet of a structure or another food-vending vehicle.

- J. Signage on the mobile food truck is permitted. A-frame signage and/or similar signs shall be prohibited.
- K. The vendor shall completely remove all equipment and other materials, including, without limitation, waste materials, from the site upon the conclusion of the vending activities, excepting such interior storage of equipment or materials, as may be allowed on the site with the permission of the owner or operator of the site.
- L. Vendors shall not sell or attempt to sell by means of any outcry, sound, speaker or amplifier, or any instrument that violates the City of Hanford noise standard in Chapter 9.10.
- M. Vending shall not be permitted directly to persons in other vehicles or from other than the curbside of the vending vehicle when the vehicle is parked in the right-of-way.
- N. Vendors shall not use City utility connections, including water and electric, without prior written approval from the City.
- O. Vendors shall control smoke and odors caused by food preparation to avoid a public nuisance.

Section 5.64.050 sets forth regulations applying to mobile vending vehicles, including short-term operation on public streets and operation on private property.

Mobile vending vehicles operating in the City shall be compliant with the California Fire Code (CFC), California Code of Regulations, Title 19 (CCR), California Mechanical Code (CMC), and the California Health and Safety Code (H&S).

- A. Required Inspections. An inspection of the mobile vending vehicle is required by the Fire Department, prior to issuance of a mobile vending permit.
 - 1. Frequency:
 - a. Mobile vending vehicles with a hood system require an inspection every six (6) months.
 - b. Mobile vending vehicles with a generator require an inspection annually.
 - 2. Requirements:
 - a. Mobile vending vehicles with a hood system require an extinguishing system, smoke detectors, and a separate fire extinguisher.
- B. Short-Term Operation on Public Streets. In addition to the requirements in Section 5.64.040, a mobile food vending vehicle on a public street, that remains in the same location on a short-term basis, shall comply with Hanford Municipal Code Section 10.16.140, in addition to the following:
 - 1. Shall not conduct business or operate on the same block for longer than ten (10) minutes, and shall not, within a period of four (4) hours, again operate such vehicle

within five hundred (500) feet of a prior operating location. Each instance of vending beyond the period authorized for parking per site shall constitute a separate and distinct offense.

2. Shall not be located within four hundred (400) feet of a brick and mortar restaurant business.
 3. Shall not conduct business or operate, between the hours of 8:00 a.m. and 5:00 p.m., within one (1) block of any public or private school grounds on days that school is open to students.
 4. Shall not conduct business within one (1) block of any City park at which a City-approved and permitted special event is taking place without having obtained a special event permit.
 5. Shall only conduct business from a licensed vehicle or licensed trailer on a public street while parked in a designated parking area.
 6. Shall, at all times, operate in compliance with the California Vehicle Code, the Hanford Vehicles and Traffic Code, Title 10, and all posted parking, stopping and standing restrictions.
 7. Shall not encroach onto a public sidewalk with any part of a vehicle, wagon, trailer or truck or any other equipment or furniture related to the operation of the business without a minimum four (4) foot clearance, including customer queuing areas.
 8. Shall comply with all applicable food labeling requirements, established by the State of California.
 9. Shall provide garbage and recycling receptacles for immediate use by customers; and
 10. Shall pick up, remove, and dispose of all garbage, and/or materials dispensed from the vending vehicle and any residue deposited on the ground from the operation thereof, and otherwise maintain in a clean and debris-free condition the entire area within a twenty-five (25) foot radius of the location where mobile food vending is occurring.
 11. Shall maintain, at all times during which the vending vehicle is in operation, a policy of general comprehensive liability insurance with limits as approved by the City and insuring against injury or death of a person and for claims of property damage resulting from the applicant's use of the public right-of-way. The City and its officials, officers, employees and agents shall be named as additional insured under such insurance policy, and the applicant shall cause its insurer to waive the right of subrogation with respect to the City and its officials, officers, employees, and agent. The applicant will deliver to the City endorsements to the applicant's insurance policy as evidence of the satisfaction of these insurance requirements.
- C. Long-Term Operation on Public Streets. A mobile vending vehicle that remains in the same location on a public street for a period exceeding the maximum time allowed under subsection A. is prohibited.

D. Operation on Private Property. In addition to the requirements of Section 5.64.040, a mobile vending vehicle on private property shall be subject to the following requirements and limitations:

1. Have written documentation of the property owner's authorization to operate on the property in their possession.
2. Be located on a fully developed parcel. Locations shall have curb, gutter, sidewalk and be paved with a solid material, to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water, for parking of the mobile food vending vehicle and guests.
3. Be located outside of the required setback area, established by the zone district, in accordance with Title 17.
4. Vendors shall only occupy parking spaces not required to meet the minimum requirements of the current primary use(s) on the property, as required in Section 17.54.040. Use of the primary business(es)' required parking spaces by a vendor is prohibited. The vending facility shall not be placed on landscaped areas, nor shall the vending facility adversely impact any landscaping or landscaped areas.
5. Cannot be located within four hundred (400) feet of a brick and mortar restaurant business, except as follows:
 - a. The restaurant and vendor are operated by the same entity; or
 - b. The vendor has prior written permission of the brick-and-mortar restaurant business owner to operate on the property of that existing business.
6. If a mobile vending vehicle will be parked at a location for more than one (1) hour, the site must contain toilet facilities for employees on site or within two hundred (200) feet of the vending vehicle. Applicants will be required to submit a letter signed by the party owning or controlling the toilet facilities indicating that the facilities used to fulfill this obligation can be used by the mobile vending vehicle employees.
7. Only be established on sites that have an active business open during the hours of the mobile food vendor's operations. Mobile food vending shall be an ancillary use to the primary business on-site.
8. Hours of operation shall be limited to those hours the primary business on the site is open, excepting that where a business is located within one hundred fifty (150) feet of the R-L, R-M, R-H, or O-R zone district, vending shall be prohibited during the hours of 10:00 p.m. to 7:00 a.m.
9. Confine the entire operation on the private property, including queuing of patrons.

10. A temporary use permit may be issued for a time period not to exceed six (6) months for a single location. A new permit for the same or a different vending vehicle may not be issued at the location for a minimum of six (6) months.
 11. A vending vehicle may remain on private property for more than six (6) months, upon approval of a conditional use permit, in zones as provided in Section 17.08.030 of this code.
 12. Comply with all applicable food labeling requirements established by the State of California.
 13. Provide garbage and recycling receptacles for immediate use by customers.
 14. Pick up, remove and dispose of all garbage, refuse or litter consisting of foodstuffs, wrappers, and/or materials dispensed from the vending vehicle and any residue deposited on the ground from the operation thereof, and otherwise maintain in a clean and debris-free condition the entire area within a twenty-five (25) foot radius of the location where mobile food vending is occurring.
 15. Mobile vendor permits are not required for mobile vendors to cater a one (1) day private event or party located on private property with no retail sale to the general public and no admission charge to the event, with the exception that the mobile vendors must have a Food Vending Permit from Kings County and a business license.
- E. Operation on City Property and Parks. In addition to the requirements in Section 5.64.040, a mobile food vending vehicle on city property is prohibited, with the following exceptions:
1. As part of a special event, with the appropriate city permits that include food-vending operations in City parks.
 2. By a special permit issued by the Parks and Community Services Department in designated spaces in Civic Park on Friday and Saturday night only.

Section 5.64.060 sets forth regulations for sidewalk vendors, consistent with State law.

In addition to the requirements in Section 5.64.040, a sidewalk vendor on a public street, any city right-of-way, or public park, shall comply with Hanford Municipal Code Section 10.16.140 and the following:

- A. Ensure that no obstruction is placed on the sidewalk or public right-of-way that would reduce the width of the sidewalk available to pedestrian travel to less than forty-eight (48) inches, exclusive of the top of the curb, in order to maintain Americans with Disabilities Act (ADA) -accessibility standards. No obstruction shall be located on a sidewalk or public right-of-way less than six (6) feet in width when the sidewalk is adjacent to the curb.
- B. To prevent food-borne illness and protect the health and safety of the city's residents, every sidewalk vendor selling any food or beverage is required to wear a hairnet and food service gloves.

- C. Stationary sidewalk vendors shall be prohibited from selling in residentially zoned neighborhoods.
- D. Roaming sidewalk vendors are permitted to sell in residentially zoned neighborhoods between the hours of 9:00 a.m. and 5:00 p.m.
- E. Sidewalk vending stands and carts shall not exceed eight (8) feet in height, eight (8) feet in length, and four (4) feet in width; shall not impede access to the entrance of any adjacent building or driveway; shall not impede pedestrian right-of-way or vehicle right-of-way (including bike lanes); shall not be located on sidewalks where there is not on-street parking immediately adjacent; and must comply with Americans with Disabilities Act (ADA) and other accessibility standards.
- F. Sidewalk vending stands and carts shall not be located within twenty (20) feet of a fire hydrant, fire escape, bus stop, loading zone, ADA-accessible parking space, access ramp, or driveway.
- G. Sidewalk vendors shall supply a way to dispose of trash if an existing trash container does not exist within twenty-five (25) feet of the stand or cart. Additionally, sidewalk vendors must maintain the cleanliness of their site and area within twenty-five (25) feet.
- H. All sidewalk vending stands, carts, signs, refuse containers and other material set up or provided by the vendor must be removed from the vending site during non-vending hours. Any equipment or objects left in public spaces or in any portion of the public right-of-way may be impounded.
- I. To facilitate the enforcement of this chapter, every sidewalk vendor must display their city-issued sidewalk-vending permit on the street-side portion of their pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance when operating in the public right-of-way or on public property.
- J. To prevent unintended rolling or slipping, a sidewalk vendor is prohibited from operating a pushcart, pedal-driven cart, wagon, or other non-motorized conveyance on a public-right-of-way with a slope greater than five (5) percent.
- K. A sidewalk vendor is prohibited from operating within five hundred (500) feet of a permitted, certified farmers' market, a permitted swap meet, or any area subject to a temporary use permit for the duration of the permit.
- L. Sidewalk vendors vending in a city park may only vend during hours the park is open. Sidewalk vendors may not, however, vend within a city park during a city-approved event when there is an exclusive agreement with one (1) or more concessionaires.
- M. Sidewalk vendors are prohibited from having tables and chairs for customer use.
- N. Excepting those vendors who have demonstrated an inability to pay, as set forth in Section 5.64.110, all sidewalk vendors shall maintain, at all times during operation, a policy of general comprehensive liability insurance with limits as approved by the City and insuring against injury or death of a person and for claims of property damage resulting from the applicant's use of the public right-of-way. The City and its officials,

officers, employees and agents shall be named as additional insured under such insurance policy, and the applicant shall cause its insurer to waive the right of subrogation with respect to the City and its officials, officers, employees, and agent. The applicant will deliver to the City endorsements to the applicant's insurance policy as evidence of the satisfaction of these insurance requirements.

Section 5.64.070 details the required submittals for a vendor permit. Requirements include providing a copy of a valid California Department of Tax and Fee Administration seller's permit, a Food Vending Permit from Kings County Department of Public Health, and a requirement to provide fingerprints and a background check for those vendors selling commodities appealing to children (such as ice cream, snow cones, candy, and toys).

Section 5.64.080 establishes the requirement to obtain a vendor permit and operate consistent with said permit.

Section 5.64.090 permits the City to obtain fees to offset the City's cost of regulation of vendors.

Section 5.64.100 establishes violation, vendor permit suspension, revocation, and appeal procedures for those vendors operating inconsistent with the requirements of the chapter.

Section 5.64.110 establishes penalty amounts for vending infractions, consistent with State law.

Section 5.64.120 allows an inability to pay determination to be made in warranted cases.

TITLE 10

Section 10.14.140 conditions for use of public right-of-way by peddlers and vendors was amended to reference the requirements of Section 5.64.

TITLE 17

Table 17.08.030 revises the Commercial, Office, and Industrial Use Table to add 'mobile food vendor or food truck', as a temporary use and conditionally permitted use in the C-N Neighborhood Commercial, C-R Regional Commercial, C-S Service Commercial, C-H Highway Commercial, MX-N Neighborhood Mixed Use, MX-C Corridor Mixed Use, MX-D, Downtown Mixed Use, O Office, I-L Light Industrial, and I-H Heavy Industrial zone district, in accordance with the Specific Land Use Standards set forth in Section 5.64.

Section 17.76.020 K. was revised to add sidewalk vendors, in accordance with Chapter 5.64, as a temporary use exempt from permit requirements.

Section 17.76.030 J. was revised to add mobile vending vehicles, in accordance with Chapter 5.64, as a temporary use requiring a permit.

Section 17.96.020 was amended to include a definition of mobile food vendor or food truck. "Mobile food vendor" or "food truck" means and refers to the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise of food or beverages from any vending vehicle or non-motorized cart on a public street or highway or private property. (See additional regulations in Chapter 5.64 of the Municipal Code) (A13).

FINDINGS FOR APPROVAL

Zone Text Amendment No. 2020-02

In taking action on a Zone Text Amendment, the Planning Commission must make the appropriate findings, in accordance with Section 17.86.030 of the Hanford Municipal Code:

1. The amendment is internally consistent with the goals, objectives, and policies of the General Plan and this title;

Analysis: That the zone text amendment is internally consistent with the goals, objectives, and policies of the General Plan and this title, by enforcing Hanford's overarching principles, including :

- Contributing to a prosperous community;
- Creating opportunities for jobs that benefit the existing and future community;
- Facilitation of a successful business environment;
- Contributing to the downtown area as the physical, cultural, civic, and commercial center of Hanford;
- Contributing to the diversification of industry; and
- Ensuring the safe, reliable, and efficient movement of people and goods

The addition of Section 5.64 and the revisions to Section 10.16.140, 17.08.030, 17.76, and 17.96.020 do not conflict with the General Plan and further the overarching principles of the General Plan.

2. The amendment would not be detrimental to the public health, safety, or welfare of the community;

Analysis: That the addition of Section 5.64 and the revisions to Section 10.16.140, 17.08.030, 17.76, and 17.96.020 of the Hanford Municipal Code are not detrimental to the public health, safety, or welfare of the community. Section 5.64.010 addresses the potential for safety hazards created by mobile food and sidewalk vending. The purpose of Section 5.64 is to tailor the City's regulations to address mobile food vending vehicles and sidewalk vendors that operate in the City, in order to advance the City's substantial public interest in protecting public safety.

3. The amendment would maintain the appropriate balance of land uses within the City;

Analysis: That jobs-housing balance is achieved by increasing opportunities for people to work and live in close proximity. The ratio is expressed as the number of jobs divided by the number of housing units. The jobs-housing balance is a general tool for analyzing where people work, where they live, and how effectively they can travel between the two. In the planning area, the existing jobs-housing balance ratio in 2013-2014 was 1.17. It is estimated that the implementation of the General Plan would increase the jobs-housing balance by 0.45 to 1.62,

which would make the planning area a jobs-rich area. The proposal to regulate and allow mobile food vendors and sidewalk vendors will contribute to the creation and diversification of jobs in the City limits.

4. The anticipated land uses on the subject site would be compatible with existing and future surrounding uses;

ANALYSIS: That the zone text amendment applies to locations citywide, including the public right-of-way, public streets, Civic Park, and various private properties in C-N Neighborhood Commercial, C-R Regional Commercial, C-S Service Commercial, C-H Highway Commercial, MX-N Neighborhood Mixed Use, MX-C Corridor Mixed Use, MX-D, Downtown Mixed Use, O Office, I-L Light Industrial, and I-H Heavy Industrial zone district. Sidewalk and mobile vendors have been evaluated and conditioned to limit conflict with existing and future surrounding uses, including limits on hours of operation, restrictions on distance to schools, restrictions on distance brick-and-mortar restaurants, and distance from special events and city-events.

PUBLIC COMMENTS

Noticing of the public hearing for the Zone Text Amendment was published in the newspaper on August 14, 2020. The City of Hanford has not received comments on the project as of the preparation of this report.

ENVIRONMENTAL ASSESSMENT

Pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) guidelines, the project is exempt from environmental review. A Notice of Exemption has been prepared and is attached - **Attachment 2**.

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Adopt Resolution No. 2020-11, recommending approval of Zone Text Amendment No. 2020-02 to the City Council.

Project Applicant:

City of Hanford
317 N. Douty St.
Hanford, CA 93230

RESOLUTION NO. 2020-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HANFORD RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ZONE TEXT AMENDMENT NO. 2020-02 A REQUEST BY THE CITY OF HANFORD TO: - AMEND TITLE 5, ADDING CHAPTER 5.64, ESTABLISHING OPERATING CONDITIONS FOR MOBILE FOOD VENDORS; AMEND TITLE 10, SECTION 10.14.140 CONDITIONS FOR USE OF PUBLIC RIGHT-OF-WAY BY PEDDLERS AND VENDORS WAS AMENDED TO REFERENCE THE REQUIREMENTS OF SECTION 5.64; AMEND TITLE 17, SECTION 17.08.030 – COMMERCIAL, OFFICE, AND INDUSTRIAL ZONE USE TABLE OF THE HANFORD MUNICIPAL CODE BY ADDING MOBILE VENDORS AS A TEMPORARY USE IN ALL COMMERCIAL ZONES; AMEND TITLE 17, SECTION 17.76 TO ALLOW MOBILE VENDORS AS A TEMPORARY USE; AND AMEND TITLE 17, SECTION 17.96 TO AMEND THE DEFINITION OF MOBILE FOOD VENDOR AND FOOD TRUCKS;

At a regular meeting of the City of Hanford Planning Commission duly called and held on August 25, 2020 on motion of Commissioner _____, seconded by Commissioner _____, and duly carried, the following resolution was adopted:

WHEREAS, Zone Text Amendment No. 2020-02, A request by the City of Hanford to: - Amend Title 5, adding Chapter 5.64, establishing operating conditions for mobile food vendors; Amend Title 10, Section 10.14.140 conditions for use of public right-of-way by peddlers and vendors was amended to reference the requirements of Section 5.64; Amend Title 17, Section 17.08.030 – Commercial, Office, and Industrial Zone Use Table of the Hanford Municipal Code by adding Mobile Vendors as a temporary use in all commercial zones; Amend Title 17, Section 17.76 to allow mobile vendors as a temporary use; and Amend Title 17, Section 17.96 to amend the definition of mobile food vendor and food trucks; as attached in **Exhibit A**, has been reviewed by the Planning Commission of the City of Hanford in accordance with Title 17.86 of the Hanford Municipal Code; and

WHEREAS, staff, the various governmental departments, and the Planning Commission have given careful consideration to this zone text amendment and have made recommendations thereon; and

WHEREAS, the project is exempt from environmental review, per Section 15061(b)(3) of the California Environmental Quality Act of the California Environmental Quality Act (CEQA) Guidelines and a Notice of Exemption has been prepared; and

WHEREAS, on the basis of the facts and evidence provided in the staff report and the written and oral evidence presented at the public hearing, the Planning Commission hereby makes the following findings pursuant to Section 17.86.030 of the Hanford Municipal Code:

1. The amendment is internally consistent with the goals, objectives, and policies of the General Plan and this title;

Analysis: That the zone text amendment is internally consistent with the goals, objectives, and policies of the General Plan and this title, by enforcing Hanford's overarching principles, including :

- Contributing to a prosperous community;
- Creating opportunities for jobs that benefit the existing and future community;

- Facilitation of a successful business environment;
- Contributing to the downtown area as the physical, cultural, civic, and commercial center of Hanford;
- Contributing to the diversification of industry; and
- Ensuring the safe, reliable, and efficient movement of people and goods

The addition of Section 5.64 and the revisions to Section 10.16.140, 17.08.030, 17.76, and 17.96.020 do not conflict with the General Plan and further the overarching principles of the General Plan.

2. The amendment would not be detrimental to the public health, safety, or welfare of the community;

Analysis: That the addition of Section 5.64 and the revisions to Section 10.16.140, 17.08.030, 17.76, and 17.96.020 of the Hanford Municipal Code are not detrimental to the public health, safety, or welfare of the community. Section 5.64.010 addresses the potential for safety hazards created by mobile food and sidewalk vending. The purpose of Section 5.64 is to tailor the City's regulations to address mobile food vending vehicles and sidewalk vendors that operate in the City, in order to advance the City's substantial public interest in protecting public safety.

3. The amendment would maintain the appropriate balance of land uses within the City;

Analysis: That jobs-housing balance is achieved by increasing opportunities for people to work and live in close proximity. The ratio is expressed as the number of jobs divided by the number of housing units. The jobs-housing balance is a general tool for analyzing where people work, where they live, and how effectively they can travel between the two. In the planning area, the existing jobs-housing balance ratio in 2013-2014 was 1.17. It is estimated that the implementation of the General Plan would increase the jobs-housing balance by 0.45 to 1.62, which would make the planning area a jobs-rich area. The proposal to regulate and allow mobile food vendors and sidewalk vendors will contribute to the creation and diversification of jobs in the City limits.

4. The anticipated land uses on the subject site would be compatible with existing and future surrounding uses;

ANALYSIS: That the zone text amendment applies to locations citywide, including the public right-of-way, public streets, Civic Park, and various private properties in C-N Neighborhood Commercial, C-R Regional Commercial, C-S Service Commercial, C-H Highway Commercial, MX-N Neighborhood Mixed Use, MX-C Corridor Mixed Use, MX-D, Downtown Mixed Use, O Office, I-L Light Industrial, and I-H Heavy Industrial zone district. Sidewalk and mobile vendors have been evaluated and conditioned to limit conflict with existing and future surrounding uses, including limits on hours of operation, restrictions on distance to schools, restrictions on distance brick-and-mortar restaurants, and distance from special events and city-events.

THEREFORE, BE IT RESOLVED that the City of Hanford Planning Commission recommends approval to the City Council of Zone Text Amendment No. 2020-02.

PASSED AND ADOPTED at a regular meeting of the Hanford City Planning Commission by the following vote:

AYES:	Commissioners
NOES:	Commissioners
ABSTAIN:	Commissioners
ABSENT:	Commissioners

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss
CITY OF HANFORD)

I, **DARLENE R. MATA**, Secretary of the City of Hanford Planning Commission, do hereby certify the foregoing Resolution was duly passed and adopted by the Planning Commission of the City of Hanford at a regular meeting thereof held on the 25th day of August 2020..

Darlene R. Mata, Secretary

Exhibit A

Zone Text Amendment No. 2020-02

Attachment: Resolution No. 2020-11 (Food Vendors Ordinance)

TITLE 5

CHAPTER 5.64 MOBILE FOOD VENDORS

5.64.010 MOBILE FOOD VENDING

- A. The Hanford City Council finds that mobile food and sidewalk vending creates the potential for safety hazards, including:
1. Interfering with motorist and pedestrian visibility when parked, due to their height and bulk.
 2. Creating pedestrian conflicts on already congested sidewalks, forcing pedestrians into the street, due to the queuing of customers on sidewalks.
 3. Preventing normal turnover of the City's limited on-street parking spaces, resulting in motorists becoming distracted and slowing traffic while looking for parking spaces.
 4. Encouraging pedestrians to cross mid-block to purchase food.
 5. Placing equipment and furniture on public sidewalks, creating pedestrian trip and other hazards.
- B. The purpose of this chapter is to tailor the City's regulations to address mobile food vending vehicles and sidewalk vendors that operate in the City, in order to advance the City's substantial public interest in protecting public safety.

5.64.020 DEFINITIONS

"Beverages" means and refers to a liquid for drinking that does not contain alcohol.

"Block" means and refers to the segment of a street between adjacent intersections or between an intersection and the terminus of the street or the City boundary.

"Brick and mortar restaurant" means a permanent restaurant business of any kind. The term "restaurant" includes the various types of restaurants defined in Section 17.92.020, which definitions are incorporated herein by reference.

"City" means the City of Hanford.

"Food" or "foodstuff" means and refers to any substance as defined by Section 113781 of the California Health and Safety Code, defined as a raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.

"Mobile food vendor" means a person who engages in the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise of food or beverages from any vending vehicle or non-motorized cart on a public street or private property.

"Peddler" includes every person who carries from place to place, in either a pack, vehicle, basket, or other contrivance, and offers or sells, barter, or exchanges any goods, wares or merchandise (except religious publications, newspapers or periodicals); provided, however, such term shall not

apply to commercial travelers selling their goods to merchants and other business establishments, whether for present or future delivery.

“Roaming sidewalk vendor” means a sidewalk vendor who moves from place to place and only stops for a brief time to complete a transaction.

“Sidewalk vendor” and “stationary sidewalk vendor” means a person who sells food, beverages or merchandise from a pushcart, stand, display, pedal driven cart, wagon, showcase, rack, or other non-motorized conveyance or from one’s person in a public park, upon a public sidewalk or other pedestrian path.

“Toilet facility” means a fixture maintained with a toilet room for the purpose of defecation or urination or both, as further defined in Health and Safety Code Section 114359.

“Mobile vending vehicle” or “vending vehicle” means and refers to any self-propelled, motorized device by which any person or property may be propelled or moved upon a public street, excepting a device moved exclusively by human power, or which may be drawn or towed by a self-propelled, motorized vehicle, from which foodstuffs are sold, displayed, solicited or offered for sale, bartered, exchanged, given or otherwise.

“Vendor” means any person who operates a vending vehicle, stand or cart, pursuant to this chapter.

5.64.030 BUSINESS LICENSE AND TAXES

All vendors governed by this chapter shall obtain a business license and pay business license taxes pursuant to Chapter 5.04 and 5.08 of this Title. No business license shall be issued without evidence that the vendor has obtained all permits required by this chapter. The original of the City business license, health permit, and any permit required by this chapter shall be displayed conspicuously at all times on the vehicle, stand, or cart, as applicable.

5.64.040 VENDOR REGULATIONS – GENERALLY

- A. Vendors shall not display, sell, dispense, or exchange any item other than food and/or beverages within the City limits, unless authorized by a mobile food vendor permit, obtained from the City.
- B. Vendors shall maintain a valid California Department of Tax and Fee Administration seller’s permit, as required.
- C. Vendors shall maintain a copy of a valid Food Vending Permit, issued by the Kings County Department of Public Health, as required.
- D. Mobile vending vehicles shall not operate in any city-owned parking lot, park, or garage, with the exception of Civic Park.
- E. Number of Vendors. Vendors, excluding sidewalk vendors, shall be permitted to operate on a site (or combination of sites in the case of an integrated shopping center), as follows, excluding those vendors allowed to operate in Civic Park, or as part of a special event, permitted through a temporary use permit or special event permit:

<u>Site Size:</u>	<u>Number of Vendors Permitted to Operate:</u>
1. 0.01 – 5 acres:	one (1) vendor
2. 5.01 – 10 acres:	two (2) vendors
3. 10.01 – 20 acres:	three (3) vendors
4. 20.01 – 40 acres:	four (4) vendors
5. Upward of 40.01 acres:	five (5) vendors

Vendors operating in the public right-of-way shall not be counted towards the number of vendors per site.

- F. Vendors shall not operate in yellow commercial loading/unloading zones or white passenger loading zones.
- G. Vendors shall not stop within twenty-five (25) feet of an intersection when making a sale or attempting to make a sale.
- H. Vendors operating on private property shall only occupy parking spaces not required to meet the minimum requirements of the current primary use(s) on the property, as required in Section 17.54.040. Use of the primary business(es)' required parking spaces by a vendor is prohibited.
- I. Vendors shall not park within ten (10) feet of a structure or another food-vending vehicle.
- J. Signage on the mobile food truck is permitted. A-frame signage and/or similar signs shall be prohibited.
- K. The vendor shall completely remove all equipment and other materials, including, without limitation, waste materials, from the site upon the conclusion of the vending activities, excepting such interior storage of equipment or materials, as may be allowed on the site with the permission of the owner or operator of the site.
- L. Vendors shall not sell or attempt to sell by means of any outcry, sound, speaker or amplifier, or any instrument that violates the City of Hanford noise standard in Chapter 9.10.
- M. Vending shall not be permitted directly to persons in other vehicles or from other than the curbside of the vending vehicle when the vehicle is parked in the right-of-way.
- N. Vendors shall not use City utility connections, including water and electric, without prior written approval from the City.
- O. Vendors shall control smoke and odors caused by food preparation to avoid a public nuisance.

5.64.050 MOBILE VENDING VEHICLES

Mobile vending vehicles operating in the City shall be compliant with the California Fire Code (CFC), California Code of Regulations, Title 19 (CCR), California Mechanical Code (CMC), and the California Health and Safety Code (H&S).

A. Required Inspections. An inspection of the mobile vending vehicle is required by the Fire Department, prior to issuance of a mobile vending permit.

1. Frequency:

- a. Mobile vending vehicles with a hood system require an inspection every six (6) months.
- b. Mobile vending vehicles with a generator require an inspection annually.

2. Requirements:

- a. Mobile vending vehicles with a hood system require an extinguishing system, smoke detectors, and a separate fire extinguisher.

B. Short-Term Operation on Public Streets. In addition to the requirements in Section 5.64.040, a mobile food vending vehicle on a public street, that remains in the same location on a short-term basis, shall comply with Hanford Municipal Code Section 10.16.140, in addition to the following:

- 1. Shall not conduct business or operate on the same block for longer than ten (10) minutes, and shall not, within a period of four (4) hours, again operate such vehicle within five hundred (500) feet of a prior operating location. Each instance of vending beyond the period authorized for parking per site shall constitute a separate and distinct offense.
- 2. Shall not be located within four hundred (400) feet of a brick and mortar restaurant business.
- 3. Shall not conduct business or operate, between the hours of 8:00 a.m. and 5:00 p.m., within one (1) block of any public or private school grounds on days that school is open to students.
- 4. Shall not conduct business within one (1) block of any City park at which a City-approved and permitted special event is taking place without having obtained a special event permit.
- 5. Shall only conduct business from a licensed vehicle or licensed trailer on a public street while parked in a designated parking area.
- 6. Shall, at all times, operate in compliance with the California Vehicle Code, the Hanford Vehicles and Traffic Code, Title 10, and all posted parking, stopping and standing restrictions.

7. Shall not encroach onto a public sidewalk with any part of a vehicle, wagon, trailer or truck or any other equipment or furniture related to the operation of the business without a minimum four (4) foot clearance, including customer queuing areas.
 8. Shall comply with all applicable food labeling requirements, established by the State of California.
 9. Shall provide garbage and recycling receptacles for immediate use by customers; and
 10. Shall pick up, remove, and dispose of all garbage, and/or materials dispensed from the vending vehicle and any residue deposited on the ground from the operation thereof, and otherwise maintain in a clean and debris-free condition the entire area within a twenty-five (25) foot radius of the location where mobile food vending is occurring.
 11. Shall maintain, at all times during which the vending vehicle is in operation, a policy of general comprehensive liability insurance with limits as approved by the City and insuring against injury or death of a person and for claims of property damage resulting from the applicant's use of the public right-of-way. The City and its officials, officers, employees and agents shall be named as additional insured under such insurance policy, and the applicant shall cause its insurer to waive the right of subrogation with respect to the City and its officials, officers, employees, and agent. The applicant will deliver to the City endorsements to the applicant's insurance policy as evidence of the satisfaction of these insurance requirements.
- C. Long-Term Operation on Public Streets. A mobile vending vehicle that remains in the same location on a public street for a period exceeding the maximum time allowed under subsection A. is prohibited.
- D. Operation on Private Property. In addition to the requirements of Section 5.64.040, a mobile vending vehicle on private property shall be subject to the following requirements and limitations:
1. Have written documentation of the property owner's authorization to operate on the property in their possession.
 2. Be located on a fully developed parcel. Locations shall have curb, gutter, sidewalk and be paved with a solid material, to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water, for parking of the mobile food vending vehicle and guests.
 3. Be located outside of the required setback area, established by the zone district, in accordance with Title 17.
 4. Vendors shall only occupy parking spaces not required to meet the minimum requirements of the current primary use(s) on the property, as required in Section 17.54.040. Use of the primary business(es)' required parking spaces by a vendor is prohibited. The vending facility shall not be placed on landscaped areas, nor shall the vending facility adversely impact any landscaping or landscaped areas.
 5. Cannot be located within four hundred (400) feet of a brick and mortar restaurant business, except as follows:

- a. The restaurant and vendor are operated by the same entity; or
 - b. The vendor has prior written permission of the brick and mortar restaurant business owner to operate on the property of that existing business.
 - 6. If a mobile vending vehicle will be parked at a location for more than one (1) hour, the site must contain toilet facilities for employees on site or within two hundred (200) feet of the vending vehicle. Applicants will be required to submit a letter signed by the party owning or controlling the toilet facilities indicating that the facilities used to fulfill this obligation can be used by the mobile vending vehicle employees.
 - 7. Only be established on sites which have an active business open during the hours of the mobile food vendor's operations. Mobile food vending shall be an ancillary use to the primary business on-site.
 - 8. Hours of operation shall be limited to those hours the primary business on the site is open, excepting that where a business is located within one hundred fifty (150) feet of the R-L, R-M, R-H, or O-R zone district, vending shall be prohibited during the hours of 10:00 p.m. to 7:00 a.m.
 - 9. Confine the entire operation on the private property, including queuing of patrons.
 - 10. A temporary use permit may be issued for a time period not to exceed six (6) months for a single location. A new permit for the same or a different vending vehicle may not be issued at the location for a minimum of six (6) months.
 - 11. A vending vehicle may remain on private property for more than six (6) months, upon approval of a conditional use permit, in zones as provided in Section 17.08.030 of this code.
 - 12. Comply with all applicable food labeling requirements established by the State of California.
 - 13. Provide garbage and recycling receptacles for immediate use by customers.
 - 14. Pick up, remove and dispose of all garbage, refuse or litter consisting of foodstuffs, wrappers, and/or materials dispensed from the vending vehicle and any residue deposited on the ground from the operation thereof, and otherwise maintain in a clean and debris-free condition the entire area within a twenty-five (25) foot radius of the location where mobile food vending is occurring.
 - 15. Mobile vendor permits are not required for mobile vendors to cater a one (1) day private event or party located on private property with no retail sale to the general public and no admission charge to the event, with the exception that the mobile vendors must have a Food Vending Permit from Kings County and a business license.
- E. Operation on City Property and Parks. In addition to the requirements in Section 5.64.040, a mobile food vending vehicle on city property is prohibited, with the following exceptions:

1. As part of a special event, with the appropriate city permits that include food vending operations in City parks.
2. By a special permit issued by the Parks and Community Services Department in designated spaces in Civic Park on Friday and Saturday night only.

5.64.060 SIDEWALK VENDOR

In addition to the requirements in Section 5.64.040, a sidewalk vendor on a public street, any city right-of-way, or public park, shall comply with Hanford Municipal Code Section 10.16.140 and the following:

- A. Ensure that no obstruction is placed on the sidewalk or public right-of-way that would reduce the width of the sidewalk available to pedestrian travel to less than forty-eight (48) inches, exclusive of the top of the curb, in order to maintain Americans with Disabilities Act (ADA) - accessibility standards. No obstruction shall be located on a sidewalk or public right-of-way less than six (6) feet in width when the sidewalk is adjacent to the curb.
- B. To prevent food-borne illness and protect the health and safety of the city's residents, every sidewalk vendor selling any food or beverage is required to wear a hairnet and food service gloves.
- C. Stationary sidewalk vendors shall be prohibited from selling in residentially zoned neighborhoods.
- D. Roaming sidewalk vendors are permitted to sell in residentially zoned neighborhoods between the hours of 9:00 a.m. and 5:00 p.m.
- E. Sidewalk vending stands and carts shall not exceed eight (8) feet in height, eight (8) feet in length, and four (4) feet in width; shall not impede access to the entrance of any adjacent building or driveway; shall not impede pedestrian right-of-way or vehicle right-of-way (including bike lanes); shall not be located on sidewalks where there is not on-street parking immediately adjacent; and must comply with Americans with Disabilities Act (ADA) and other accessibility standards.
- F. Sidewalk vending stands and carts shall not be located within twenty (20) feet of a fire hydrant, fire escape, bus stop, loading zone, ADA-accessible parking space, access ramp, or driveway.
- G. Sidewalk vendors shall supply a way to dispose of trash if an existing trash container does not exist within twenty-five (25) feet of the stand or cart. Additionally, sidewalk vendors must maintain the cleanliness of their site and area within twenty-five (25) feet.
- H. All sidewalk vending stands, carts, signs, refuse containers and other material set up or provided by the vendor must be removed from the vending site during non-vending hours. Any equipment or objects left in public spaces or in any portion of the public right-of-way may be impounded.
- I. To facilitate the enforcement of this chapter, every sidewalk vendor must display their city-issued sidewalk vending permit on the street-side portion of their pushcart, stand, display,

pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance when operating in the public right-of-way or on public property.

- J. To prevent unintended rolling or slipping, a sidewalk vendor is prohibited from operating a pushcart, pedal-driven cart, wagon, or other non-motorized conveyance on a public-right-of-way with a slope greater than five (5) percent.
- K. A sidewalk vendor is prohibited from operating within five hundred (500) feet of a permitted, certified farmers' market, a permitted swap meet, or any area subject to a temporary use permit for the duration of the permit.
- L. Sidewalk vendors vending in a city park may only vend during hours the park is open. Sidewalk vendors may not, however, vend within a city park during a city-approved event when there is an exclusive agreement with one (1) or more concessionaires.
- M. Sidewalk vendors are prohibited from having tables and chairs for customer use.
- N. Excepting those vendors who have demonstrated an inability to pay, as set forth in Section 5.64.120, all sidewalk vendors shall maintain, at all times during operation, a policy of general comprehensive liability insurance with limits as approved by the City and insuring against injury or death of a person and for claims of property damage resulting from the applicant's use of the public right-of-way. The City and its officials, officers, employees and agents shall be named as additional insured under such insurance policy, and the applicant shall cause its insurer to waive the right of subrogation with respect to the City and its officials, officers, employees, and agent. The applicant will deliver to the City endorsements to the applicant's insurance policy as evidence of the satisfaction of these insurance requirements.

5.64.070 VENDOR APPLICATION

Application for a vendor permit required pursuant to this chapter shall be made upon a form provided by the city's Community Development Department. A vendor permit shall be required in addition to other permits and licenses that may be required, including, without limitation, a city-issued business license, temporary use permit, and/or a conditional use permit, and California Department of Tax and Fee Administration seller's permit. The application shall state in full the following information.

- A. Name and address of present place of residence and length of residence at such address, also business address if different than present address.
- B. Age of applicant.
- C. Physical description of applicant.
- D. A copy of a California driver's license or identification number, an individual taxpayer identification number, or a social security number. Such information is not public record and will remain confidential as required by Government Code Section 51038(c)(4) or any other statute.

- E. A copy of a valid California Department of Tax and Fee Administration seller's permit, as required.
- F. A copy of a valid Food Vending Permit issued by the Kings County Department of Public Health, as required.
- G. Name and address of the person, firm or corporation or association whom the applicant is employed by or represents and the length of time of such employment or representation.
- H. Description of type of commodity or commodities to be vended.
- I. Period of time for which the permit is applied.
- J. The date, or approximate date, of the last previous application for permit under this chapter if any.
- K. If a permit issued to the applicant under this chapter has ever been revoked.
- L. Names of the three (3) most recent communities where the applicant has engaged in street vending.
- M. Proposed method, hours, and locations of operation.
- N. Signature of applicant.
- O. Fingerprints and a background check shall be completed for vendors selling commodities appealing to children, such as ice cream, snow cones, candy and toys. No permit shall be issued to applicants selling these commodities if they are a registered sex offender or are required to be a registered sex offender.

Inaccurate or incomplete information in a vendor permit application shall be a basis for revocation of a permit by the city's Community Development Director or his/her designee.

5.64.080 VENDOR PERMIT

It is unlawful for any person to: (i) sell or attempt to sell any commodity by means of vending such commodity upon on any street or private or public property in the city without first securing a permit and paying the fee therefor; and (ii) violate the conditions applicable to the vendor's permit or business license.

5.64.090 FEES

The city shall, by resolution, establish fees for the issuance and renewal of permits sufficient to offset the city's cost of regulation of vendors. These fees are supplemental to any business license fees and taxes charged to vendors. Vendor permit and business license fees shall be payable upon application. The fees charged are non-refundable.

5.64.100 VIOLATIONS; VENDOR PERMIT SUSPENSION, REVOCATION AND APPEAL PROCEDURES

- A. Violation of any condition or restriction contained in this chapter and violation of any condition contained in business license or vendor permit shall be a misdemeanor.
- B. Violation of any provisions of this chapter shall constitute a public nuisance. The city may, as a result of violation of this chapter commence a civil action to enjoying a continuing violation and/or the city may pursue the administrative remedies identified in Section 5.64.110.
- C. The remedy provisions of this chapter are nonexclusive and supplement any existing rights and remedies available to the city. The provisions of this chapter may be enforced by any remedies provided for in this municipal code or otherwise available in law or equity. Violations of this chapter may be prosecuted criminally, civilly, or administratively, either undertaken separately or in conjunction with other remedies, at the sole discretion of the city. Nothing in this chapter shall be deemed to prevent the city from commencing any administrative, legal, equitable, or criminal proceeding to enforce this chapter, the city's municipal code, or any law
- D. Where any provision of this chapter or State law is violated, the Community Development Director or his/her designee has the authority to suspend or revoke the vendor permit. Notification of the suspension or revocation of the vendor permit must be made in writing, must state the reason(s) for the action, and must notify the vendor of the appeal process as set forth in subsection F. of this section. The revocation or suspension shall become effective at the end of the appeal period and, if an appeal is requested, the action shall be stayed pending the decision of the City Council or its designated hearing officer.
- E. The Community Development Director may suspend a vendor permit for violation of this chapter, and the permit shall remain suspended until the violation is cured to the Community Development Director's reasonable satisfaction. The Community Development Director may revoke a vendor permit for the remaining term of the permit upon a fourth or subsequent violation of this chapter or if a vendor operates while its permit is suspended.
- F. Any person who has been denied a mobile food vendor permit or any person whose vendor permit has been suspended or revoked may appeal the decision to the City Council or its designated hearing officer. The appeal and associated fee, which will be established by resolution of the City Council, must be filed with the city's Community Development Director within ten (10) calendar days from the date of the vendor's receipt of the city's decision to deny, suspend, or revoke the permit. The request for appeal shall set forth in detail all facts supporting the appeal. Failure to file a request for appeal by such deadline shall constitute a failure to exhaust administrative remedies. Upon receiving a written request for appeal, the Community Development Director shall set a hearing date before the City Council or designated hearing officer, which shall occur no later than forty-five (45) days from the date of the city's receipt of the written request for appeal. The Community Development Director shall set forth in writing and send to the applicant or permittee, by means of registered mail, certified mail, overnight delivery service, or personal service, notice of the date, time, and place of the hearing at least ten (10) calendar days before the hearing. The City Council or its designated hearing officer shall, at the appeal hearing, consider any written and oral evidence presented to determine whether the suspension, revocation, or denial was in accordance with applicable laws. Formal rules of evidence shall not apply; any relevant evidence may be admitted if it is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of

serious affairs. The decision of the City Council or its designated hearing officer shall be final.

5.64.110 VIOLATION—PENALTY

- A. Every person that engages in vending activities without obtaining the required vendor permit shall be subject to administrative fines not to exceed:
 - 1. Two hundred fifty dollars (\$250.00) for a first violation; or
 - 2. Five hundred dollars (\$500.00) for a second violation within one (1) year of the first violation; or
 - 3. One thousand dollars (\$1,000.00) for each additional violation within one (1) year of the first violation.
- B. Every person violating any other provision of this chapter shall be subject to an administrative fine not to exceed:
 - 1. One hundred dollars (\$100.00) for a first violation; or
 - 2. Two hundred dollars (\$200.00) for a second violation within one (1) year of the first violation; or
 - 3. Five hundred dollars (\$500.00) for each additional violation within one (1) year of the first violation.
- C. Failure to pay an administrative fine is not punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized will not be assessed. However, the City may levy a lien on the violator's real or personal property, including the vehicle used for vending purposes.
- D. An administrative violation constitutes a separate and distinct violation for each day that it exists and each such violation may be subject to the maximum fine permitted under this chapter.
- E. Appeals of administration citations shall be subject to the procedures set forth in Section 5.64.100.F. When submitting a written request for appeal, the appealing party shall pay the appeal fee, which shall be established by resolution of the City Council, plus the amount of the administrative fine to which the appealing party is subject; provided however, the appeal fee and fine shall be subject to adjustment or waiver in accordance with Section 5.64.120.

5.64.120 ABILITY TO PAY DETERMINATION

- A. Any administrative fine issued to a sidewalk vendor under Section 5.64.110 will be accompanied with a notice of and instruction regarding the right to request an ability-to-pay determination.
- B. If the requestor is receiving public benefits under Government Code Section 68632, subdivision (a), or has a monthly income which is one hundred twenty-five (125) percent or less than the current poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services, the Community Development Director will, upon documentary evidence confirming the requestor's financial hardship, limit the total amount of the requestor's appeal fee and administrative fine to twenty (20) percent of the total and may:
 - 1. Allow the person to complete community service in lieu of paying the total administrative fine; or
 - 2. Waive the appeal fee and/or administrative fine; or,
 - 3. Offer an alternative disposition.

TITLE 10

10.16.140 Conditions for use of public right-of-way by peddlers and vendors.

- A. It is unlawful for any person or entity (collectively "vendor") to stand or park any vehicle, wagon, pushcart or other type of apparatus (collectively "vehicle") from which goods, wares, merchandise, fruits, vegetables or any type of food, refreshments, snacks or meals, hot or cold, are sold, displayed or offered for sale or bartered or exchanged (collectively "food or merchandise") ~~while parked upon any street or public right-of-way which is adjacent to or directly across the street from any school grounds~~ **unless in accordance with Chapter 5.64 of the Hanford Municipal Code .**
- ~~B. Except as set forth in subsection A of this section, a vendor may sell food or merchandise from a vehicle which is parked upon a street or public right-of-way so long as the vendor's vehicle is: (1) parked at curbside and out of the flow of traffic; (2) does not remain stopped in one location upon the street or public right-of-way for a period longer than ten (10) minutes following the vendor's last sale at that location or the expiration of ten (10) minutes, whichever first occurs; the vendor shall move its vehicle a distance of not less than five hundred (500) feet from its last parked location. The provisions of this subsection shall not apply to persons delivering food or merchandise upon order of or by agreement with, a customer from a store or other fixed place of business or distribution.~~
- ~~C. B.~~ It is unlawful for a vendor to sell, display or offer for sale, barter or exchange any food or merchandise without first obtaining a **Vendor Permit and a business license**. ~~to do so from the director of finance for the city or his/her designee~~
- ~~D. In the event it is determined by the director of finance for the city or designee, that a holder of a business license issued under this section has violated any of the provisions thereof or of this section, the director of finance or designee may revoke the business license and as a result of the revocation, no other business license shall thereafter be issued to such vendor until six (6) months have elapsed from the date of revocation. The vendor shall~~

~~have the right to appeal the decision of the director of finance or designee in accordance with the city appeal procedures for revocation of a business license then in effect.~~

- E. C. **Subject to Chapter 5.64**, vendors may sell and display their goods and wares along the route of a parade, procession, ceremony or similar event prior to the official start time and after the official time when such event is to conclude.
- F. D. Vendors shall not sell or display their goods or wares along the route of any parade, procession, ceremony or other similar event which proceeds along a public street after the official start time of such event, except that, after the official start time of such event, vendors may sell and display their goods and wares from locations specifically designated for that purpose by the city.

Title 17

Zoning Ordinance – Revised

Chapter 17.08

Table 17.08.030

Commercial, Office, and Industrial Use Table														
P = Use is Permitted by Right C = Use Requires Conditional Use Permit A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed														
Land Uses	Commercial Zones				Mixed Use Zones			Industrial and Office Zones				Other Zones		
	C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO
A13	Mobile <u>food</u> vending or food truck	C T	C T	C T	C T	C T	C T		C T	C T	C T			
														See Chapter 5.64

Chapter 17.76 TEMPORARY USE PERMITS

17.76.010 Purpose.

A temporary use permit provides a mechanism for administrative review and determination for proposed and qualifying short-term uses and activities to ensure that such activities are consistent with the General Plan and the provisions of this title.

17.76.020 Temporary uses exempt from permit requirements.

The following temporary activities and uses are allowed by right and expressly exempt from the requirement of first obtaining a temporary use permit, provided they conform to the listed development standards:

- A. Construction yards, storage sheds, and construction offices (on site) in conjunction with an approved construction project where the yard and/or shed are located on the same site as the approved project.
- B. Emergency public health and safety facilities established by a public agency.
- C. Entertainment and assembly events held within auditoriums, stadiums, or other public assembly facilities, provided the proposed use is consistent with the intended use of the facility.
- D. Entertainment and assembly events as part of an allowed permanent use (e.g., race at a raceway).
- E. Events held exclusively on City property and that are in conjunction with the City use.
- F. Events held exclusively at a school site that are in conjunction with the school use.
- G. Events held exclusively on religious institution or facility site and that are in conjunction with that religious institution or facility use.
- H. Garage and yard sales held on private property.
- I. Outdoor promotional events and seasonal sales related to an existing business with temporary outdoor display and sales of merchandise and seasonal sales in conjunction with an established commercial business that holds a valid business license and is in compliance with the development standards of this title.
- J. Storage containers not in conjunction with an approved construction project when located on in a residential zone district for periods less than seventy-two (72) hours when located in nonresidential zone district for periods less than forty-five (45) days.
- K. **Sidewalk vendors in accordance with Chapter 5.64.**

17.76.030 Temporary use permit required.

The following temporary activities and uses may be allowed, subject to the issuance of a temporary use permit prior in accordance with this chapter and Chapter [17.70](#):

- A. Any use listed in Table [17.08.020](#) or Table [17.08.030](#) that is identified as a temporary use.
- B. Construction yards, storage sheds, and construction offices (off-site) in conjunction with an approved construction project, where the yard is located on a site different from the site of the approved construction project.
- C. Entertainment and assembly events, including carnivals, circuses, concerts, fairs, festivals, food events, fundraisers, haunted houses, outdoor entertainment/sporting events, and similar events designed to attract large crowds and when not otherwise part of or consistent with a permitted use (e.g., race at a raceway).
- D. Farmers markets.
- E. Temporary sales, including swap meets, flea markets, rummage sales, and similar events in locations not specifically designed for such events.
- F. Seasonal sales occurring outdoors when not related to an existing business.
- G. Temporary sales offices.
- H. Temporary land uses on unimproved or partially improved sites in a zoning district that allows that land use on a permanent basis.
- I. Temporary community food banks.
- J. Mobile vending vehicle in accordance with Chapter 5.64.**
- K. Other temporary activities that the Community Development Director determines are similar in nature and intensity to those identified above.

17.76.040 Development standards.

Standards for height, off street parking spaces, setbacks, and other structure and property development standards that apply to the category of use or the zoning district of the subject parcel shall apply to all temporary activities. The Community Development Director may waive requirements for long-term improvements that exceed the duration of the temporary use, including, but not limited to, landscaping and paving of parking lots.

17.76.050 Temporary improvements on a site.

- A. Improvement to property at a level less than what is required by this title may be allowed to support temporary operations on the property yet still ensure public health, safety,

and general welfare. This allowance shall not be used to circumvent or deviate from the requirements for public improvements required at the time of subdivision of property.

- B. The allowance described in subsection A shall be conducted through the temporary use permit process. The permit shall clearly identify what improvements are to be completed and what requirements are being waived for a limited period of time, as well as the time period for which the permit is valid. A temporary use permit allowing improvements less than required shall only be approved if the improvements to be completed are those minimally necessary to ensure public health, safety, and welfare.
- C. At the conclusion of the period authorized by the temporary use permit, either the property shall be brought into compliance with the requirements of this title or use of the property shall cease.

17.76.060 Findings.

The reviewing authority shall make all of the following findings to approve or conditionally approve a temporary use permit:

- 1. The use is a temporary use and will be limited to the specific duration of time that is identified in the temporary use permit.
- 2. The temporary use will not be detrimental to the health, safety, or general welfare of persons, property, or improvements in the vicinity of the proposed use, or to the general welfare of the City.
- 3. The temporary use will not function or be located in a manner that restricts access to required parking areas.
- 4. Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this title.
- 5. The approval includes provisions to ensure that each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use.
- 6. The use is consistent with the General Plan, applicable specific plans, and the provisions of this title.

17.76.070 Conditions.

The Community Development Director may place conditions on the temporary use permit, including, but not limited to, buffers, hours of operation, maintenance, lighting, improvements, parking, performance guarantees, property maintenance, signs, surfacing, time limits, and traffic

circulation. Conditions must be deemed reasonable and necessary to protect the health, safety, or general welfare.

CHAPTER 17.96 DEFINITION OF LAND USES

17.96.020 Land use definitions.

“Mobile food vendor” or “food truck” means and refers to the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise of food or beverages from any vending vehicle or non-motorized cart on a public street or highway or private property. (See additional regulations in Chapter 5.64 of the Municipal Code) (A13)

TITLE 5

CHAPTER 5.64 MOBILE FOOD VENDORS

5.64.010 MOBILE FOOD VENDING

- A. The Hanford City Council finds that mobile food and sidewalk vending creates the potential for safety hazards, including:
1. Interfering with motorist and pedestrian visibility when parked, due to their height and bulk.
 2. Creating pedestrian conflicts on already congested sidewalks, forcing pedestrians into the street, due to the queuing of customers on sidewalks.
 3. Preventing normal turnover of the City's limited on-street parking spaces, resulting in motorists becoming distracted and slowing traffic while looking for parking spaces.
 4. Encouraging pedestrians to cross mid-block to purchase food.
 5. Placing equipment and furniture on public sidewalks, creating pedestrian trip and other hazards.
- B. The purpose of this chapter is to tailor the City's regulations to address mobile food vending vehicles and sidewalk vendors that operate in the City, in order to advance the City's substantial public interest in protecting public safety.

5.64.020 DEFINITIONS

"Beverages" means and refers to a liquid for drinking that does not contain alcohol.

"Block" means and refers to the segment of a street between adjacent intersections or between an intersection and the terminus of the street or the City boundary.

"Brick and mortar restaurant" means a permanent restaurant business of any kind. The term "restaurant" includes the various types of restaurants defined in Section 17.92.020, which definitions are incorporated herein by reference.

"City" means the City of Hanford.

"Food" or "foodstuff" means and refers to any substance as defined by Section 113781 of the California Health and Safety Code, defined as a raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.

"Mobile food vendor" means a person who engages in the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise of food or beverages from any vending vehicle or non-motorized cart on a public street or private property.

"Peddler" includes every person who carries from place to place, in either a pack, vehicle, basket, or other contrivance, and offers or sells, barter, or exchanges any goods, wares or merchandise (except religious publications, newspapers or periodicals); provided, however, such term shall not

apply to commercial travelers selling their goods to merchants and other business establishments, whether for present or future delivery.

“Roaming sidewalk vendor” means a sidewalk vendor who moves from place to place and only stops for a brief time to complete a transaction.

“Sidewalk vendor” and “stationary sidewalk vendor” means a person who sells food, beverages or merchandise from a pushcart, stand, display, pedal driven cart, wagon, showcase, rack, or other non-motorized conveyance or from one’s person in a public park, upon a public sidewalk or other pedestrian path.

“Toilet facility” means a fixture maintained with a toilet room for the purpose of defecation or urination or both, as further defined in Health and Safety Code Section 114359.

“Mobile vending vehicle” or “vending vehicle” means and refers to any self-propelled, motorized device by which any person or property may be propelled or moved upon a public street, excepting a device moved exclusively by human power, or which may be drawn or towed by a self-propelled, motorized vehicle, from which foodstuffs are sold, displayed, solicited or offered for sale, bartered, exchanged, given or otherwise.

“Vendor” means any person who operates a vending vehicle, stand or cart, pursuant to this chapter.

5.64.030 BUSINESS LICENSE AND TAXES

All vendors governed by this chapter shall obtain a business license and pay business license taxes pursuant to Chapter 5.04 and 5.08 of this Title. No business license shall be issued without evidence that the vendor has obtained all permits required by this chapter. The original of the City business license, health permit, and any permit required by this chapter shall be displayed conspicuously at all times on the vehicle, stand, or cart, as applicable.

5.64.040 VENDOR REGULATIONS – GENERALLY

- A. Vendors shall not display, sell, dispense, or exchange any item other than food and/or beverages within the City limits, unless authorized by a mobile food vendor permit, obtained from the City.
- B. Vendors shall maintain a valid California Department of Tax and Fee Administration seller’s permit, as required.
- C. Vendors shall maintain a copy of a valid Food Vending Permit, issued by the Kings County Department of Public Health, as required.
- D. Mobile vending vehicles shall not operate in any city-owned parking lot, park, or garage, with the exception of Civic Park.
- E. Number of Vendors. Vendors, excluding sidewalk vendors, shall be permitted to operate on a site (or combination of sites in the case of an integrated shopping center), as follows, excluding those vendors allowed to operate in Civic Park, or as part of a special event, permitted through a temporary use permit or special event permit:

<u>Site Size:</u>	<u>Number of Vendors Permitted to Operate:</u>
-------------------	--

- | | |
|---------------------------|-------------------|
| 1. 0.01 – 5 acres: | one (1) vendor |
| 2. 5.01 – 10 acres: | two (2) vendors |
| 3. 10.01 – 20 acres: | three (3) vendors |
| 4. 20.01 – 40 acres: | four (4) vendors |
| 5. Upward of 40.01 acres: | five (5) vendors |

Vendors operating in the public right-of-way shall not be counted towards the number of vendors per site.

- F. Vendors shall not operate in yellow commercial loading/unloading zones or white passenger loading zones.
- G. Vendors shall not stop within twenty-five (25) feet of an intersection when making a sale or attempting to make a sale.
- H. Vendors operating on private property shall only occupy parking spaces not required to meet the minimum requirements of the current primary use(s) on the property, as required in Section 17.54.040. Use of the primary business(es)' required parking spaces by a vendor is prohibited.
- I. Vendors shall not park within ten (10) feet of a structure or another food-vending vehicle.
- J. Signage on the mobile food truck is permitted. A-frame signage and/or similar signs shall be prohibited.
- K. The vendor shall completely remove all equipment and other materials, including, without limitation, waste materials, from the site upon the conclusion of the vending activities, excepting such interior storage of equipment or materials, as may be allowed on the site with the permission of the owner or operator of the site.
- L. Vendors shall not sell or attempt to sell by means of any outcry, sound, speaker or amplifier, or any instrument that violates the City of Hanford noise standard in Chapter 9.10.
- M. Vending shall not be permitted directly to persons in other vehicles or from other than the curbside of the vending vehicle when the vehicle is parked in the right-of-way.
- N. Vendors shall not use City utility connections, including water and electric, without prior written approval from the City.
- O. Vendors shall control smoke and odors caused by food preparation to avoid a public nuisance.

5.64.050 MOBILE VENDING VEHICLES

Mobile vending vehicles operating in the City shall be compliant with the California Fire Code (CFC), California Code of Regulations, Title 19 (CCR), California Mechanical Code (CMC), and the California Health and Safety Code (H&S).

A. Required Inspections. An inspection of the mobile vending vehicle is required by the Fire Department, prior to issuance of a mobile vending permit.

1. Frequency:

- a. Mobile vending vehicles with a hood system require an inspection every six (6) months.
- b. Mobile vending vehicles with a generator require an inspection annually.

2. Requirements:

- a. Mobile vending vehicles with a hood system require an extinguishing system, smoke detectors, and a separate fire extinguisher.

B. Short-Term Operation on Public Streets. In addition to the requirements in Section 5.64.040, a mobile food vending vehicle on a public street, that remains in the same location on a short-term basis, shall comply with Hanford Municipal Code Section 10.16.140, in addition to the following:

- 1. Shall not conduct business or operate on the same block for longer than ten (10) minutes, and shall not, within a period of four (4) hours, again operate such vehicle within five hundred (500) feet of a prior operating location. Each instance of vending beyond the period authorized for parking per site shall constitute a separate and distinct offense.
- 2. Shall not be located within four hundred (400) feet of a brick and mortar restaurant business.
- 3. Shall not conduct business or operate, between the hours of 8:00 a.m. and 5:00 p.m., within one (1) block of any public or private school grounds on days that school is open to students.
- 4. Shall not conduct business within one (1) block of any City park at which a City-approved and permitted special event is taking place without having obtained a special event permit.
- 5. Shall only conduct business from a licensed vehicle or licensed trailer on a public street while parked in a designated parking area.
- 6. Shall, at all times, operate in compliance with the California Vehicle Code, the Hanford Vehicles and Traffic Code, Title 10, and all posted parking, stopping and standing restrictions.

7. Shall not encroach onto a public sidewalk with any part of a vehicle, wagon, trailer or truck or any other equipment or furniture related to the operation of the business without a minimum four (4) foot clearance, including customer queuing areas.
 8. Shall comply with all applicable food labeling requirements, established by the State of California.
 9. Shall provide garbage and recycling receptacles for immediate use by customers; and
 10. Shall pick up, remove, and dispose of all garbage, and/or materials dispensed from the vending vehicle and any residue deposited on the ground from the operation thereof, and otherwise maintain in a clean and debris-free condition the entire area within a twenty-five (25) foot radius of the location where mobile food vending is occurring.
 11. Shall maintain, at all times during which the vending vehicle is in operation, a policy of general comprehensive liability insurance with limits as approved by the City and insuring against injury or death of a person and for claims of property damage resulting from the applicant's use of the public right-of-way. The City and its officials, officers, employees and agents shall be named as additional insured under such insurance policy, and the applicant shall cause its insurer to waive the right of subrogation with respect to the City and its officials, officers, employees, and agent. The applicant will deliver to the City endorsements to the applicant's insurance policy as evidence of the satisfaction of these insurance requirements.
- C. Long-Term Operation on Public Streets. A mobile vending vehicle that remains in the same location on a public street for a period exceeding the maximum time allowed under subsection A. is prohibited.
- D. Operation on Private Property. In addition to the requirements of Section 5.64.040, a mobile vending vehicle on private property shall be subject to the following requirements and limitations:
1. Have written documentation of the property owner's authorization to operate on the property in their possession.
 2. Be located on a fully developed parcel. Locations shall have curb, gutter, sidewalk and be paved with a solid material, to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water, for parking of the mobile food vending vehicle and guests.
 3. Be located outside of the required setback area, established by the zone district, in accordance with Title 17.
 4. Vendors shall only occupy parking spaces not required to meet the minimum requirements of the current primary use(s) on the property, as required in Section 17.54.040. Use of the primary business(es)' required parking spaces by a vendor is prohibited. The vending facility shall not be placed on landscaped areas, nor shall the vending facility adversely impact any landscaping or landscaped areas.

5. Cannot be located within four hundred (400) feet of a brick and mortar restaurant business, except as follows:
 - a. The restaurant and vendor are operated by the same entity; or
 - b. The vendor has prior written permission of the brick and mortar restaurant business owner to operate on the property of that existing business.
 6. If a mobile vending vehicle will be parked at a location for more than one (1) hour, the site must contain toilet facilities for employees on site or within two hundred (200) feet of the vending vehicle. Applicants will be required to submit a letter signed by the party owning or controlling the toilet facilities indicating that the facilities used to fulfill this obligation can be used by the mobile vending vehicle employees.
 7. Only be established on sites which have an active business open during the hours of the mobile food vendor's operations. Mobile food vending shall be an ancillary use to the primary business on-site.
 8. Hours of operation shall be limited to those hours the primary business on the site is open, excepting that where a business is located within one hundred fifty (150) feet of the R-L, R-M, R-H, or O-R zone district, vending shall be prohibited during the hours of 10:00 p.m. to 7:00 a.m.
 9. Confine the entire operation on the private property, including queuing of patrons.
 10. A temporary use permit may be issued for a time period not to exceed six (6) months for a single location. A new permit for the same or a different vending vehicle may not be issued at the location for a minimum of six (6) months.
 11. A vending vehicle may remain on private property for more than six (6) months, upon approval of a conditional use permit, in zones as provided in Section 17.08.030 of this code.
 12. Comply with all applicable food labeling requirements established by the State of California.
 13. Provide garbage and recycling receptacles for immediate use by customers.
 14. Pick up, remove and dispose of all garbage, refuse or litter consisting of foodstuffs, wrappers, and/or materials dispensed from the vending vehicle and any residue deposited on the ground from the operation thereof, and otherwise maintain in a clean and debris-free condition the entire area within a twenty-five (25) foot radius of the location where mobile food vending is occurring.
 15. Mobile vendor permits are not required for mobile vendors to cater a one (1) day private event or party located on private property with no retail sale to the general public and no admission charge to the event, with the exception that the mobile vendors must have a Food Vending Permit from Kings County and a business license.
- E. Operation on City Property and Parks. In addition to the requirements in Section 5.64.040, a mobile food vending vehicle on city property is prohibited, with the following exceptions:

1. As part of a special event, with the appropriate city permits that include food vending operations in City parks.
2. By a special permit issued by the Parks and Community Services Department in designated spaces in Civic Park on Friday and Saturday night only.

5.64.060 SIDEWALK VENDOR

In addition to the requirements in Section 5.64.040, a sidewalk vendor on a public street, any city right-of-way, or public park, shall comply with Hanford Municipal Code Section 10.16.140 and the following:

- A. Ensure that no obstruction is placed on the sidewalk or public right-of-way that would reduce the width of the sidewalk available to pedestrian travel to less than forty-eight (48) inches, exclusive of the top of the curb, in order to maintain Americans with Disabilities Act (ADA) - accessibility standards. No obstruction shall be located on a sidewalk or public right-of-way less than six (6) feet in width when the sidewalk is adjacent to the curb.
- B. To prevent food-borne illness and protect the health and safety of the city's residents, every sidewalk vendor selling any food or beverage is required to wear a hairnet and food service gloves.
- C. Stationary sidewalk vendors shall be prohibited from selling in residentially zoned neighborhoods.
- D. Roaming sidewalk vendors are permitted to sell in residentially zoned neighborhoods between the hours of 9:00 a.m. and 5:00 p.m.
- E. Sidewalk vending stands and carts shall not exceed eight (8) feet in height, eight (8) feet in length, and four (4) feet in width; shall not impede access to the entrance of any adjacent building or driveway; shall not impede pedestrian right-of-way or vehicle right-of-way (including bike lanes); shall not be located on sidewalks where there is not on-street parking immediately adjacent; and must comply with Americans with Disabilities Act (ADA) and other accessibility standards.
- F. Sidewalk vending stands and carts shall not be located within twenty (20) feet of a fire hydrant, fire escape, bus stop, loading zone, ADA-accessible parking space, access ramp, or driveway.
- G. Sidewalk vendors shall supply a way to dispose of trash if an existing trash container does not exist within twenty-five (25) feet of the stand or cart. Additionally, sidewalk vendors must maintain the cleanliness of their site and area within twenty-five (25) feet.
- H. All sidewalk vending stands, carts, signs, refuse containers and other material set up or provided by the vendor must be removed from the vending site during non-vending hours. Any equipment or objects left in public spaces or in any portion of the public right-of-way may be impounded.

- I. To facilitate the enforcement of this chapter, every sidewalk vendor must display their city-issued sidewalk vending permit on the street-side portion of their pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance when operating in the public right-of-way or on public property.
- J. To prevent unintended rolling or slipping, a sidewalk vendor is prohibited from operating a pushcart, pedal-driven cart, wagon, or other non-motorized conveyance on a public-right-of-way with a slope greater than five (5) percent.
- K. A sidewalk vendor is prohibited from operating within five hundred (500) feet of a permitted, certified farmers' market, a permitted swap meet, or any area subject to a temporary use permit for the duration of the permit.
- L. Sidewalk vendors vending in a city park may only vend during hours the park is open. Sidewalk vendors may not, however, vend within a city park during a city-approved event when there is an exclusive agreement with one (1) or more concessionaires.
- M. Sidewalk vendors are prohibited from having tables and chairs for customer use.
- N. Excepting those vendors who have demonstrated an inability to pay, as set forth in Section 5.64.120, all sidewalk vendors shall maintain, at all times during operation, a policy of general comprehensive liability insurance with limits as approved by the City and insuring against injury or death of a person and for claims of property damage resulting from the applicant's use of the public right-of-way. The City and its officials, officers, employees and agents shall be named as additional insured under such insurance policy, and the applicant shall cause its insurer to waive the right of subrogation with respect to the City and its officials, officers, employees, and agent. The applicant will deliver to the City endorsements to the applicant's insurance policy as evidence of the satisfaction of these insurance requirements.

5.64.070 VENDOR APPLICATION

Application for a vendor permit required pursuant to this chapter shall be made upon a form provided by the city's Community Development Department. A vendor permit shall be required in addition to other permits and licenses that may be required, including, without limitation, a city-issued business license, temporary use permit, and/or a conditional use permit, and California Department of Tax and Fee Administration seller's permit. The application shall state in full the following information.

- A. Name and address of present place of residence and length of residence at such address, also business address if different than present address.
- B. Age of applicant.
- C. Physical description of applicant.
- D. A copy of a California driver's license or identification number, an individual taxpayer identification number, or a social security number. Such information is not public record

and will remain confidential as required by Government Code Section 51038(c)(4) or any other statute.

- E. A copy of a valid California Department of Tax and Fee Administration seller's permit, as required.
- F. A copy of a valid Food Vending Permit issued by the Kings County Department of Public Health, as required.
- G. Name and address of the person, firm or corporation or association whom the applicant is employed by or represents and the length of time of such employment or representation.
- H. Description of type of commodity or commodities to be vended.
- I. Period of time for which the permit is applied.
- J. The date, or approximate date, of the last previous application for permit under this chapter if any.
- K. If a permit issued to the applicant under this chapter has ever been revoked.
- L. Names of the three (3) most recent communities where the applicant has engaged in street vending.
- M. Proposed method, hours, and locations of operation.
- N. Signature of applicant.
- O. Fingerprints and a background check shall be completed for vendors selling commodities appealing to children, such as ice cream, snow cones, candy and toys. No permit shall be issued to applicants selling these commodities if they are a registered sex offender or are required to be a registered sex offender.

Inaccurate or incomplete information in a vendor permit application shall be a basis for revocation of a permit by the city's Community Development Director or his/her designee.

5.64.080 VENDOR PERMIT

It is unlawful for any person to: (i) sell or attempt to sell any commodity by means of vending such commodity upon on any street or private or public property in the city without first securing a permit and paying the fee therefor; and (ii) violate the conditions applicable to the vendor's permit or business license.

5.64.090 FEES

The city shall, by resolution, establish fees for the issuance and renewal of permits sufficient to offset the city's cost of regulation of vendors. These fees are supplemental to any business license fees and taxes charged to vendors. Vendor permit and business license fees shall be payable upon application. The fees charged are non-refundable.

5.64.100 VIOLATIONS; VENDOR PERMIT SUSPENSION, REVOCATION AND APPEAL PROCEDURES

- A. Violation of any condition or restriction contained in this chapter and violation of any condition contained in business license or vendor permit shall be a misdemeanor.
- B. Violation of any provisions of this chapter shall constitute a public nuisance. The city may, as a result of violation of this chapter commence a civil action to enjoying a continuing violation and/or the city may pursue the administrative remedies identified in Section 5.64.110.
- C. The remedy provisions of this chapter are nonexclusive and supplement any existing rights and remedies available to the city. The provisions of this chapter may be enforced by any remedies provided for in this municipal code or otherwise available in law or equity. Violations of this chapter may be prosecuted criminally, civilly, or administratively, either undertaken separately or in conjunction with other remedies, at the sole discretion of the city. Nothing in this chapter shall be deemed to prevent the city from commencing any administrative, legal, equitable, or criminal proceeding to enforce this chapter, the city's municipal code, or any law
- D. Where any provision of this chapter or State law is violated, the Community Development Director or his/her designee has the authority to suspend or revoke the vendor permit. Notification of the suspension or revocation of the vendor permit must be made in writing, must state the reason(s) for the action, and must notify the vendor of the appeal process as set forth in subsection F. of this section. The revocation or suspension shall become effective at the end of the appeal period and, if an appeal is requested, the action shall be stayed pending the decision of the City Council or its designated hearing officer.
- E. The Community Development Director may suspend a vendor permit for violation of this chapter, and the permit shall remain suspended until the violation is cured to the Community Development Director's reasonable satisfaction. The Community Development Director may revoke a vendor permit for the remaining term of the permit upon a fourth or subsequent violation of this chapter or if a vendor operates while its permit is suspended.
- F. Any person who has been denied a mobile food vendor permit or any person whose vendor permit has been suspended or revoked may appeal the decision to the City Council or its designated hearing officer. The appeal and associated fee, which will be established by resolution of the City Council, must be filed with the city's Community Development Director within ten (10) calendar days from the date of the vendor's receipt of the city's decision to deny, suspend, or revoke the permit. The request for appeal shall set forth in detail all facts supporting the appeal. Failure to file a request for appeal by such deadline shall constitute a failure to exhaust administrative remedies. Upon receiving a written request for appeal, the Community Development Director shall set a hearing date before the City Council or designated hearing officer, which shall occur no later than forty-five (45) days from the date of the city's receipt of the written request for appeal. The Community Development Director shall set forth in writing and send to the applicant or permittee, by means of registered mail, certified mail, overnight delivery service, or personal service, notice of the date, time, and place of the hearing at least ten (10) calendar days before the hearing. The City Council or its designated hearing officer shall, at the appeal hearing, consider any written and oral evidence presented to determine

whether the suspension, revocation, or denial was in accordance with applicable laws. Formal rules of evidence shall not apply; any relevant evidence may be admitted if it is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. The decision of the City Council or its designated hearing officer shall be final.

5.64.110 VIOLATION—PENALTY

- A. Every person that engages in vending activities without obtaining the required vendor permit shall be subject to administrative fines not to exceed:
 - 1. Two hundred fifty dollars (\$250.00) for a first violation; or
 - 2. Five hundred dollars (\$500.00) for a second violation within one (1) year of the first violation; or
 - 3. One thousand dollars (\$1,000.00) for each additional violation within one (1) year of the first violation.
- B. Every person violating any other provision of this chapter shall be subject to an administrative fine not to exceed:
 - 1. One hundred dollars (\$100.00) for a first violation; or
 - 2. Two hundred dollars (\$200.00) for a second violation within one (1) year of the first violation; or
 - 3. Five hundred dollars (\$500.00) for each additional violation within one (1) year of the first violation.
- C. Failure to pay an administrative fine is not punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized will not be assessed. However, the City may levy a lien on the violator's real or personal property, including the vehicle used for vending purposes.
- D. An administrative violation constitutes a separate and distinct violation for each day that it exists and each such violation may be subject to the maximum fine permitted under this chapter.
- E. Appeals of administration citations shall be subject to the procedures set forth in Section 5.64.100.F. When submitting a written request for appeal, the appealing party shall pay the appeal fee, which shall be established by resolution of the City Council, plus the amount of the administrative fine to which the appealing party is subject; provided however, the appeal fee and fine shall be subject to adjustment or waiver in accordance with Section 5.64.120.

5.64.120 ABILITY TO PAY DETERMINATION

- A. Any administrative fine issued to a sidewalk vendor under Section 5.64.110 will be accompanied with a notice of and instruction regarding the right to request an ability-to-pay determination.
- B. If the requestor is receiving public benefits under Government Code Section 68632, subdivision (a), or has a monthly income which is one hundred twenty-five (125) percent or less than the current poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services, the Community Development Director will, upon documentary evidence confirming the requestor's financial hardship, limit the total amount of the requestor's appeal fee and administrative fine to twenty (20) percent of the total and may:
 - 1. Allow the person to complete community service in lieu of paying the total administrative fine; or
 - 2. Waive the appeal fee and/or administrative fine; or,
 - 3. Offer an alternative disposition.

TITLE 10

10.16.140 Conditions for use of public right-of-way by peddlers and vendors.

- A. It is unlawful for any person or entity (collectively "vendor") to stand or park any vehicle, wagon, pushcart or other type of apparatus (collectively "vehicle") from which goods, wares, merchandise, fruits, vegetables or any type of food, refreshments, snacks or meals, hot or cold, are sold, displayed or offered for sale or bartered or exchanged (collectively "food or merchandise") ~~while parked upon any street or public right-of-way which is adjacent to or directly across the street from any school grounds~~ **unless in accordance with Chapter 5.64 of the Hanford Municipal Code .**
- ~~B. Except as set forth in subsection A of this section, a vendor may sell food or merchandise from a vehicle which is parked upon a street or public right-of-way so long as the vendor's vehicle is: (1) parked at curbside and out of the flow of traffic; (2) does not remain stopped in one location upon the street or public right-of-way for a period longer than ten (10) minutes following the vendor's last sale at that location or the expiration of ten (10) minutes, whichever first occurs; the vendor shall move its vehicle a distance of not less than five hundred (500) feet from its last parked location. The provisions of this subsection shall not apply to persons delivering food or merchandise upon order of or by agreement with, a customer from a store or other fixed place of business or distribution.~~
- ~~C. B.~~ It is unlawful for a vendor to sell, display or offer for sale, barter or exchange any food or merchandise without first obtaining a **Vendor Permit and a business license**, ~~to do so from the director of finance for the city or his/her designee~~
- ~~D. In the event it is determined by the director of finance for the city or designee, that a holder of a business license issued under this section has violated any of the provisions thereof or of this section, the director of finance or designee may revoke the business license and as a result of the revocation, no other business license shall thereafter be issued to such~~

~~vendor until six (6) months have elapsed from the date of revocation. The vendor shall have the right to appeal the decision of the director of finance or designee in accordance with the city appeal procedures for revocation of a business license then in effect.~~

- E. C. Subject to Chapter 5.64,** vendors may sell and display their goods and wares along the route of a parade, procession, ceremony or similar event prior to the official start time and after the official time when such event is to conclude.
- F. D.** Vendors shall not sell or display their goods or wares along the route of any parade, procession, ceremony or other similar event which proceeds along a public street after the official start time of such event, except that, after the official start time of such event, vendors may sell and display their goods and wares from locations specifically designated for that purpose by the city.

Title 17

Zoning Ordinance – Revised

Chapter 17.08

Table 17.08.030

Commercial, Office, and Industrial Use Table																
P = Use is Permitted by Right C = Use Requires Conditional Use Permit A = Use Requires Administrative Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed																
Land Uses		Commercial Zones				Mixed Use Zones			Industrial and Office Zones				Other Zones			Specific Land Use Standards (See identified Section)
		C-N	C-R	C-S	C-H	MX-N	MX-C	MX-D	O-R	O	I-L	I-H	AP	PF	CO	
A13	Mobile <u>food</u> vending or food truck	C T	C T	C T	C T	C T	C T	C T		C T	C T	C T				See Chapter 5.64

Chapter 17.76 TEMPORARY USE PERMITS

17.76.010 Purpose.

A temporary use permit provides a mechanism for administrative review and determination for proposed and qualifying short-term uses and activities to ensure that such activities are consistent with the General Plan and the provisions of this title.

17.76.020 Temporary uses exempt from permit requirements.

The following temporary activities and uses are allowed by right and expressly exempt from the requirement of first obtaining a temporary use permit, provided they conform to the listed development standards:

- A. Construction yards, storage sheds, and construction offices (on site) in conjunction with an approved construction project where the yard and/or shed are located on the same site as the approved project.
- B. Emergency public health and safety facilities established by a public agency.
- C. Entertainment and assembly events held within auditoriums, stadiums, or other public assembly facilities, provided the proposed use is consistent with the intended use of the facility.
- D. Entertainment and assembly events as part of an allowed permanent use (e.g., race at a raceway).
- E. Events held exclusively on City property and that are in conjunction with the City use.
- F. Events held exclusively at a school site that are in conjunction with the school use.
- G. Events held exclusively on religious institution or facility site and that are in conjunction with that religious institution or facility use.
- H. Garage and yard sales held on private property.
- I. Outdoor promotional events and seasonal sales related to an existing business with temporary outdoor display and sales of merchandise and seasonal sales in conjunction with an established commercial business that holds a valid business license and is in compliance with the development standards of this title.
- J. Storage containers not in conjunction with an approved construction project when located on in a residential zone district for periods less than seventy-two (72) hours when located in nonresidential zone district for periods less than forty-five (45) days.
- K. **Sidewalk vendors in accordance with Chapter 5.64.**

17.76.030 Temporary use permit required.

The following temporary activities and uses may be allowed, subject to the issuance of a temporary use permit prior in accordance with this chapter and Chapter [17.70](#):

- A. Any use listed in Table [17.08.020](#) or Table [17.08.030](#) that is identified as a temporary use.
- B. Construction yards, storage sheds, and construction offices (off-site) in conjunction with an approved construction project, where the yard is located on a site different from the site of the approved construction project.
- C. Entertainment and assembly events, including carnivals, circuses, concerts, fairs, festivals, food events, fundraisers, haunted houses, outdoor entertainment/sporting events, and similar events designed to attract large crowds and when not otherwise part of or consistent with a permitted use (e.g., race at a raceway).
- D. Farmers markets.
- E. Temporary sales, including swap meets, flea markets, rummage sales, and similar events in locations not specifically designed for such events.
- F. Seasonal sales occurring outdoors when not related to an existing business.
- G. Temporary sales offices.
- H. Temporary land uses on unimproved or partially improved sites in a zoning district that allows that land use on a permanent basis.
- I. Temporary community food banks.
- J. Mobile vending vehicle in accordance with Chapter 5.64.**
- K. Other temporary activities that the Community Development Director determines are similar in nature and intensity to those identified above.

17.76.040 Development standards.

Standards for height, off street parking spaces, setbacks, and other structure and property development standards that apply to the category of use or the zoning district of the subject parcel shall apply to all temporary activities. The Community Development Director may waive requirements for long-term improvements that exceed the duration of the temporary use, including, but not limited to, landscaping and paving of parking lots.

17.76.050 Temporary improvements on a site.

- A. Improvement to property at a level less than what is required by this title may be allowed to support temporary operations on the property yet still ensure public health, safety,

and general welfare. This allowance shall not be used to circumvent or deviate from the requirements for public improvements required at the time of subdivision of property.

- B. The allowance described in subsection A shall be conducted through the temporary use permit process. The permit shall clearly identify what improvements are to be completed and what requirements are being waived for a limited period of time, as well as the time period for which the permit is valid. A temporary use permit allowing improvements less than required shall only be approved if the improvements to be completed are those minimally necessary to ensure public health, safety, and welfare.
- C. At the conclusion of the period authorized by the temporary use permit, either the property shall be brought into compliance with the requirements of this title or use of the property shall cease.

17.76.060 Findings.

The reviewing authority shall make all of the following findings to approve or conditionally approve a temporary use permit:

- 1. The use is a temporary use and will be limited to the specific duration of time that is identified in the temporary use permit.
- 2. The temporary use will not be detrimental to the health, safety, or general welfare of persons, property, or improvements in the vicinity of the proposed use, or to the general welfare of the City.
- 3. The temporary use will not function or be located in a manner that restricts access to required parking areas.
- 4. Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this title.
- 5. The approval includes provisions to ensure that each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use.
- 6. The use is consistent with the General Plan, applicable specific plans, and the provisions of this title.

17.76.070 Conditions.

The Community Development Director may place conditions on the temporary use permit, including, but not limited to, buffers, hours of operation, maintenance, lighting, improvements, parking, performance guarantees, property maintenance, signs, surfacing, time limits, and traffic

circulation. Conditions must be deemed reasonable and necessary to protect the health, safety, or general welfare.

CHAPTER 17.96 DEFINITION OF LAND USES

17.96.020 Land use definitions.

“Mobile food vendor” or “food truck” means and refers to the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise of food or beverages from any vending vehicle or non-motorized cart on a public street or highway or private property. (See additional regulations in Chapter 5.64 of the Municipal Code) (A13)

Notice of Exemption 2020-35

To: ☐ Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

☒ County Clerk
County of Kings
Kings County Government Center
Hanford, CA 93230

From: City of Hanford
317 North Douty Street
Hanford, CA 93230

Project Title: Zone Text Amendment 2020-02 Food Vendor Ordinance

Project Location – City: Hanford **Project Location – County:** Kings County

Description of Nature, Purpose and Beneficiaries of Project: Zone Text Amendment No. 2020-02, A request by the City of Hanford to: - Amend Title 5, adding Chapter 5.64, establishing operating conditions for mobile food vendors; Amend Title 10, Section 10.14.140 conditions for use of public right-of-way by peddlers and vendors was amended to reference the requirements of Section 5.64; Amend Title 17, Section 17.08.030 – Commercial, Office, and Industrial Zone Use Table of the Hanford Municipal Code by adding Mobile Vendors as a temporary use in all commercial zones; Amend Title 17, Section 17.76 to allow mobile vendors as a temporary use; and Amend Title 17, Section 17.96 to amend the definition of mobile food vendor and food trucks;

Name of Public Agency Approving Project: City of Hanford

Name of Person or Agency Carrying Out Project: City of Hanford

Exempt Status: **(check one)**

- ☐ Ministerial (Sec. 21080(b)(1); 152698);
☐ Declared Emergency (Sec. 21080(b)(3); 15269 (a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☐ Categorical Exemption: State type and section number:
☒ Statutory Exemption. State code number: 15061(b)(3) General Rule

Reasons why project is exempt:

The proposed ordinance is exempt under Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The proposed project is a text amendment that is not associated with a physical development; therefore, there are no physical impacts that will result from the project.

Lead Agency

Contact Person: Gabrielle Myers

Area Code/ Telephone: (559) 585-2578

Signature: _____ Date: October 6, 2020

Title: Senior Planner

☒ Signed by Lead Agency Date received for filing at OPR: _____
☐ Signed by Applicant

Attachment: Attachment 2 - Notice of Exemption (Food Vendors Ordinance)



AGENDA STAFF REPORT

MEETING DATE: 8/25/2020	AGENDA SECTION: 2
--------------------------------	--------------------------

SUBJECT:

Conditional Use Permit No. 2020-06: a request by Herb and Joy to allow a Commercial Cannabis Business for a storefront dispensary for retail and delivery of cannabis products in the MX-D zone district. The project is located at 102 S. Douty Street (APN 012-095-006).

See staff report, attached.

FISCAL IMPACT:

ATTACHMENTS:

Staff Report CUP 2020-06
 Resolution No. 2020-10
 Attachment 1 A Site Plan
 Attachment 1 B Floor Plan
 Attachment 2 - Security plan approval Chief Sever
 Attachment 3 Notice of Exemption

**CITY OF HANFORD PLANNING COMMISSION
STAFF REPORT
Tuesday, August 25, 2020**

PROJECT: **Conditional Use Permit No. 2020-06:** a request by Herb and Joy to allow a Commercial Cannabis Business for a storefront dispensary for retail and delivery of cannabis products in the MX-D zone district.

LOCATION: The project is located at 102 S. Douty Street (APN 012-095-006).

STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

1. Adopt Resolution No. 2020-10, approving Conditional Use Permit No. 2020-06.

RECOMMENDED MOTION

1. I move to adopt Resolution No. 2020-10, approving Conditional Use Permit No. 2019-10.

PROJECT DESCRIPTION

The project is a request by Herb and Joy to allow a cannabis dispensary with retail sales and delivery of medical and adult use cannabis. The operation of a dispensary is listed as a conditional use in the MX-D zone district.

The project is located at 102 S. Douty Street in Downtown Hanford, at the corner of Douty and 5th Streets. The site is currently developed with an approximately 2,966 square foot building, formerly used as a chiropractic office. The proposed space will contain a public entrance with a secure door to a retail area, as shown on the attached site plan, **Attachment 1**. Included in the space will be employee only areas, which are not shown on the plans for security purposes. The proposed cannabis dispensary will include onsite retail sales and also delivery services. Preparations for deliveries will take place in the employee only area.

On July 7, 2020, the City Council awarded a dispensary permit to Herb and Joy for a medical and adult use dispensary with delivery services. Upon approval of the conditional use permit and the conclusion any appeal periods, a Commercial Cannabis Business Permit may be issued.

As part of the process, a review of the uses within 600 feet was completed by staff and it was determined that no sensitive uses are located within 600 feet of the proposed location.

Sensitive uses, are established in Section 17.69.030 and as follows:

- a. A school (whether public, private, or charter; including pre-school, transitional kindergarten, and K-12);
- b. A daycare facility serving nine (9) or more children and is licensed by the State;
- c. Any youth facility as defined in State of California [Health and Safety Code](#) Section 11353.1(e)(2). Youth Facility is further defined to mean any public or private facility

that is primarily used to host recreation or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades where ten (10) or more video games or game machines or devices are operated, and where minors are legally permitted to conduct business, or similar amusement park facilities. It shall also include a park, playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on public or private school grounds, or on city, county or state parks. This definition shall not include any private commercial activity including martial arts, yoga, ballet, music or similar studio of this nature nor shall it include any private athletic training facility or pizza parlor, dentist office or doctor's office primarily serving children.

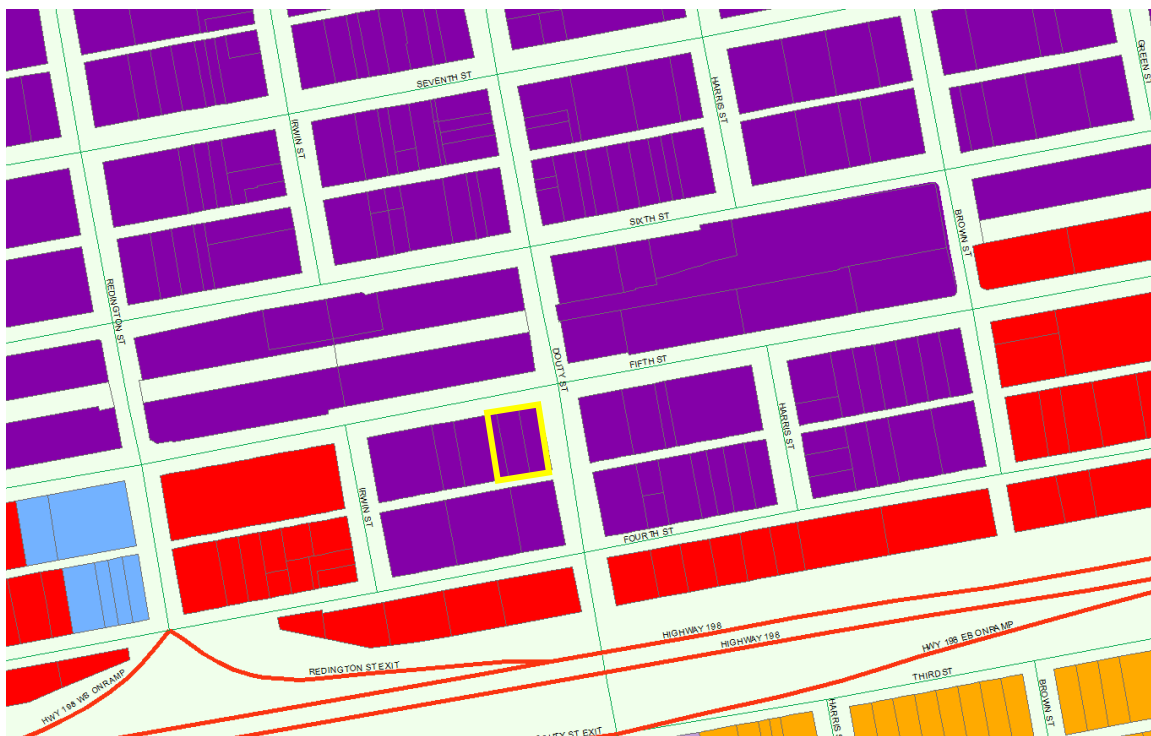
In addition to reviewing the zoning and uses within 600 feet, the applicants are required to undergo a background check. Other items they are evaluated on include location, business plan, community benefits, product safety, labor and enterprise, qualifications and safety and security.

California Erudite Ventures' application states that they will initially hire a Store Manager locally, then local retail employees. It is estimated that they will start with 18 employees and grow to 32 employees. The store will be open to the public 9:00 a.m. to 9:00 p.m. Monday through Saturday, 9:00 a.m. to 8:00 p.m. on Sunday with one hour to open and close.

They will have both interior and exterior security at all times, with one security guard during all open hours and one half hour before and after closing. All commercial cannabis businesses are required to have a security plan approved by the Hanford Police Department, prior to opening and it must be maintained at all times. Due to the sensitive nature of the security plan, it is not included in your staff report. **Attachment 2** is a statement from the Police Chief stating that he has reviewed their preliminary security plan and found it acceptable.

Based on the application, it is estimated that they will have 200 customers per day or an average of 18 per hour. As part of the review, the location was considered for parking. Originally the site only included five parking spaces, however, the applicant has agreed to construct a parking lot on the adjacent parcel, which will result in 19 parking spaces, as shown on the site plan. There is also a large public parking area on Sixth Street that is not heavily used.

Figure 1: Zoning (Property outlined in yellow)



PROJECT EVALUATION

Conformance with the standards of the MX-D zone district

The proposed project is in an existing building that meets all city requirements for site area, lot dimensions, coverage and setbacks.

17.54.040 Off-Street Parking

The project is located within the Central Business Parking District and is therefore allowed to pay parking in-lieu fees “in lieu of” providing physical parking spaces. Retail uses require one space for each 300 hundred square feet, which results in a parking demand of 10 spaces. Given the high turnover of clientele, the applicant is providing 19 spaces by also adding the parking lot to the west.

As part of the City Council award of the contract, the applicant agreed to the following schedule to be open for business.

1. Submit for conditional use permit within 14 days (Complete)
2. Submit building permit to City within 30 days (Incomplete due to revisions requested by the Police Chief)
3. Begin construction within 100 days

4. Hire Management within 210 days
5. Open for Business within 270 days

CONDITIONS OF APPROVAL

1. That all requirements of the Hanford Municipal Code apply to the proposed project, including, but not limited to, Chapter 5.56.
2. That the property be developed as shown on the attached site plan, **Attachment 1**.
3. That the dispensary be open within 270 days from July 7, 2020.
4. That all conditions of this use permit are conditions of the Commercial Cannabis Business Permit No. 2020-01, if issued.
5. That the applicant must maintain a Commercial Cannabis Business Permit, which must be renewed annually and is subject to a renewal fee.
6. That all cannabis operations must be consistent with the materials submitted with the Commercial Cannabis Business Permit application, upon which the award of the permit was based.
7. That the use must be in compliance with all applicable state and local laws and any regulation promulgated thereunder.
8. That all employees/volunteers must be legally allowed to work in a cannabis facility by State law and are required to have a cannabis employee permit issued by the Hanford Police Department.
9. That if the Commercial Cannabis Business Permit expires, or is revoked, this conditional use permit may also be revoked by action of the Planning Commission.
10. That a change in business location for this applicant will require the approval of a new conditional use permit.
11. That at all times the applicant is required to have an approved security plan on file with the Hanford Police Department.
12. That no person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the commercial cannabis business.
13. That the applicant shall dedicate \$50,000 per year to community projects to be approved by the City of Hanford after operations have fully commenced.
14. That the City may inspect the premises at any time, without notice.
15. That this permit shall expire and become null and void two years after the date of approval, unless, prior to the expiration, a building permit is issued and construction commenced and diligently pursued or the use for which the permit was issued has commenced.

Building Division Conditions

16. That building permits must be obtained from the City Building Division for each structure to include but not limited to: buildings, pools, fences, trash enclosures, signs and carports for any structural, plumbing, electrical or mechanical work being done.
17. That no building or structure shall be used or occupied, and no change in the existing occupancy classification of building or structure or portion thereof shall be made until the building official has approved the change and issued a Certificate of Occupancy.
18. That detailed dimensioned plans be provided to the Building Division for each structure prior to obtaining construction permits. Each structure will require a separate submittal and permit.
19. That each structure will require plans and calculations signed by an architect or engineer licensed to practice in the State of California. Each structure will be considered a separate submittal. Grading, Landscaping, Signage and all Fire permits are separate submittals as well and require separate applications and submittals as applicable.
20. That the site, as well as the buildings, shall be made accessible and usable by the disabled, in accordance with the California Building Code, Chapter 11B.
21. That a school impact fee for each square foot of new building area be paid when building permits are issued.
22. That all special inspection reports be submitted to the Building Division prior to final inspection.
23. That all construction shall conform to the Most Current Edition (2019) of the California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Fire Code, California Energy Code and CalGreen.
24. That Kings County Impact Fees shall apply at current rates.
25. That the tenant, lessee, and/or owner are responsible for compliance with the Americans with Disabilities Act. By federal law your facility must be made accessible to the highest degree possible.
26. That the applicant provides a complete set of AS-BUILT drawings on CD, in "tif" format, to the Building Division prior to Final Inspection.
27. That block walls and trash enclosures require separate submittals/permits through the Building Dept.

Utilities Division Conditions

General:

17. That all work within the public street right-of-way shall be under the control of a General Engineering Contractor, licensed for that purpose. Contractor shall verify all conditions in the field prior to commencing construction.

18. That locations of existing water, sanitary sewer and storm drain mains in the vicinity of the project site will be marked by Public Works Department staff based upon the city's best available records. Contractor shall provide city with a minimum of 48 hours prior notice when requesting location of existing utilities at (559) 585-2564. The City of Hanford is not a member of Underground Service Alert (U.S.A.).
19. That all sewer and water utility work and materials shall conform to City of Hanford Standards and Specifications, latest edition.

Water:

20. That the developer shall provide an accurate fixture unit count and size water services in accordance with the requirements of the Uniform Plumbing Code, latest edition.
21. That the developer shall furnish and install any new water service assemblies required for the project including water meters and meter boxes for both domestic and landscape uses. If existing services are utilized, fixture counts to ensure adequate size of service is required.
22. That the developer shall furnish and install appropriate cross connection / backflow prevention assemblies for all required water services, including fire service lines.
23. That all backflow prevention assemblies required for the development shall be tested and approved by a certified technician prior to occupancy. Copies of all backflow test results shall be provided to the City of Hanford Utilities Division.
24. It is recommended that developer install a separate irrigation service to reduce the sewage usage bill. Sewage bills are calculated off of domestic water flows.

Sewer:

25. If an existing sanitary sewer lateral is not serviceable, the developer shall furnish and install a minimum four-inch diameter sanitary sewer lateral to serve the project site.

Engineering Division Conditions

General Requirements:

26. That the development shall comply with all applicable City of Hanford Standard and Specification requirements. Any deviation from said Standards and Specifications must be approved by the City Engineer prior to construction.
27. That an Encroachment Permit for all work located within the public street right-of-way shall be obtained from the Public Works Department prior to start of work. For additional information regarding Encroachment Permit requirements, contact the City Engineering Division at (559) 585-2558.
28. That all financial and other arrangements for planning, engineering, scheduling, installation of and/or relocation/ undergrounding of electric, gas, telecommunications, or other privately owned utilities are the sole responsibility of the developer. The developer is advised that significant project delays may result if utility issues are not resolved prior to start of construction.

29. That the parking lot be developed according to City Standard GE-29 and GE-32.

Drainage Requirements:

30. That the developer shall comply with all applicable State of California requirements pursuant to the National Pollutant Discharge Elimination System (NPDES). If applicable to the project, a Notice of Intent for the development shall be electronically filed by the developer and accepted by the State Water Resource Control Board (SWRCB) prior to any disturbance of soils onsite. Documentation of SWRCB approval of the development shall be required by the City of Hanford prior to start of construction, and the developer shall comply with all SWRCB General Construction Permit requirements during construction. Contact the SWRCB at www.swrcb.ca.gov for further information.
31. That track-out of soil, gravel, or other construction-related materials on to public streets is prohibited.

Curb and Gutter Requirements:

32. That drive approaches be constructed per City Standard CO-41.
33. That the existing concrete curbs and gutters located along the Douty Street and Sixth Street project frontage may remain in place provided they are found to be in functional condition and adequately sloped for proper drainage. Sections damaged during construction, or otherwise found to be in disrepair, shall be removed and replaced with new curbs & gutters installed in conformance with City Standard CO-11.

Sidewalk Requirements:

34. That the existing sidewalks located along the Douty Street and Sixth Street project frontage may remain in place provided they are found to be in functional condition and adequately sloped for proper drainage. Sections damaged during construction, or otherwise found to be in disrepair, shall be removed and replaced with new curbs & gutters installed in conformance with City Standard CO-15.
35. That the ramped curb return at the intersection of Douty Street and Sixth Street shall be removed and replaced per City Standard CO-20.

Development Impact Fees:

36. That development is subject to the following impact fees in accordance with city ordinances no. 90-09, 90-10 and 98-14, or any revisions thereof. Impact fee calculations are based upon square footage of structures as shown on site plan. If changes are made to structure thereby increasing or decreasing structure floor areas, then impact fees will likewise change to reflect actual field conditions. Fees listed below reflect rates effective January 1, 2018. All fees are payable prior to issuance of building permits. (Building area: 7,370 sf – Commercial, impact fees only required for change of use from furniture store to retail)
37. That the development is subject to a \$89,332.43 Transportation Impact Mitigation Fee in accordance with City Resolution No. 98-56-R, or any revisions thereof.

Refuse Division Conditions:

38. That a trash enclosure to be constructed per City specifications and Standard GE-35 with a 20'x10' clear inside curb to curb dimensions.

Fire Department Conditions

39. Provide approved Knox Box for structure.
40. Provide approved ABC type fire extinguishers for businesses.
41. All exiting shall meet fire requirements in California Fire Code section 10.

FINDINGS FOR APPROVAL**Conditional Use Permit No. 2020-06**

In taking action on a Conditional Use Permit, the Planning Commission must make the appropriate findings, in accordance with Section 17.80.030 of the Hanford Municipal Code:

1. The proposed use would not impair the integrity and character of the zoning district in which it is to be located;

ANALYSIS: That the proposed use is an allowed use in the MX-D zone district. The use is consistent with the designation, in that the City Council added commercial cannabis uses to the list of uses in the Municipal Code. The use has been conditioned to address any potential issues that may arise from the commercial cannabis dispensary that would result in impacts to the integrity of the zoning district.

2. The proposed use would be compatible with existing land uses and future permitted land uses within the zoning district in which the proposed use is to be located;

ANALYSIS: That the use is a cannabis dispensary, a retail business which is an allowed use and compatible with the adjacent uses. The use is compatible with the existing land uses and future permitted land uses in the District as the MX-D zone is one of the primary retail districts in Hanford. The applicant was awarded a Commercial Cannabis Business Permit by the City Council after going through a thorough application process to ensure that the proposed use and operations would not conflict with the surrounding uses and the community as a whole.

3. The proposed use is consistent with the General Plan;

ANALYSIS: That the project is consistent with the General Plan Policy that provide that the Downtown be maintained as a retail district. The proposed use meets the intent of the General Plan in that it provides for the retail sales and delivery of medical and adult cannabis.

4. There will not be significant effects upon the quality of the environment and natural resources;

ANALYSIS: This project is categorically exempt from further environmental review, as per Section 15301 Existing Facilities and 15332 Infill Projects of the California Environmental Quality Act (CEQA) Guidelines. A Notice of Exemption has been prepared and is attached as **Attachment 3**.

5. The proposed location, size, design, and operating characteristics of the proposed use would not be detrimental to the public interests, health, safety, convenience or welfare of the city and that any incompatible impacts of the proposed use are mitigated by conditions of approval.

ANALYSIS: That this application has been reviewed by the various City departments and evaluated for conformity with the requirements of the Hanford Municipal Code Section 17.28 for the MX-D Downtown Mixed Use district. Any improvements required for public health, safety, and welfare have been made conditions of approval.

PUBLIC COMMENTS

A Notice of Public Hearing for a Conditional Use Permit was noticed in the Hanford Sentinel and mailed to property owners on August 13, 2020 within 300 feet of the project site.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from further environmental review, as per Section 15301 Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines. Categorical Exemption 2020-36.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

1. Adopt Resolution No. 2020-10, approving Conditional Use Permit No. 2020-06.

PRINCIPAL OWNERS/MANAGERS: Dr. Rajan Dave, Jeff Linden, Amanda Howard, Arjun Dave, and Dr. Sarah Clark, property owner.

RESOLUTION NO. 2020-11

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HANFORD
PERTAINING TO CONDITIONAL USE PERMIT 2020-06, A REQUEST BY HERB AND JOY
TO ALLOW A COMMERCIAL CANNABIS BUSINESS FOR A STOREFRONT DISPENSARY
FOR RETAIL AND DELIVERY OF CANNABIS PRODUCTS IN THE MX-D ZONE DISTRICT.
THE PROJECT IS LOCATED AT 102 S DOUTY (APN 012-095-006).**

At a regular meeting of the City of Hanford Planning Commission duly called and held on August 25, 2020 on motion of Commissioner _____, seconded by Commissioner _____, and duly carried, the following resolution was adopted:

WHEREAS, Conditional Use Permit No. 2020-06, a request by Herb and Joy to allow a commercial cannabis business for a storefront dispensary for retail and delivery of cannabis products in the MX-D Downtown Mixed Use zone district, has been reviewed by the Planning Commission of the City of Hanford in accordance with Title 17 of the Hanford Municipal Code; and

WHEREAS, the project is located at 102 S. Douty Street (APN 012-095-006); and

WHEREAS, the site will be developed, as shown in the attached site plan and as approved by the Community Development Director and Police Chief for areas not shown for security purposes, attached as **Exhibit A**; and

WHEREAS, staff, the various governmental departments, and the Planning Commission have given careful consideration to this conditional use permit application and have made recommendations thereon; and

WHEREAS, the project is categorically exempt from further environmental review, as per Section 15301 Existing facilities and 15332 Infill of the California Environmental Quality Act (CEQA) Guidelines and a Notice of Exemption 2020-36 has been prepared for the project; and

WHEREAS, on the basis of the facts and evidence provided in the staff report and the written and oral evidence presented at the public hearing, the Planning Commission hereby makes the following findings pursuant to Section 17.80.050 of the Hanford Municipal Code:

1. The proposed use would not impair the integrity and character of the zoning district in which it is to be located;

ANALYSIS: That the proposed use is an allowed use in the MX-D zone district. The use is consistent with the designation, in that the City Council added commercial cannabis uses to the list of uses in the Municipal Code. The use has been conditioned to address any potential issues that may arise from the commercial cannabis dispensary that would result in impacts to the integrity of the zoning district.

2. The proposed use would be compatible with existing land uses and future permitted land uses within the zoning district in which the proposed use is to be located;

ANALYSIS: That the use is a cannabis dispensary, a retail business which is an allowed use and compatible with the adjacent uses. The use is compatible with the existing land uses and future permitted land uses in the District as the MX-D zone is one of the primary retail districts

in Hanford. The applicant was awarded a Commercial Cannabis Business Permit by the City Council after going through a thorough application process to ensure that the proposed use and operations would not conflict with the surrounding uses and the community as a whole.

3. The proposed use is consistent with the General Plan;

ANALYSIS: That the project is consistent with the General Plan Policy that provide that the Downtown be maintained as a retail district. The proposed use meets the intent of the General Plan in that it provides for the retail sales and delivery of medical and adult cannabis.

4. There will not be significant effects upon the quality of the environment and natural resources;

ANALYSIS: This project is categorically exempt from further environmental review, as per Section 15301 Existing Facilities and 15332 Infill Projects of the California Environmental Quality Act (CEQA) Guidelines. A Notice of Exemption has been prepared and is attached as **Attachment 3**.

5. The proposed location, size, design, and operating characteristics of the proposed use would not be detrimental to the public interests, health, safety, convenience or welfare of the city and that any incompatible impacts of the proposed use are mitigated by conditions of approval.

ANALYSIS: That this application has been reviewed by the various City departments and evaluated for conformity with the requirements of the Hanford Municipal Code Section 17.28 for the MX-D Downtown Mixed Use district. Any improvements required for public health, safety, and welfare have been made conditions of approval.

THEREFORE, BE IT RESOLVED that Conditional Use Permit No. 2020-06 be approved, subject to the conditions of approval as follows:

1. That all requirements of the Hanford Municipal Code apply to the proposed project, including, but not limited to, Chapter 5.56.
2. That the property be developed as shown on the attached site plan, **Attachment 1**.
3. That the dispensary be open within 270 days from July 7, 2020.
4. That all conditions of this use permit are conditions of the Commercial Cannabis Business Permit No. 2020-01, if issued.
5. That the applicant must maintain a Commercial Cannabis Business Permit, which must be renewed annually and is subject to a renewal fee.
6. That all cannabis operations must be consistent with the materials submitted with the Commercial Cannabis Business Permit application, upon which the award of the permit was based.
7. That the use must be in compliance with all applicable state and local laws and any regulation promulgated thereunder.
8. That all employees/volunteers must be legally allowed to work in a cannabis facility by State law and are required to have a cannabis employee permit issued by the Hanford Police Department.

9. That if the Commercial Cannabis Business Permit expires, or is revoked, this conditional use permit may also be revoked by action of the Planning Commission.
10. That a change in business location for this applicant will require the approval of a new conditional use permit.
11. That at all times the applicant is required to have an approved security plan on file with the Hanford Police Department.
12. That no person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the commercial cannabis business.
13. That the applicant shall dedicate \$50,000 per year to community projects to be approved by the City of Hanford after operations have fully commenced.
14. That the City may inspect the premises at any time, without notice.
15. That this permit shall expire and become null and void two years after the date of approval, unless, prior to the expiration, a building permit is issued and construction commenced and diligently pursued or the use for which the permit was issued has commenced.

Building Division Conditions

16. That building permits must be obtained from the City Building Division for each structure to include but not limited to: buildings, pools, fences, trash enclosures, signs and carports for any structural, plumbing, electrical or mechanical work being done.
17. That no building or structure shall be used or occupied, and no change in the existing occupancy classification of building or structure or portion thereof shall be made until the building official has approved the change and issued a Certificate of Occupancy.
18. That detailed dimensioned plans be provided to the Building Division for each structure prior to obtaining construction permits. Each structure will require a separate submittal and permit.
19. That each structure will require plans and calculations signed by an architect or engineer licensed to practice in the State of California. Each structure will be considered a separate submittal. Grading, Landscaping, Signage and all Fire permits are separate submittals as well and require separate applications and submittals as applicable.
20. That the site, as well as the buildings, shall be made accessible and usable by the disabled, in accordance with the California Building Code, Chapter 11B.
21. That a school impact fee for each square foot of new building area be paid when building permits are issued.
22. That all special inspection reports be submitted to the Building Division prior to final inspection.
23. That all construction shall conform to the Most Current Edition (2019) of the California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Fire Code, California Energy Code and CalGreen.

24. That Kings County Impact Fees shall apply at current rates.
25. That the tenant, lessee, and/or owner are responsible for compliance with the Americans with Disabilities Act. By federal law your facility must be made accessible to the highest degree possible.
26. That the applicant provides a complete set of AS-BUILT drawings on CD, in "tif" format, to the Building Division prior to Final Inspection.
27. That block walls and trash enclosures require separate submittals/permits through the Building Dept.

Utilities Division Conditions

General:

17. That all work within the public street right-of-way shall be under the control of a General Engineering Contractor, licensed for that purpose. Contractor shall verify all conditions in the field prior to commencing construction.
18. That locations of existing water, sanitary sewer and storm drain mains in the vicinity of the project site will be marked by Public Works Department staff based upon the city's best available records. Contractor shall provide city with a minimum of 48 hours prior notice when requesting location of existing utilities at (559) 585-2564. The City of Hanford is not a member of Underground Service Alert (U.S.A.).
19. That all sewer and water utility work and materials shall conform to City of Hanford Standards and Specifications, latest edition.

Water:

20. That the developer shall provide an accurate fixture unit count and size water services in accordance with the requirements of the Uniform Plumbing Code, latest edition.
21. That the developer shall furnish and install any new water service assemblies required for the project including water meters and meter boxes for both domestic and landscape uses. If existing services are utilized, fixture counts to ensure adequate size of service is required.
22. That the developer shall furnish and install appropriate cross connection / backflow prevention assemblies for all required water services, including fire service lines.
23. That all backflow prevention assemblies required for the development shall be tested and approved by a certified technician prior to occupancy. Copies of all backflow test results shall be provided to the City of Hanford Utilities Division.
24. It is recommended that developer install a separate irrigation service to reduce the sewage usage bill. Sewage bills are calculated off of domestic water flows.

Sewer:

25. If an existing sanitary sewer lateral is not serviceable, the developer shall furnish and install a minimum four-inch diameter sanitary sewer lateral to serve the project site.

Engineering Division Conditions

General Requirements:

26. That the development shall comply with all applicable City of Hanford Standard and Specification requirements. Any deviation from said Standards and Specifications must be approved by the City Engineer prior to construction.
27. That an Encroachment Permit for all work located within the public street right-of-way shall be obtained from the Public Works Department prior to start of work. For additional information regarding Encroachment Permit requirements, contact the City Engineering Division at (559) 585-2558.
28. That all financial and other arrangements for planning, engineering, scheduling, installation of and/or relocation/ undergrounding of electric, gas, telecommunications, or other privately owned utilities are the sole responsibility of the developer. The developer is advised that significant project delays may result if utility issues are not resolved prior to start of construction.
29. That the parking lot be developed according to City Standard GE-29 and GE-32.

Drainage Requirements:

30. That the developer shall comply with all applicable State of California requirements pursuant to the National Pollutant Discharge Elimination System (NPDES). If applicable to the project, a Notice of Intent for the development shall be electronically filed by the developer and accepted by the State Water Resource Control Board (SWRCB) prior to any disturbance of soils onsite. Documentation of SWRCB approval of the development shall be required by the City of Hanford prior to start of construction, and the developer shall comply with all SWRCB General Construction Permit requirements during construction. Contact the SWRCB at www.swrcb.ca.gov for further information.
31. That track-out of soil, gravel, or other construction-related materials on to public streets is prohibited.

Curb and Gutter Requirements:

32. That drive approaches be constructed per City Standard CO-41.
33. That the existing concrete curbs and gutters located along the Douty Street and Sixth Street project frontage may remain in place provided they are found to be in functional condition and adequately sloped for proper drainage. Sections damaged during construction, or otherwise found to be in disrepair, shall be removed and replaced with new curbs & gutters installed in conformance with City Standard CO-11.

Sidewalk Requirements:

34. That the existing sidewalks located along the Douty Street and Sixth Street project frontage may remain in place provided they are found to be in functional condition and adequately sloped for proper drainage. Sections damaged during construction, or otherwise found to be in disrepair, shall be removed and replaced with new curbs & gutters installed in conformance with City Standard CO-15.
35. That the ramped curb return at the intersection of Douty Street and Sixth Street shall be removed and replaced per City Standard CO-20.

Development Impact Fees:

36. That development is subject to the following impact fees in accordance with city ordinances no. 90-09, 90-10 and 98-14, or any revisions thereof. Impact fee calculations are based upon square footage of structures as shown on site plan. If changes are made to structure thereby increasing or decreasing structure floor areas, then impact fees will likewise change to reflect actual field conditions. Fees listed below reflect rates effective January 1, 2018. All fees are payable prior to issuance of building permits. (Building area: 7,370 sf – Commercial, impact fees only required for change of use from furniture store to retail)
37. That the development is subject to a \$89,332.43 Transportation Impact Mitigation Fee in accordance with City Resolution No. 98-56-R, or any revisions thereof.

Refuse Division Conditions:

38. That a trash enclosure to be constructed per City specifications and Standard GE-35 with a 20'x10' clear inside curb to curb dimensions.

Fire Department Conditions

39. Provide approved Knox Box for structure.
40. Provide approved ABC type fire extinguishers for businesses.
41. All exiting shall meet fire requirements in California Fire Code section 10.

PASSED AND ADOPTED at a regular meeting of the Hanford City Planning Commission by the following vote:

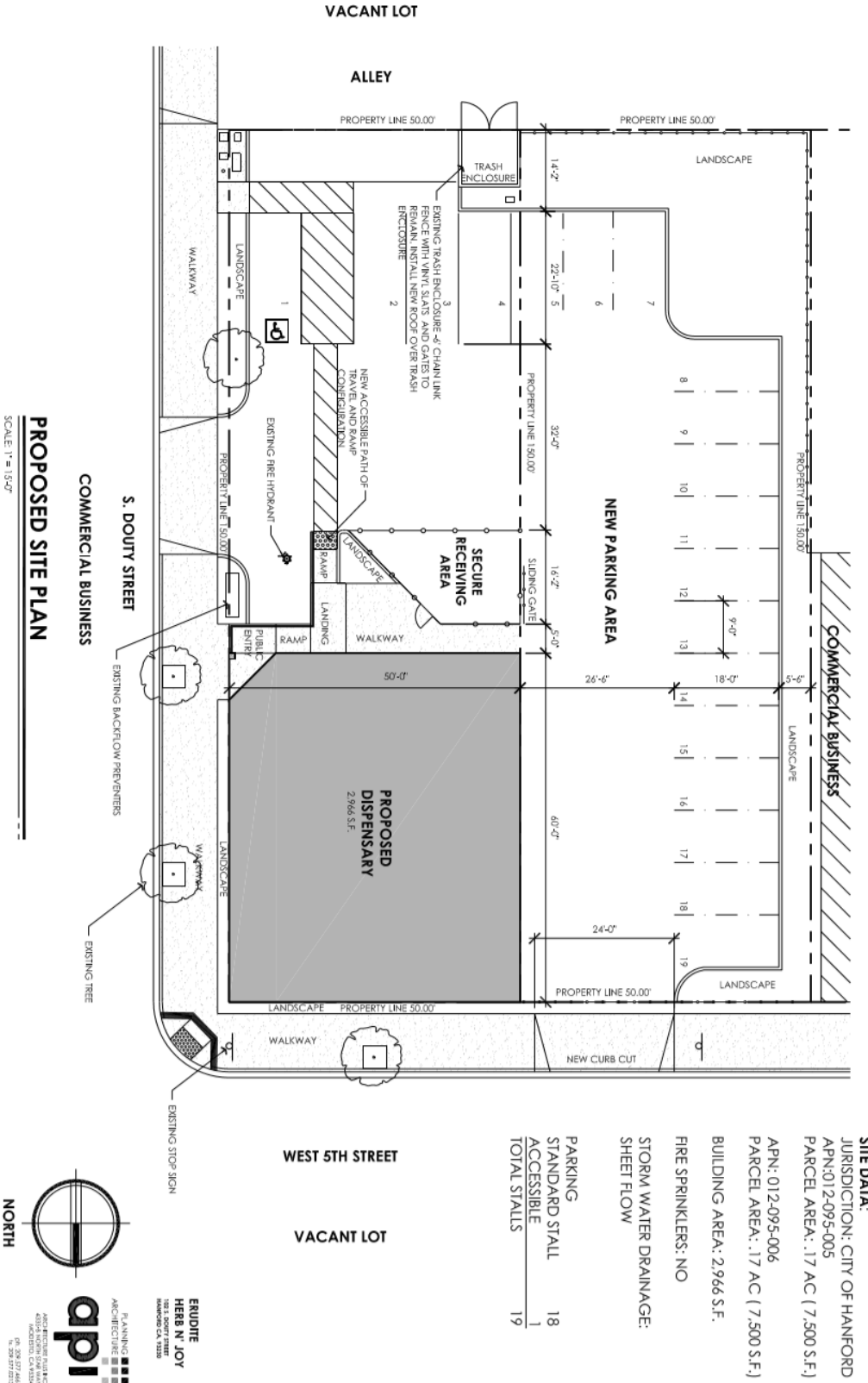
AYES:	Commissioners
NOES:	Commissioners
ABSTAIN:	Commissioners
ABSENT:	Commissioners

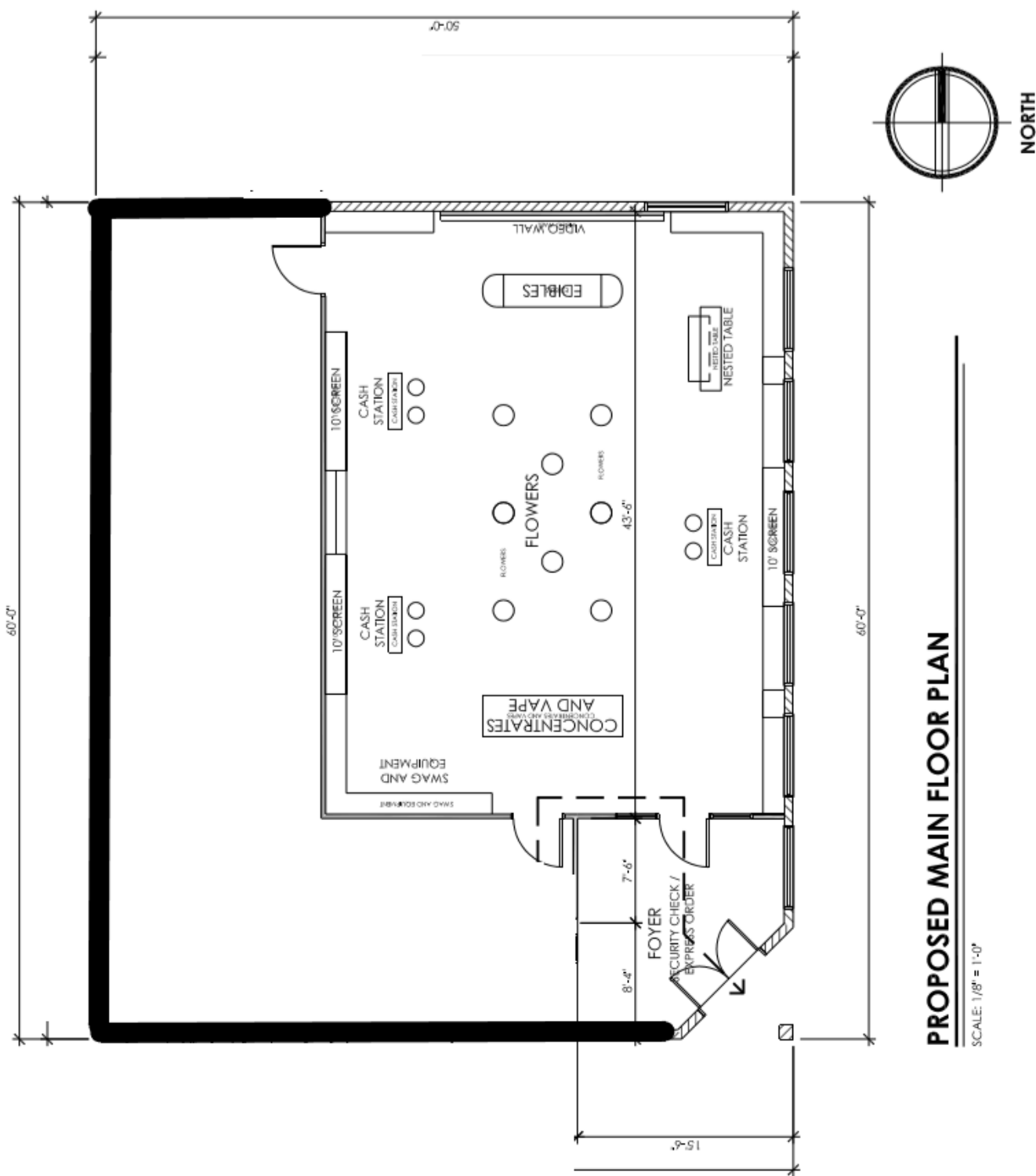
STATE OF CALIFORNIA)
COUNTY OF KINGS) ss
CITY OF HANFORD)

I, **DARLENE R. MATA**, Secretary of the City of Hanford Planning Commission, do hereby certify the foregoing Resolution was duly passed and adopted by the Planning Commission of the City of Hanford at a regular meeting thereof held on the 25th day of August 2020.

Darlene R. Mata, Secretary

Exhibit A
Site Plan





PROPOSED MAIN FLOOR PLAN

SCALE: 1/8" = 1'-0"

SITE DATA:

JURISDICTION: CITY OF HANFORD

APN:012-095-005

PARCEL AREA: .17 AC (7,500 S.F.)

APN: 012-095-006

PARCEL AREA: .17 AC (7,500 S.F.)

BUILDING AREA: 2,966 S.F.

FIRE SPRINKLERS: NO

STORM WATER DRAINAGE:
SHEET FLOW

PARKING	
STANDARD STALL	18
ACCESSIBLE	1
TOTAL STALLS	19

VACANT LOT

ALLEY

WEST 5TH STREET

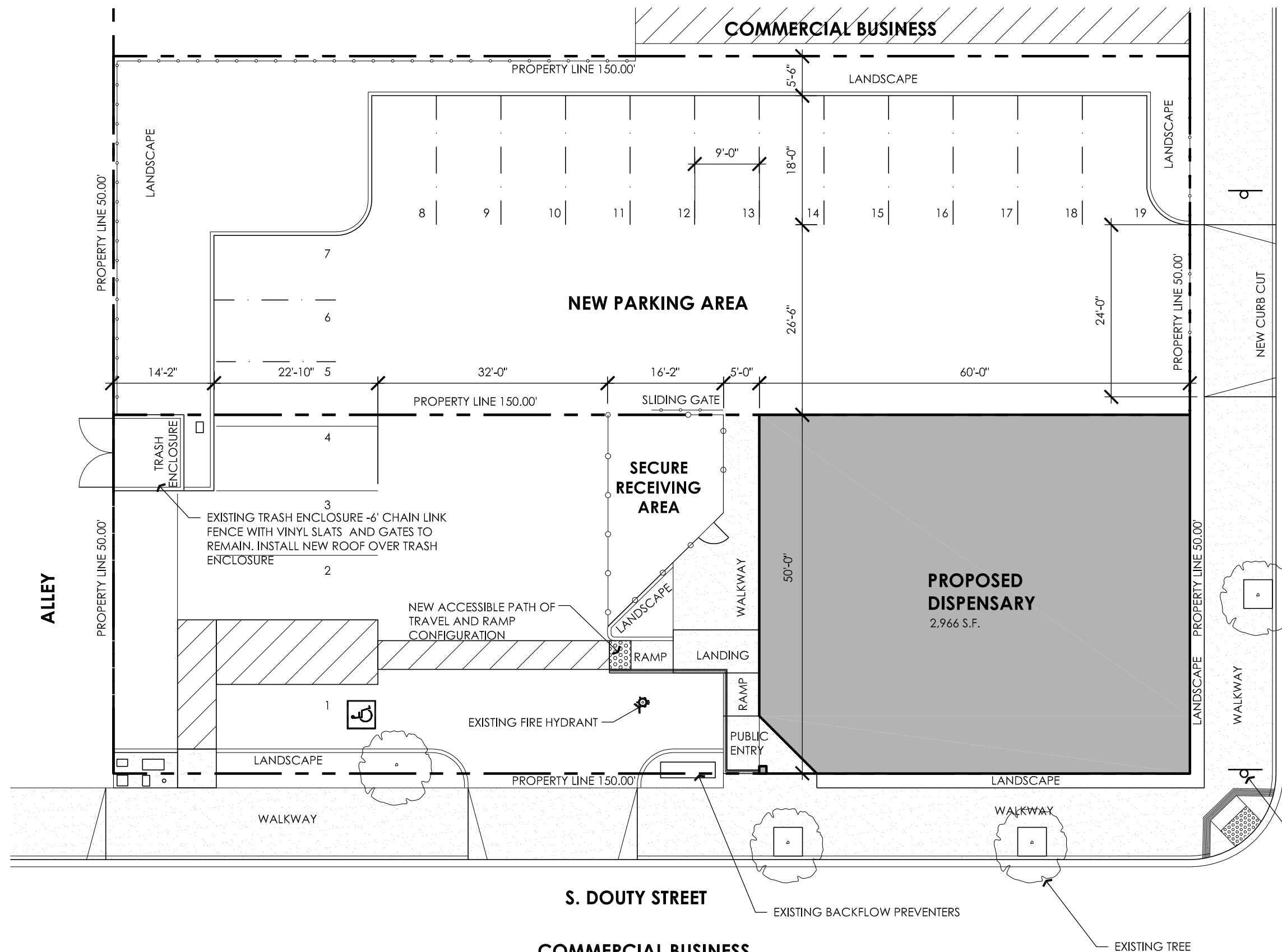
VACANT LOT

S. DOUTY STREET

COMMERCIAL BUSINESS

PROPOSED SITE PLAN

SCALE: 1" = 15'-0"



**ERUDITE
HERB N' JOY**
102 S. DOUTY STREET
HANFORD CA, 93230

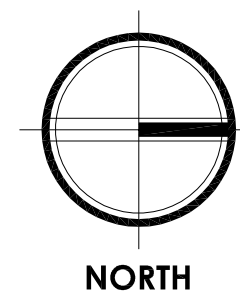
PLANNING
ARCHITECTURE

api

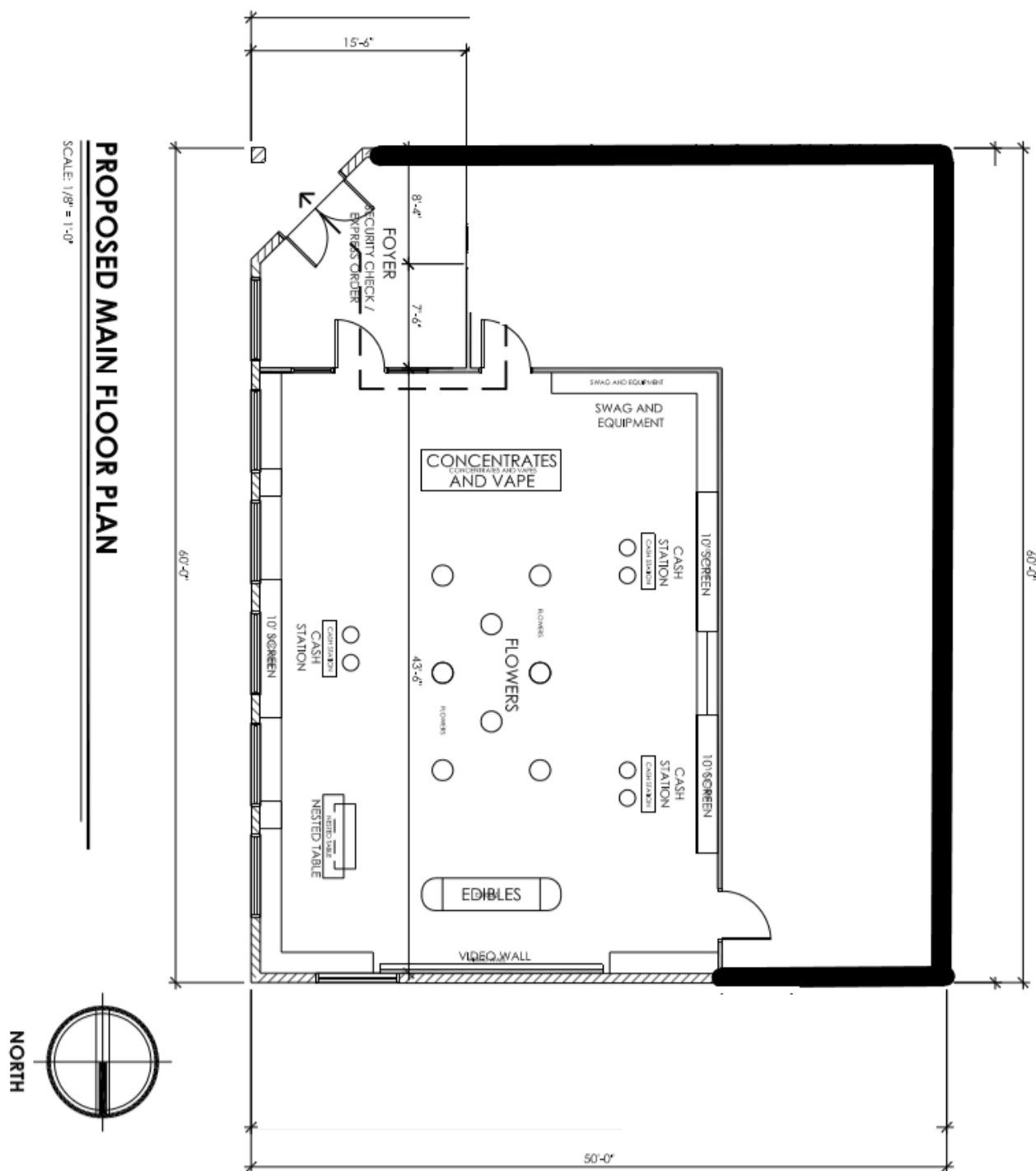
ARCHITECTURE PLUS IN
4335-B NORTH STAR W.
MODESTO, CA 953

ph. 209.577.44
fx. 209.577.0213

www.aplarc.com



api COPY





PARKER SEVER, CHIEF OF POLICE

425 N Irwin Street
Hanford, CA 93230
(559)585-2540

City of **H A N F O R D**
HANFORD POLICE DEPARTMENT

August 19, 2020

Darlene Mata
Community Development Director
315 N. Douty Street
Hanford, CA 93230

Dear Ms. Mata,

I have reviewed the security detail provided by Jeff Lindon of Herb-n-joy as part of the site plan review and found it to be within established guidelines. We will continue to work with Jeff Lindon through the process to ensure it is implemented as presented.

Thank You,

Parker Sever, Chief of Police

Notice of Exemption 2020-36

To: ☐ Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

☒ County Clerk
County of Kings
Kings County Government Center
Hanford, CA 93230

From: City of Hanford
317 North Douty Street
Hanford, CA 93230

Project Title: Conditional Use Permit 2020-06

Project Applicant: Herb and Joy

Project Location: 102 S. Douty Street, California (APN 012-095-006)

Project Location – City: Hanford **Project Location – County:** Kings County

Description of Nature, Purpose and Beneficiaries of Project: request by Herb and Joy to allow a Commercial Cannabis Business for a storefront dispensary for retail and delivery of cannabis products in the MX-D zone district.

Name of Public Agency Approving Project: City of Hanford

Name of Person or Agency Carrying Out Project: California Erudite Ventures dba Herb and Joy

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1);15268);
☐ Declared Emergency (Sec. 21080(b)(3);15269 (a));
☐ Emergency Project (21080(b)(4);15269(b)(c));
☒ Categorical Exemption: State type and section number: 15301, 15332
☐ Statutory Exemption. State code number: 15282(v)

Reasons why project is exempt:

This project is categorically exempt from further environmental review, as per Section 15301 Existing Facilities and 15332 Infill Projects of the California Environmental Quality Act (CEQA) Guidelines. The proposed project will occupy an existing building with no additional square footage and is surrounded by urban development.

Lead Agency Contact Person: Darlene R. Mata Area Code/ Telephone: (559) 585-2580

Signature: _____ Date: _____ Title: Community Development Director

- ☒ Signed by Lead Agency
☐ Signed by Applicant

Date received for filing at OPR: _____

Attachment: Attachment 3 Notice of Exemption (HerbNJoy CUP 2020-06)