

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

TUESDAY, OCTOBER 4, 2022

6:00 P.M.

Council Chambers, City Hall
212 S. Vanderhurst Avenue, King City, CA

**The Planning Commission meeting will be conducted in hybrid in-person/virtual format.
*To join the meeting virtually, please use the link below to join the Zoom meeting:***

Click on the following link:

<https://us06web.zoom.us/j/88410724459?pwd=RTZYZ2F4ZldibUJtb2Z1YjUvZ0d0Zz09>

or Call the following number **+1 669 444 9171 US** and enter in

Meeting ID: 884 1072 4459

Passcode: 348141

1. CALL TO ORDER

2. FLAG SALUTE

3. ROLL CALL:

Planning Commission Members: Oscar Avalos, Paulette Bumbalough, David Mendez, Steve Wilson, and Chairperson David Nuck

4. PUBLIC COMMENTS

PLEASE STATE YOUR NAME AND RESIDENCE FOR THE RECORD.

Any member of the public may address the Planning Commission for a period not to exceed *three minutes* total on any item of interest within the jurisdiction of this Commission that is not on the agenda. The Commission will listen to all communications; however, in compliance with the Brown Act, the Commission cannot act on items not on the agenda. Comments should be directed to the Commission as a whole and not to any individual Commissioners. Slanderous, profane or personal remarks against any Commissioner, staff member or member of the audience is not permitted.

5. PRESENTATIONS

None

6. CONSENT AGENDA

All matters listed under the Consent Agenda are considered routine and may be approved by one action of the Planning Commission unless any member of the Planning Commission wishes to remove an item for separate consideration.

- A. Meeting Minutes of September 6, 2022 Planning Commission Meeting
Recommendation: Approve and file.

7. NON-PUBLIC HEARING

A. Proposal: Discuss guidelines, standards, permitting and other requirements for mobile food vendors and motorized food vendors.

Location: Citywide

Environmental
Determination:

Staff has determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

Recommendation: Provide direction to staff.

8. PUBLIC HEARING

None

9. PLANNING COMMISSIONER REPORTS

10. DIRECTOR'S REPORT

- A. Cal Poly Planning Laboratory

11. WRITTEN CORRESPONDENCE

12. ADJOURN

The City of King is an equal opportunity provider and employer.

UPCOMING REGULAR MEETINGS

OCTOBER 2022

October 4th	6:00 p.m.	Planning Commission
October 10th	6:00 p.m.	Airport Advisory Committee
October 11th	6:00 p.m.	City Council
October 17th	6:00 p.m.	Recreation Commission
October 18th	6:00 p.m.	Planning Commission
October 25th	6:00 p.m.	City Council

ADT: Average daily trips made by vehicles or persons in a 24-hour period

ALUC: Airport Land Use Commission

AMBAG: The Association of Monterey Bay Area Governments. The AMBAG region includes Monterey, San Benito and Santa Cruz Counties, and serves as both a federally designated Metropolitan Planning Organization and Council of Government. AMBAG manages the region's transportation demand model and prepares regional housing, population and employment forecast that are utilized in a variety of regional plans.

APCD: Air Pollution Control District

AR: Architectural Review

BMP: Best Management Practice, Bike Master Plan

CAP: Climate Action Plan

CC&Rs: Covenants, Conditions, and Restrictions (private agreements among property owners; the City has no authority to enforce these)

CDBG: Community Development Block Grant (a federal grant program designed to benefit low and moderate income persons)

CE: Categorical Exemption.

CEQA: California Environmental Quality Act

CFD: Community Facilities District

COG: A council of government, or regional council, is a public organization encompassing a multi-jurisdictional regional community. It serves the local governments by dealing with issues that cross political boundaries.

CUP: Conditional Use Permit

EIR: Environmental Impact Report

EIS: Environmental Impact Statement

Ex-Parte: Communication between Planning Commissioners and applicants outside of a public meeting

FEMA: Federal Emergency Management Agency

GHG: Greenhouse gas

HOME: Home Investment Partnership Act (a federal program to assist housing for low and moderate income households)

HCP: Habitat Conservation Plan

HCD: State Department of Housing & Community Development

HUD: U.S. Department of Housing and Urban Development

LAFCO: Local Agency Formation Commission

LID: Low Impact Development (measures to reduce rainwater runoff impacts)

LLA: Landscaping and Lighting District

LOS: Level of Service (a measurement of traffic efficiency used by Caltrans)

MMTC: A multimodal transit center includes a combination of alternative modes of transportation so people do not have to only rely on vehicles.

MMTC: Multi-modal Transit Center.

MOU: Memorandum of Understanding

MND: Mitigated Negative Declaration

MPO: A metropolitan planning organization is a federally mandated and federally funded transportation policy-making organization, such as AMBAG, that is made up of representatives from local government to help implement transportation projects and projects.

Neg Dec: Negative Declaration (a CEQA statement that a project will not have a significant effect on the environment)

NEPA: National Environmental Policy Act.

SLOCOG: San Luis Obispo Council of Government

SOI: Sphere of Influence.

TAMC: The Transportation Agency for Monterey County develops and maintains a multimodal transportation system for Monterey County. TAMC consists of local officials from each Monterey city (12 cities) and five (5) county supervisorial districts, and ex-officio members from six (6) public agencies.

TOT: Transient Occupancy Tax

Variance: A form of relief from zoning development regulations based on physical constraints of a property that prevents development of the same type of buildings allowed on other properties within the same zone and in the same neighborhood

VMT: Vehicle Miles Traveled

Planning Commission Minutes
September 6, 2022

1. Call to Order

Chair Nuck called the regular meeting of the Planning Commission of the City of King to order at 6:00 p.m.

2. Pledge of Allegiance

Chair Nuck led the Commission and audience in the Pledge of Allegiance.

3. Roll Call

Chairperson David Nuck X Oscar Avalos X

Paulette Bumbalough X

David Mendez X Steve Wilson X

Staff present: Community Development Director, Doreen Liberto; Public Works Director, Octavio Hurtado; Planning Commission Secretary, Erica Sonne.

4. Public Comments

None

5. Public Hearing

None

6. Consent Calendar

All matters listed on the Consent Calendar are considered routine and may be approved by one action of the Planning Commission unless any member of the Planning Commission wishes to remove an item for separate consideration.

A. Approval of Minutes: August 2, 2022

Action: Motion to adopt to approve August 2, 2022 minutes with corrections by Commissioner Bumbalough and seconded by Commissioner Wilson. Motion carried 5-0.

7. NON- PUBLIC HEARINGS –

A	Project:	Recirculated King City Waste Water Treatment Plant Improvements Initial Study/Mitigated Negative Declaration
	Applicant:	City of King
	Location:	Located north of the City limits on the east side of Highway 101, City of King
	Consideration:	King City Waste Water Treatment Plant Improvements Initial Study / Mitigated Negative Declaration.

The proposed Project beginning design state illustrates the construction of a new wastewater treatment facility intended to comply with new discharge requirements, produce unrestricted re-use quality recycled water and provide adequate treatment capacity for the next 20-years. Project construction will involve:

- 1) the construction of new wastewater treatment facilities which will

provide 1.3 million gallons per day (MGD) of secondary treatment capacity after completion of Phase I of construction with an ultimate total facility capacity of 1.7 to 2.2 mgd. Current permitted capacity of the treatment plant is 1.2 mgd. As such, Phase I represents an increase of a maximum of 1.0 mgd. of total facility capacity;

2) provision of tertiary treatment facilities which will produce recycled water for agricultural and landscape irrigation and

3) provision of effluent disposal facilities. Construction of these proposed treatment facilities will occur within approximately 11.2 acres, all of which are located within the boundaries of the existing WWTP boundaries ***The WWTP improvements therefore result in a reduced development “footprint.”***

Recommendation: Planning Commission continue this item indefinitely. Staff will re-advertise and reschedule a public hearing.

Environmental Determination: An Initial Study (IS) was prepared in accordance with the California Environmental Quality Act (CEQA) on the Wastewater Treatment Plan Improvement Project (Project). The IS concluded that a Mitigated Negative Declaration (MND) would be applicable to the Project. The MND had a review period of April 28, 2021, to May 27, 2021. After receiving comments, the IS/MND was re-circulated on July 20, 2022 to August 18, 2022.

Community Development Director Doreen Liberto introduced this item.

Action: Motion to adopt Planning Commission continue this item indefinitely by Commissioner Avalos and seconded by Commissioner Mendez. Motion carried 5-0.

8. PUBLIC HEARINGS-

None

9. Planning Commission Report –

10. Director Reports- A. Arboleda Linear Park Status Update

Commissioner Wilson wanted to know about the details of the path and if there are designated bicycle paths. He didn't feel it was 10 ft. wide. He suggested stations for pet waste bags.

11. Written Correspondence– None

12. Adjournment

There being no further business, the Planning Commission meeting was adjourned by Chair Nuck at 6:27p.m.

David Nuck
Planning Commission Chairperson
City of King

Erica Sonne
Planning Commission Secretary
City of King



Item No. 7 (A)

REPORT TO THE PLANNING COMMISSION

DATE: OCTOBER 4, 2022

TO: HONORABLE CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR

RE: DISCUSSION REGARDING MOBILE FOOD VENDORS

RECOMMENDATION:

Staff recommends the Planning Commission discuss and provide direction related to preparing regulations for Mobile Food Vendors.

BACKGROUND:

Over the past few years, the City has received several inquiries from mobile food vendors regarding regulations for operating on private property and within the public right-of-way. With the number of aspiring mobile food businesses and demand for their products on the rise, food vendors offer a viable path for small business incubation. They can be popular due to their convenience, lower prices, and ease of business startup. However, mobile food vendors compete for customers with brick-and-mortar restaurants.

The City has issued Temporary Use Permits (TUP) to allow mobile food vendors. However, the uses are allowed for only one year under a TUP. While this serves to provide some limits on food trucks, staff is seeking the Planning Commission's direction on formulating other specific policy and regulatory requirements that would be incorporated into the Municipal Code to address additional issues and concerns.

DISCUSSION

The Municipal Code identifies mobile food facilities as "Itinerant Vendors." (MC Section 5.34.010 (b)). An Itinerant Vendor means any person setting up a temporary place for selling goods and includes "mobile food facility" as defined in the California Retail Food Code (CRFC). The CRFC contains structural, equipment and operational requirements for all retail food facilities. Chapter 10 of the CRFC addresses Mobile Food Facilities.

Municipal Code Section 5.32.115 provides regulations concerning Itinerant Vendors. The County of Monterey Environmental Health Department issues health permits and inspects all retail food facilities focuses on: 1. Improperly holding temperatures, 2. Poor personal hygiene, 3. Inadequate cooking; 4. Contaminated equipment; and 5. Food from an unsafe course. However, the City has limited regulations related to the location, and operational standards.

(Some of the following items were taken from the APA Planning for Food Trucks QuickNotes.)

Mobile food vendors offer a lower cost alternative to opening a brick-and-mortar restaurant. Being mobile allows a food vendor to expand its customer base beyond the catchment area of a fixed location. Popular mobile food vendors attract foot traffic and encourage social interaction. In communities with lively food vendor scenes, local gatherings featuring multiple vendors often serve as attractions for local residents and visitors alike.

However, successful centralized food truck locations are typically found in highly dense cities with a population base sufficient to support both the food trucks and brick and mortar restaurants as people look for dining options. Despite economic and social opportunities, mobile food vendors pose challenges for communities as they try to balance competing interests, particular small communities with economic development constraints. Restaurant owners often claim that mobile food vendors have an unfair advantage since they do not have to pay the costs for capital improvements, fees, and the same regulatory requirements. The City has undertaken an extensive effort to revitalize the downtown area. It is largely focused on improvements designed to make the downtown a more vibrant and pedestrian oriented area to attract visitors who will help support more business development. The effort is specifically targeting more brick and mortar restaurants, which has been a significant challenge. Therefore, mobile food vendors could disrupt the progress by providing lower cost alternatives in the areas where the City hopes to fill storefronts with food establishments. At the same time, allowing them in areas outside the downtown may draw people away from the locations the City is trying to concentrate activity, particularly in the evening.

This conflict is intensified by the fact that food vendors often operate in multiple locations—including areas that are not zoned for commercial uses—and can occupy valuable parking in areas of short supply. Local officials frequently struggle with questions of where mobile food vendors should be allowed, how to handle permitting, and what restrictions should be placed on the vending units themselves.

Some key issues to consider include:

1. Location. An important consideration is deciding where the mobile food vendors will be permitted to operate.

Some questions include should they be:

- located on private and public properties?
 - allowed on vacant or undeveloped lots?
 - allowed on paved or unpaved surfaces?
 - located in certain areas of a city?
 - allowed to go from location to location?
 - set a minimum distance from brick-and-mortar restaurants to avoid conflicts of mobile food vendors parking in front of existing restaurants?
 - limited to a maximum number of days and times for operations? seasonal or year-round?
 - limited to storage location during non-operation hours?
 - located in the same location (e.g., more than one food truck at the same time)?
2. Operations. Many localities adopt operational standards to help prevent mobile food vendors from becoming a public nuisance. Standards can include hours of operation, access to restrooms, water and recycling and the placement of tables and chairs. Other issues include should the vendor sell merchandise in addition to food, be permanent or temporary, allowed to have signs to advertise.
 3. Health and Safety. **Exhibit 1** provides the City and State regulations related to mobile food vendors. Safety issues depend on the location and could include proper sight distance at intersections or safe pedestrian access if sidewalks to not exit or the area is not properly lit at night.
 4. Administration and Enforcement. Recognizing that food vendors are a different breed than other vendors, staff is seeking direction on the most appropriate permitted procedure.

Based on potential safety issues, a new permit type may need to be created to allow staff to review based on whether the vendor was operating from a stationary location (e.g., a food truck) or driving the streets and pulling over for a sale (e.g., an ice cream food truck). In addition, staff would be able to evaluate any potential safety issues related to stationary vendors as part of the permit application review.

One of the advantages of limiting food vendors to a temporary use is that it supports those businesses that are utilizing the food truck to initiate a business with the intent of expanding in the future to a brick-and-mortar restaurant. Therefore, limiting the number of days per week and the time period the business will be allowed to operate in a location is an effective way to reduce the impact the food truck may have on existing or future restaurants.

ENVIRONMENTAL COMPLIANCE:

The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.

ALTERNATIVES:

1. Discuss and provide direction

EXHIBITS:

1. City and State Regulations

Submitted by:

Maricruz Aguilar For Doreen Liberto
DOREEN LIBERTO, AICP, COMMUNITY DEVELOPMENT DIRECTOR

EXHIBIT 1

REGULATIONS MOBILE FOOD VENDORS

King City Municipal Code

5.34.010 Definitions.

The following words and phrases shall, for purposes of this chapter, have the meanings respectively ascribed to them by this section, as follows:

- (a) "Fixed place of business" means a fixed business place, location, building, room, stand or enclosure separate and distinct from any other business, in which goods, wares, merchandise, fruit or vegetables are kept, displayed or offered for sale to the public, regularly kept open with an agent in exclusive attendance for at least six hours per day, for at least five days per week.
- (b) "Itinerant vendor" means any person who sets up a temporary stand or place or uses a portable cart or motor vehicle as defined in the California [Vehicle Code](#) for the purpose of selling any goods, wares, merchandise, fruits or vegetables, or one who solicits orders for the sale of such goods, wares, merchandise, fruits or vegetables to be delivered at some future time or date. Itinerant vendor does not include a merchant having a fixed place of business within the city, or his or her employee, who sells or solicits orders for the sale of goods, wares, merchandise, services, fruits or vegetables, after a prior approval, either oral or written, from the vendee. Itinerant vendor does not include a merchant who sets up a temporary stand or place as part of an approved farmers market. Itinerant vendors who set up on private property must secure written permission from the property owner or person having control of said property and said written permission must be in the possession of the vendor. Further, "itinerant vendor" includes the terms "sidewalk vendor," "roaming vendor," and "stationary sidewalk vendor" as defined within [Government Code](#) Section 51036. Lastly, "itinerant vendor" includes the terms "mobile food facility" as defined within California Retail Food Code (Cal Code), Section 113831(a), which states any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. "Mobile food facility" does not include a "transporter" used to transport packaged food from a food facility, or other approved source to the consumer.
- (c) "Peddler" means any person who goes upon the premises of any private residence in the city, not having been requested or invited by the occupant thereof, carrying or transporting goods, wares, merchandise, or personal property of any nature and offering the same for sale. This definition also includes any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of the scheme to evade the provisions of this chapter.
- (d) "Person" means any person, firm, corporation, association, club, society, or other organization.
- (e) "Solicitor" means any person who goes upon the premises of any private residence in the city, not having been requested or invited by the occupant thereof, for the purpose of taking or soliciting orders for the sale of goods, wares, merchandise, or personal property of any nature for future delivery, or for services to be performed in the future.
- (f) Wherever the terms "selling" or "sales" are used herein, "buying" and "purchasing" shall be deemed included. (Ord. 779 § 3, 2019)

5.34.115 Regulations concerning itinerant vendors.

The following regulations shall apply to itinerant vendors as defined in Section [5.34.010](#):

- (a) No itinerant vendor shall park or stand on a public sidewalk in a manner which blocks or prevents pedestrian traffic or violates any of the requirements of the Americans with Disabilities Act or California Disabled Persons Act.
- (b) Itinerant vendors shall not stand or park in any parking lot of any public park in a manner which blocks or prevents vehicle traffic, pedestrian traffic or violates any of the requirements of the Americans with Disabilities Act or California Disabled Persons Act. Vendors within a park shall only park their vehicle, including, but not limited to, personal vehicle or *mobile food* truck, adjacent to a public park in spaces designated by signage. The designations shall be made and posted from time to time by the city manager or designee, who may limit the number of spaces for itinerant vendors. Vendor vehicles, including but not limited to personal vehicle or *mobile food* truck, not parked within the designated parking spaces shall constitute a public nuisance and shall be subject to the provisions of this code.
- (c) No chairs or tables are allowed to be placed on the sidewalk in a manner which blocks or prevents pedestrian traffic or violates any of the requirements of the Americans with Disabilities Act or California Disabled Persons Act.
- (d) Vendors shall remove any debris from the sales, ensure a receptacle is available for the disposal of debris, and make sure that the area is kept clean.
- (e) School Zones. No itinerant vendor shall stand or park within three hundred feet of any school zone weekdays, Monday through Friday, from eight a.m. to four p.m. except for holidays and when school is not in session.
- (f) Public Streets. Consistent with Section [10.22.050](#), no itinerant vendor shall stand or park on any street in a commercial zone any truck, trailer, wagon or push cart in a manner which blocks or prevents vehicle traffic, pedestrian traffic or violates any of the requirements of the Americans with Disabilities Act or California Disabled Persons Act.
- (g) Private Property. Itinerant vendors shall be permitted on developed private property only in commercial, industrial and open space zoning districts. The area occupied by each itinerant vendor on private property shall not exceed nine hundred square feet and shall be located on hard surface paving. Itinerant vendors are prohibited in residential zoning districts. (Ord. 779 § 3, 2019)

California Health and Safety Code Division 104 – Environmental Health Part 7. California Retail Food Code Effective January 1, 2016

CHAPTER 2. Definitions

113818.

- (a) "Limited food preparation" means food preparation that is restricted to one or more of the following:
 - (1) Heating, frying, baking, roasting, popping, shaving of ice, blending, steaming or boiling of hot dogs, or assembly of non-prepackaged food.
 - (2) Dispensing and portioning of non-potentially hazardous food.
 - (3) Holding, portioning, and dispensing of any foods that are prepared for satellite food service by the onsite permanent food facility or prepackaged by another approved source.
 - (4) Slicing and chopping of food on a heated cooking surface during the cooking process.

- (5) Cooking and seasoning to order.
- (6) Preparing beverages that are for immediate service, in response to an individual consumer order, that do not contain frozen milk products.

- (b) "Limited food preparation" does not include any of the following:
 - (1) Slicing and chopping unless it is on the heated cooking surface.
 - (2) Thawing.
 - (3) Cooling of cooked, potentially hazardous food.
 - (4) Grinding raw ingredients or potentially hazardous food.
 - (5) Reheating of potentially hazardous foods for hold holding, except for steamed or boiled hot dogs and tamales in the original, inedible wrapper.
 - (6) Except as authorized in paragraph (3) of subdivision (a), hot holding of nonprepackaged, potentially hazardous food, except for roasting corn on the cob, steamed or boiled hot dogs, and tamales in the original, inedible wrapper.
 - (7) Washing of foods.
 - (8) Cooking of potentially hazardous foods for later use.

113831.

- (a) "Mobile food facility" means any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. "Mobile food facility" does not include a "transporter" used to transport packaged food from a food facility, or other approved source to the consumer.
- (b) "Single operating site mobile food facilities" means at least one, but not more than four, unenclosed mobile food facilities, and their auxiliary units, that operate adjacent to each other at a single location.

CHAPTER 4. General Food Safety Requirements

113984.

- (a) Adequate and suitable counter space shall be provided for all food preparation operations.