

NOTICE OF A REGULAR MEETING

Pursuant to Section 54954.2 of the Government Code of the State of California, a Regular meeting of the City of Tracy Planning Commission is hereby called for:

Date/Time: Wednesday, September 13, 2017
7:00 P.M. (or as soon thereafter as possible)

Location: City of Tracy Council Chambers
333 Civic Center Plaza

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Planning Commission on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

REGULAR MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES – 8/9/17

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2015-052 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Commission Member to sponsor the item for discussion at a future meeting.*

1. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER AN ORDINANCE ADDING A NEW SECTION 10.08.4243 TO THE TRACY MUNICIPAL CODE RELATING TO TEMPORARY STORAGE CONTAINERS ON RESIDENTIAL PROPERTY – CITY INITIATED – APPLICATION NUMBER ZA17-0009
- B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TRACY MUNICIPAL CODE TO ADD A NEW SECTION 10.08.3193, REGARDING MOBILE FOOD VENDORS – APPLICATION NUMBER ZA17-0008

2. ITEMS FROM THE AUDIENCE

3. DIRECTOR'S REPORT

4. ITEMS FROM THE COMMISSION

5. ADJOURNMENT

Posted: September 7, 2017

The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in public meetings. Persons requiring assistance or auxiliary aids in order to participate should call City Hall (209-831-6000), at least 24 hours prior to the meeting.

Any materials distributed to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Development Services Department located at 333 Civic Center Plaza during normal business hours.

**MINUTES
TRACY CITY PLANNING COMMISSION
WEDNESDAY, AUGUST 9, 2017
7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

CALL TO ORDER

Vice Chair Sangha called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Vice Chair Sangha led the pledge of allegiance.

ROLL CALL

Roll Call found Vice Chair Sangha, Commissioners Hudson, Krogh, and Tanner present. Chair Orcutt was absent. Also present were: Bill Dean, Assistant Director of Development Services; Leticia Ramirez, Assistant City Attorney; Alan Bell, Senior Planner; and Gina Peace, Recording Secretary.

MINUTES

It was moved by Commissioner Tanner and seconded by Commissioner Hudson that the Planning Commission meeting Minutes of July 12, 2017, be approved. Voice vote found Vice Chair Sangha and Commissioner Krogh in favor, 4-0-1, with Chair Orcutt absent, passed and so ordered.

DIRECTOR'S REPORT REGARDING THIS AGENDA

None.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO CITY COUNCIL TO ADOPT AN ORDINANCE AMENDING TRACY MUNICIPAL CODE SECTION 10.08.2560, LOT AREA (GHC), REGARDING THE MINIMUM LOT FRONTAGE REQUIREMENT IN THE GENERAL HIGHWAY COMMERCIAL ZONE – APPLICANT IS SCHACK AND COMPANY FOR TRACY ORCHARD PLAZA, L.P.

Alan Bell presented the staff report.

Vice Chair Sangha opened the public hearing at 7:05 p.m.

Dan Schack, Schack & Co., 1025 Central Avenue, Tracy, addressed the Commission, stating the owner was also present to answer questions.

Vice Chair Sangha closed the public hearing at 7:07 p.m.

ACTION It was moved by Commissioner Hudson, and seconded by Commissioner Tanner, that the Planning Commission recommend that the City Council approve Project No. ZA17-0006, the Zoning Ordinance amendment affecting Tracy Municipal Code Section 10.08.2560, Lot Area (GHC), as indicated in the Planning Commission Resolution dated August 9, 2017. Voice vote found Vice Chair Sangha and Commissioner Krogh in favor, with Chair Orcutt absent; 4-0-1, passed and so ordered.

- B. PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO CITY COUNCIL REGARDING ADOPTION OF AN ORDINANCE AMENDING TRACY MUNICIPAL CODE (TMC) SECTION 10.08.3196 AND ADDING TMC CHAPTER 6.36 TO PROHIBIT OUTDOOR CULTIVATION, COMMERCIAL CULTIVATION AND MANUFACTURING, AND SALES AND DELIVERY OF MARIJUANA (CANNABIS) FOR ADULT USE TO ALLOW TIME FOR THE PLANNING COMMISSION AND CITY COUNCIL TO CONSIDER REASONABLE REGULATIONS FOR SUCH USES

Bill Dean presented the staff report.

Vice Chair Sangha opened the public hearing at 7:14 p.m.

Questions and discussion followed regarding the City's priorities moving this topic forward, and not bringing this item to Planning Commission and City Council sooner.

The Commission discussed the Ordinance and suggested amending the sunset date to mid-year, next year (April 2018), instead of the end of the year (December 2018).

Vice Chair Sangha closed the public hearing.

ACTION It was moved by Commissioner Krogh, and seconded by Commissioner Tanner, that the Planning Commission recommend the City Council introduce and adopt an ordinance amending TMC Section 10.08.3196 and adding TMC Chapter 6.36 to prohibit outdoor cultivation, commercial cultivation and manufacturing, and sales and delivery of marijuana (cannabis) for adult use, to allow time for the Planning Commission and City Council to consider reasonable regulations for such uses, with a sunset date of April 30, 2018, as stated in the revised Planning Commission Resolution dated August 9, 2017. Voice vote found Vice Chair Sangha, and Commissioner Hudson in favor, with Chair Orcutt absent; 4-0-1, passed and so ordered.

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR'S REPORT

None.

4. ITEMS FROM THE COMMISSION

None.

5. ADJOURNMENT

It was moved by Commissioner Hudson, and seconded by Commissioner Tanner, to adjourn.

Time: 7:50 p.m.

CHAIR

STAFF LIAISON

AGENDA ITEM 1-A

REQUEST

PUBLIC HEARING TO CONSIDER AN ORDINANCE ADDING A NEW SECTION 10.08.4243 TO THE TRACY MUNICIPAL CODE RELATING TO TEMPORARY STORAGE CONTAINERS ON RESIDENTIAL PROPERTY – CITY INITIATED – APPLICATION NUMBER ZA17-0009

DISCUSSION

This agenda item is part of a broader code enforcement effort to help beautify and enhance the image of the City. On September 6, 2016, City Council directed staff to return with language to amend and add sections to the Tracy Municipal Code relating to a variety of property maintenance issues. On July 18, 2017, City Council conducted a discussion item to clarify their direction regarding temporary storage containers. The City Council directed staff to bring forth a draft ordinance for consideration by Planning Commission and City Council that would (1) require a permit for any temporary storage container located in the front yard of a residential property for more than 30 days and (2) limit the amount of time that a temporary storage container could be located in the front yard of a residential property to 120 days.

In follow up to City Council's direction, staff prepared a draft ordinance that would add a new Section 10.08.4243 to the Tracy Municipal Code relating to temporary storage containers on residential property. A copy of the complete draft ordinance is included as Exhibit 1 to Attachment A. The purpose of the draft ordinance is to establish standards and permit requirements for temporary storage containers on residential property to ensure that temporary storage containers will not result in visual blight or deteriorated neighborhood aesthetics, impede or interfere with vehicle travel, or become safety hazards or nuisances.

As defined in the draft ordinance, a "temporary storage container" means a container, unit, structure, or receptacle intended for short-term placement which is capable of being moved and is, or can be, used for the storage of personal property of any kind. The definition of "temporary storage container" shall not include licensed vehicles. A common type or brand of temporary storage container that would be addressed by this draft ordinance is the Portable on Demand Storage (PODS) container.

The draft ordinance would establish the following requirements for temporary storage containers placed, kept, or stored in the front yard of a residential property:

- A temporary storage container must be accessory to an existing residential use on the property.
- A temporary storage container must be located on a paved surface.
- A temporary storage container must be setback 10 feet minimum from the driveway of any adjacent lot.
- A temporary storage container must not exceed maximums of 8 feet in width, 16 feet in length, or 8 feet in height.

- There shall be no more than one temporary storage container placed, kept, or stored in the front yard of a residential property.
- A temporary storage container shall not be placed, kept, or stored in the front yard of a residential property for more than 120 days within any two-year period.
- A temporary storage container must be maintained in good condition with no rust, peeling paint, or graffiti.

The draft ordinance also states the following:

- A temporary storage container placed, kept, or stored on any portion of a residential property other than the front yard shall comply with the applicable zoning regulations for a detached accessory building. *This means they would be treated the same as a shed in the backyard.*
- A temporary storage container shall not be placed, kept, or stored on any portion of a public right-of-way.
- A temporary storage container shall not be placed, kept, or stored in the front yard of a residential property for longer than 30 days without approval of a temporary storage container permit. *Details for the application submittal requirements are included in the draft ordinance.*
- The Development Services Director would have approval authority for the temporary storage container permit.
- Section 2 of the draft ordinance states that the application fee for a temporary storage container permit shall be \$85; adjusted periodically by City Council. *This is the same fee amount as used for temporary use permit applications.*

Environmental Document

The proposed amendments to the Tracy Municipal Code are not a project within the meaning of the California Environmental Quality Act because they do not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b)). Therefore, no further environmental assessment is required.

RECOMMENDATION

Staff recommends that Planning Commission recommend that City Council adopt an ordinance adding a new section 10.08.4243 to the Tracy Municipal Code relating to temporary storage containers on residential property, as stated in the Planning Commission Resolution dated September 13, 2017 (Attachment A: Planning Commission Resolution).

MOTION

Move that the Planning Commission recommend that City Council adopt an ordinance adding a new section 10.08.4243 to the Tracy Municipal Code relating to temporary storage containers on residential property, as stated in the Planning Commission Resolution dated September 13, 2017.

Prepared by: Scott Claar, Senior Planner
Approved by: Bill Dean, Assistant Development Services Director

ATTACHMENT

A – Planning Commission Resolution

RESOLUTION 2017-_____

PLANNING COMMISSION RECOMMENDATION THAT CITY COUNCIL INTRODUCE AND ADOPT AN ORDINANCE ADDING A NEW SECTION 10.08.4243 TO THE TRACY MUNICIPAL CODE RELATING TO TEMPORARY STORAGE CONTAINERS ON RESIDENTIAL PROPERTY, APPLICATION NUMBER ZA17-0009

WHEREAS, The City Council wishes to establish standards and permit requirements for temporary storage containers on residential property to ensure that temporary storage containers will not result in visual blight or deteriorated neighborhood aesthetics, impede or interfere with vehicle travel, or become safety hazards or nuisances, and

WHEREAS, The proposed amendments to the Tracy Municipal Code are not a project within the meaning of the California Environmental Quality Act because they do not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b)), and

WHEREAS, The Planning Commission held a duly noticed public hearing on September 13, 2017 to consider the draft ordinance;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission recommends that the City Council introduce and adopt an ordinance adding a new Section 10.08.4243 to the Tracy Municipal Code relating to temporary storage containers on residential property, as shown in attached Exhibit 1.

* * * * *

The foregoing Resolution 2017-_____ was adopted by the Planning Commission on the 13th day of September, 2017, by the following vote:

AYES: COMMISSION MEMBERS:
NOES: COMMISSION MEMBERS:
ABSENT: COMMISSION MEMBERS:
ABSTAIN: COMMISSION MEMBERS:

CHAIR

ATTEST:

STAFF LIAISON

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY ADDING A NEW SECTION 10.08.4243, TEMPORARY STORAGE CONTAINER PERMIT, TO CHAPTER 10.08, ZONING REGULATIONS, OF THE TRACY MUNICIPAL CODE

WHEREAS, The City Council wishes to establish standards and permit requirements for temporary storage containers on residential property to ensure that temporary storage containers will not result in visual blight or deteriorated neighborhood aesthetics, impede or interfere with vehicle travel, or become safety hazards or nuisances, and

WHEREAS, The proposed amendments to the Tracy Municipal Code are not a project within the meaning of the California Environmental Quality Act because they do not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b)), and

WHEREAS, The Planning Commission considered this matter at a duly noticed public hearing held on September 13, 2017 and recommended that City Council _____, and

WHEREAS, The City Council held a duly noticed public hearing to consider the ordinance on _____, 2017.

The City Council of the City of Tracy hereby ordains as follows:

SECTION 1. A new Section 10.08.4243, Temporary Storage Container Permit, is added to Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code to read as follows:

“10.08.4243 Temporary Storage Container Permit.

(a) Purpose. The purpose of this section is to establish standards and permit requirements for temporary storage containers on residential property to ensure that temporary storage containers will not result in visual blight or deteriorated neighborhood aesthetics, impede or interfere with vehicle travel, or become safety hazards or nuisances.

(b) Definitions. For the purpose of this section, the following definitions shall apply:

(1) “Temporary storage container” means a container, unit, structure, or receptacle intended for short-term placement which is capable of being moved and is, or can be, used for the storage of personal property of any kind. The definition of “temporary storage container” shall not include licensed vehicles.

(2) “Front yard” means the area, extending across the full width of a residential lot, between the front façade of a dwelling and the front lot line.

(3) “Paved” means any permanent hard surface, such as asphalt, concrete, pavers, bricks, or other masonry.

(c) Standards. Temporary storage containers shall comply with the following requirements:

(1) A temporary storage container placed, kept, or stored in the front yard of a residential property shall comply with the following requirements:

(i) A temporary storage container must be accessory to an existing residential use on the property;

(ii) A temporary storage container must be located on a paved surface;

(iii) A temporary storage container must be setback 10 feet minimum from the driveway of any adjacent lot;

(iv) A temporary storage container must not exceed maximums of 8 feet in width, 16 feet in length, or 8 feet in height;

(v) There shall be no more than one temporary storage container placed, kept or stored in the front yard of a residential property;

(vi) A temporary storage container shall not be placed, kept or stored in the front yard of a residential property for more than 120 days within any two-year period; and

(vii) A temporary storage container must be maintained in good condition with no rust, peeling paint, or graffiti;

(2) A temporary storage container placed, kept, or stored on any portion of a residential property other than the front yard shall comply with the applicable zoning regulations for a detached accessory building; and

(3) A temporary storage container shall not be placed, kept, or stored on any portion of a public right-of-way.

(d) Permit Requirements. A temporary storage container shall not be placed, kept, or stored in the front yard of a residential property for longer than 30 days without approval of a temporary storage container permit.

(e) Application Submittal. An application for a temporary storage container permit shall be submitted to the Development Services Department and shall be accompanied by the following:

(1) Five copies of a dimensioned plot plan that identifies the following:

(i) The subject property and the property lines;

(ii) Location of any existing structures on the property;

(iii) Location of any paved surfaces in the front yard;

(iv) Location of the proposed temporary storage container, including setbacks to adjacent property lines and to the driveway of any adjacent lot; and

(v) Dimensions of the proposed temporary storage container;

(2) Five copies of elevations or photographs that depict the exterior appearance of the temporary storage container; and

(3) Application fee as adopted by City Council.

(f) Approval Authority. The Development Services Director has the authority to approve or deny an application for a temporary storage container permit, subject to compliance with the standards and requirements of this section.

(g) Appeals. In the event that a person or other entity is not satisfied with the decision of the Development Services Director, an appeal may be filed with the Planning Commission within 10 days of the Director's decision, and the Planning Commission shall render a decision within 30 days following such appeal."

SECTION 2. The application fee for a Temporary Storage Container Permit shall be \$85, adjusted periodically by City Council.

SECTION 3. This Ordinance shall take effect 30 days after its final passage and adoption.

SECTION 4. This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the Ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the Ordinance. (Gov't. Code §36933.)

Ordinance _____

Page 3

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the _____ day of _____, 2017, and finally adopted on the _____ day of _____, 2017, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST:

MAYOR

CITY CLERK

AGENDA ITEM 1-B

REQUEST

PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TRACY MUNICIPAL CODE TO ADD A NEW SECTION 10.08.3193, REGARDING MOBILE FOOD VENDORS – APPLICATION NUMBER ZA17-0008

DISCUSSION

Background

On January 17, 2017, the Tracy City Council directed City staff to prepare an amendment to City regulations to allow mobile food vendors, such as food trucks, at employer locations in industrial zones within the City. The City Council consensus included the following direction: (1) allow food trucks where they could provide a service and convenience to employers and employees while supporting a business opportunity for mobile food vendors; (2) allow mobile food vendors in areas that would not tend to create direct, nearby competition with permanent restaurants inside buildings; and (3) establish reasonable rules for mobile vendors to ensure their compatibility with City improvement and operation standards.

Currently, the Tracy Municipal Code includes limited opportunities to allow mobile food vendors to operate in Tracy. In general, mobile food vendors are allowed to operate in Tracy under the following circumstances:

1. Where the vendor operates in a City park (usually in conjunction with a youth sports activity or private event) or in the public right-of-way, as with the Farmer's Market. Such vendors obtain approval through a facility permit (in City Parks) or special event permit (in the public right-of-way) from the City Parks and Recreation Department.
2. Where the vendor is travelling on, and selling food from, City streets, such as an ice cream truck. TMC Section 3.08.460 refers to this type of business as "peddlers and vendors" and allows the vendor to stop in any one place for up to ten minutes.
3. Where the vendor has received a Temporary Use Permit (TUP) from the City Development Services Department (TMC Section 10.08.4240). A TUP is issued for activities on private property and is typically used for Christmas tree lots, carnivals, outdoor sales and promotions, and is also available for mobile food vendors. A TUP may be issued for a maximum of 30 days.

All mobile food vendors must obtain a City business license and comply with San Joaquin County Environmental Health Department regulations. Environmental Health Department regulations pertain to food safety and consumer health; and the Department conducts inspections of all mobile food vendors and responds to citizen complaints.

Proposed New Ordinance

On January 17, 2017, the City Council directed City staff to prepare modifications to City regulations to allow food trucks at employer locations in industrial areas of the City. The

consensus related to providing a service and convenience to employers and employees while supporting a business opportunity for mobile food vendors. The City Council consensus also included a desire to avoid direct competition with permanent restaurants inside buildings and, therefore, did not want to allow mobile food vendors in the downtown area or other commercial locations where permanent restaurants could operate.

Attachment A indicates property within the City of Tracy zoned industrial where mobile food vendors would be allowed to operate under the proposed ordinance.

Attachment B contains the Planning Commission Resolution and accompanying proposed new City Council Ordinance (Exhibit 1 to the Resolution). The proposed Ordinance identifies its purpose, defines mobile food vendors, and establishes operational limits for mobile food vendors, such as the following: vendors may operate on private property in industrial zones, may operate up to three hours per day (from 7:00 a.m. through 10.00 p.m.), and shall not include music or entertainment as part of the operation.

The proposed Ordinance does not place any limits or restrictions on mobile food vendors already otherwise allowed by City regulations, such as the Farmer's Market, youth sports events, ice cream trucks, or temporary use permits.

CEQA Documentation

California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) states that CEQA only applies to projects which have the potential for causing a significant effect on the environment. The proposed ordinance does not have the possibility to have a significant effect on the environment. Therefore, this proposed ordinance is exempt from CEQA review.

RECOMMENDATION

Staff recommends the Planning Commission recommend that the City Council approve the Tracy Municipal Code amendment to allow mobile food vendors in industrial zones.

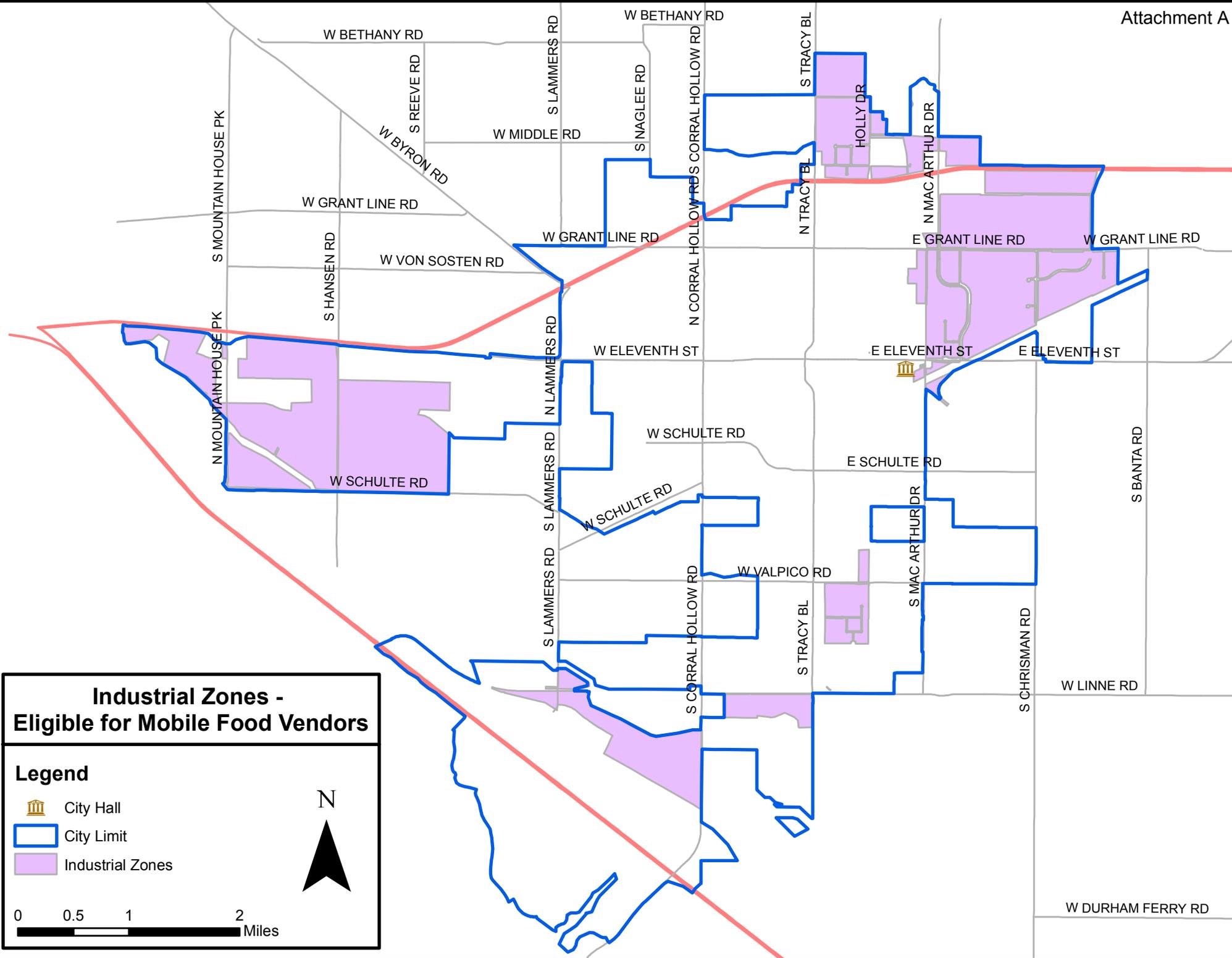
MOTION

Move that the Planning Commission recommend that the City Council approve the Tracy Municipal Code amendment to allow mobile food vendors in industrial zones, as indicated in the Planning Commission Resolution dated September 13, 2017.

Prepared by: Alan Bell, Senior Planner
Approved by: Bill Dean, Assistant Development Services Director

ATTACHMENTS

Attachment A – Industrial Zones – Eligible for Mobile Food Vendors
Attachment B – Proposed Planning Commission Resolution with Draft Ordinance



Industrial Zones - Eligible for Mobile Food Vendors

Legend

-  City Hall
-  City Limit
-  Industrial Zones



RESOLUTION 2017-_____

PLANNING COMMISSION RECOMMENDATION THAT THE CITY COUNCIL
INTRODUCE AND ADOPT AN ORDINANCE ADDING
MOBILE FOOD VENDOR REGULATIONS TO THE CITY ZONING ORDINANCE,
TRACY MUNICIPAL CODE SECTION 10.08.3193 MOBILE FOOD VENDORS

WHEREAS, Tracy Municipal Code regulations include limited opportunities for mobile food vendors to operate in Tracy, and

WHEREAS, Some of Tracy’s industrial businesses are located a mile or more from commercial zones where permanent restaurants in buildings are permitted, and

WHEREAS, Mobile food vendors serving industrial areas could provide a convenience for employers and employees as well as business opportunities for mobile food vendors, and

WHEREAS, Allowing mobile food vendors in industrial zone districts, and not commercial zone districts, will reduce the likelihood for nearby competition with permanent restaurants in buildings, and

WHEREAS, The proposed ordinance is exempt from the California Environmental Quality Act pursuant to Guidelines Section 15061(b)(3) because there is no possibility it will have a significant effect on the environment, and

WHEREAS, On September 13, 2017, the Planning Commission conducted a public hearing to consider the ordinance;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission recommends the City Council introduce and adopt an ordinance to add Tracy Municipal Code Section 10.08.3193 regarding mobile food vendors as indicated in Exhibit 1, attached.

The foregoing Resolution 2017-_____ was adopted by the Planning Commission on the 13th day of September, 2017, by the following vote:

AYES: COMMISSION MEMBERS:
NOES: COMMISSION MEMBERS:
ABSENT: COMMISSION MEMBERS:
ABSTAIN: COMMISSION MEMBERS:

CHAIR

ATTEST:

STAFF LIAISON

ORDINANCE _____

ADDING SECTION 10.08.3193 TO THE TRACY MUNICIPAL CODE
REGARDING MOBILE FOOD VENDORS

The City Council of the City of Tracy hereby ordains as follows:

SECTION 1. Tracy Municipal Code Section 10.08.3193 is added to read as follows:

10.08.3193 Mobile Food Vendors

(a) *Purpose.* The purpose of this section is to preserve the health and welfare of the City and its residents by establishing regulations pertaining to mobile food vendors while:

- (1) Providing flexibility for owners of property in industrial zones to allow alternative, nearby eating opportunities for employees; and
- (2) Avoiding unfair competition for permanent restaurants inside buildings which have significantly higher capital and operational costs than mobile food vendors.

(b) *Definition.* "Mobile Food Vendor" means any vehicle, as defined in Section 670 of the California Vehicle Code, which is equipped and used for retail sales of prepared, prepackaged, or unprepared food or foodstuffs of any kind that parks at one or more locations within the City. A mobile food vendor shall also include any trailer, wagon or cart equipped and used as described in this definition and pulled by a vehicle.

(c) *Exemptions.* The following are exempt from the requirements of this section, but must satisfy all other applicable permit requirements (for example, City business license, San Joaquin County Environmental Health Department permit, etc.): an event authorized by a City facility permit (TMC Ch. 4.16), special event permit (TMC Ch. 4.40), temporary use permit (TMC Ch. 10.08), or a peddler or vendor permit (TMC Sec 3.08.460).

(d) *Regulations for mobile food vendors.* Unless otherwise exempt, the following regulations shall apply to all mobile food vendors:

- (1) All mobile food vendors shall obtain a valid business license from the City and applicable permit(s) from the San Joaquin County Environmental Health Department.
- (2) All mobile food vendors shall comply with the California Vehicle Code.
- (3) Mobile food vendors are allowed to operate only in industrial zones of the City (Light Industrial Zone, Heavy Industrial Zone, industrial Planned Unit Development zones, and industrial designations within City-approved specific plans).
- (4) Mobile food vendors shall only operate on private property (outside of the public right-of-way or any other City-owned property), as an accessory use on a site where at least one business within a building is in operation, and shall have written authorization from the owner of the property upon which the mobile food vendor is operating. A mobile food vendor shall demonstrate written property owner authorization, as required above, to a City officer upon request.
- (5) A mobile food vendor's operations and any related activity shall not occur within any required landscape area.
- (6) A mobile food vendor's operation (not including set up and take down) shall be limited to three hours at a single location in a 24-hour period. For the purposes of this section, a "single location" shall mean a different location within a 500-foot radius of the original location.
- (7) Hours of operation shall be no earlier than 7:00 a.m. and no later than 10:00 p.m., and no overnight parking or storage of vendor vehicles or apparatus shall be permitted.
- (8) A mobile food vendor shall have adequate lighting to ensure customer safety either on the vehicle or at the location of the vehicle during business hours.
- (9) Mobile food vendors shall not operate in or impede any fire lane, no-parking zone, or accessible route as required by the California Building Code, including but not limited to impeding on- or off-site vehicle circulation or obstructing the view of pedestrians by motorists.

(10) At the conclusion of each day's operation, the mobile food vendor site shall be restored to its condition prior to vendor's operation, free of litter and debris, canopies, or other furniture or improvements.

(11) No amplified public address system, amplified music, or entertainment is allowed as part of a mobile food vendor operation.

(12) No signs associated with a mobile food vendor are allowed in the public right-of-way.

SECTION 2. This Ordinance shall take effect 30 days after its final passage and adoption.

SECTION 3. This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the Ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the Ordinance. (Gov't. Code §36933.)

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the _____ day of _____, 2017, and finally adopted on the _____ day of _____, 2017, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk