

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: June 14, 2012

Time: 6:30 P.M.

COMMISSION MEMBERS

Chris Elvert, Chair

William A. Muller, Vice Chair

Bill Jensen, Commissioner

Julie Jensen, Commissioner

Eric Schmidt, Commissioner

* - * - * - * - * - * - * - *

Dave Reno, Principal Planner

Jeff M. Malawy, Assistant City Attorney



CITY OF HESPERIA
9700 Seventh Avenue
Council Chambers
Hesperia, CA 92345
City Offices: (760) 947-1000

The Planning Commission, in its deliberation, may recommend actions other than those described in this agenda.

Any person affected by, or concerned regarding these proposals may submit written comments to the Planning Division before the Planning Commission hearing, or appear and be heard in support of, or in opposition to, these proposals at the time of the hearing. Any person interested in the proposal may contact the Planning Division at 9700 Seventh Avenue (City Hall), Hesperia, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 4:30 p.m. on Fridays) or call (760) 947-1200. The pertinent documents will be available for public inspection at the above address.

If you challenge these proposals, the related Negative Declaration and/or Resolution in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the public hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact Dave Reno, Principal Planner (760) 947-1200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.10235.104 ADA Title 11]

Documents produced by the City and distributed less than 72 hours prior to the meeting regarding any item on the Agenda will be made available in the Planning Division, located at 9700 Seventh Avenue during normal business hours or on the City's website.

JUNE 14, 2012

**AGENDA
HESPERIA PLANNING COMMISSION**

Prior to action of the Planning Commission, any member of the audience will have the opportunity to address the legislative body on any item listed on the agenda, including those on the Consent Calendar. PLEASE SUBMIT A COMMENT CARD TO THE COMMISSION SECRETARY WITH THE AGENDA ITEM NUMBER NOTED.

CALL TO ORDER 6:30 p.m.

- A. Pledge of Allegiance to the Flag
- B. Invocation
- C. Roll Call:
 - Chair Chris Elvert
 - Vice Chair William Muller
 - Commissioner Bill Jensen
 - Commissioner Julie Jensen
 - Commissioner Eric Schmidt

JOINT PUBLIC COMMENTS

Please complete a "Comment Card" and give it to the Commission Secretary. Comments are limited to three (3) minutes per individual. State your name and address for the record before making your presentation. This request is optional, but very helpful for the follow-up process.

Under the provisions of the Brown Act, the Commission is prohibited from taking action on oral requests. However, Members may respond briefly or refer the communication to staff. The Commission may also request the Commission Secretary to calendar an item related to your communication at a future meeting.

CONSENT CALENDAR

- D. Approval of Minutes: May 10, 2012 Planning Commission Meeting Draft Minutes.

-1-

WORKSHOP ITEM

- 1. Mobile & Temporary Food Services (Hot Food Trucks) Workshop discussion regarding potential changes to the current ordinance. (Area affected: Citywide) (Staff Person: Dan Alcayaga)

1-1

PRINCIPAL PLANNER'S REPORT

The Principal Planner or staff may make announcements or reports concerning items of interest to the Commission and the public.

- E. DRC Comments
- F. Major Project Update

2-1

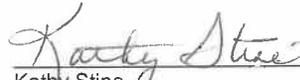
PLANNING COMMISSION BUSINESS OR REPORTS

The Commission Members may make comments of general interest or report on their activities as a representative of the Planning Commission.

ADJOURNMENT

The Chair will close the meeting after all business is conducted.

I, Kathy Stine, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, June 7, 2012 at 5:30 p.m. pursuant to California Government Code §54954.2.


Kathy Stine
Planning Commission Secretary

HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
May 10, 2012
MINUTES

DRAFT

The Regular Meeting of the Planning Commission was called to order at 6:30 p.m. by Chair Elvert in the Council Chambers, 9700 Seventh Avenue, Hesperia, California.

CALL TO ORDER **6:30 p.m.**

Pledge of Allegiance to the Flag

Invocation

Roll Call:

Chair Chris Elvert

Vice Chair William Muller

Commissioner Bill Jensen

Commissioner Julie Jensen

Commissioner Eric Schmidt

Present: Chris Elvert
Bill Jensen
Julie Jensen
Eric Schmidt
Absent: William Muller

Motion by Chris Elvert to excuse the absence of William Muller. Seconded by Julie Jensen and passed with the following roll call vote:

AYES: Chris Elvert, Bill Jensen, Julie Jensen, and Eric Schmidt
NOES: None

JOINT PUBLIC COMMENTS

Chair Elvert opened Public Comments at 6:33 p.m.

No public comments.

Chair Elvert closed Public Comments at 6:33 p.m.

CONSENT CALENDAR

D. Approval of Minutes: April 12, 2012 Planning Commission Meeting Draft Minutes.

Motion by Bill Jensen to approve the April 12, 2012 Planning Commission Meeting Draft Minutes. Seconded by Chris Elvert and passed with the following roll call vote:

AYES: Chris Elvert, Bill Jensen, Julie Jensen, and Eric Schmidt
NOES: None
ABSENT: William Muller

PUBLIC HEARING

1. Consideration of Development Code Amendment DCA12-10117 pertaining to permits and procedures. (Applicant: City of Hesperia; Area affected: Citywide)

Assistant Planner Lisette Sanchez-Mendoza gave a PowerPoint presentation and explained the code amendment changes.

Commissioner Julie Jensen asked for clarification regarding the "reviewing authority".

Principal Planner Dave Reno, AICP responded that the wording would replace all the different Staff titles and clean up the language in the code.

Julie Jensen asked if State law changed regarding the radius noticing and why we are changing ours.

Dave Reno explained the process of noticing and discussion ensued.

Commissioner Eric Schmidt asked for clarification on the table for the different types of reviews.

Assistant City Attorney Jeff Malawy stated it was a vertical list of required approvals.

Eric Schmidt commented on secondary dwelling units and stated that it seemed like an RV would be allowed as a second dwelling unit by the definition in the code.

Discussion ensued.

Eric Schmidt recommended specificity to prohibit recreational vehicles.

Chair Elvert opened the Public Hearing at 7:00 p.m.

No comments to consider.

Chair Elvert closed the Public Hearing at 7:01 p.m.

Motion by Chris Elvert to approve RESOLUTION NO. PC-2012-06 as amended keeping the current radius noticing and adding the definition to prohibit an RV as a second dwelling unit, recommending that the City Council approve DCA12-10117, pertaining to permits and procedures. Seconded by Julie Jensen and passed with the following roll call vote:

AYES: Chris Elvert, Bill Jensen, Julie Jensen, and Eric Schmidt
NOES: None
ABSENT: William Muller

2. Consideration of Development Code Amendment DCA12-10133, revising Chapter 16.20 of the Hesperia Municipal Code regarding Commercial Vehicle Parking; Applicant: City of Hesperia; Affected area: Citywide

Senior Planner Stan Liudahl gave a presentation.

Chair Elvert opened the Public Hearing at 7:08 p.m.

No comments to consider.

Chair Elvert closed the Public Hearing at 7:08 p.m.

Motion by Eric Schmidt to approve RESOLUTION NO. PC-2012-09 as presented recommending that the City Council approve DCA12-10133, revising Chapter 16.20 of the Hesperia Municipal Code regarding Commercial Vehicle Parking. Seconded by Julie Jensen and passed with the following roll call vote:

AYES: Chris Elvert, Bill Jensen, Julie Jensen, and Eric Schmidt
NOES: None
ABSENT: William Muller

PRINCIPAL PLANNER'S REPORT

E. DRC Comments

F. Major Project Update

Dave Reno gave an update on the new theater and Walmart and also confirmed that the Rancho interchange is on track.

Dave Reno updated the Commission regarding three items of concern from the last meeting.

G. Procedures Manual Update

Dave Reno stated that the City Council adopted a new procedure manual and explained the changes.

PLANNING COMMISSION BUSINESS OR REPORTS

Bill Jensen stated he was on the County Flood Commission Advisory Committee and said that Hesperia will go on line for a \$13 million basin in 2012-13 to stop the overflow into the aqueduct.

ADJOURNMENT

Chair Elvert adjourned the meeting at 7:19 p.m. to Thursday, June 14, 2012 Planning Commission Meeting.

Chris Elvert
Chair

By: Kathy Stine,
Commission Secretary

City of Hesperia
STAFF REPORT



DATE: June 14, 2012
TO: Planning Commission
FROM:  Dave Reno, AICP, Principal Planner
BY:  Daniel Alcayaga, AICP, Senior Planner
SUBJECT: Workshop regarding Mobile and Temporary Food Services (Hot Food Trucks) Ordinance; Applicant: City of Hesperia; Area affected: Citywide

RECOMMENDED ACTION

It is recommended that the Planning Commission receive this report, and provide any guidance to staff regarding the Mobile and Temporary Food Services (Hot Food Trucks) Ordinance.

BACKGROUND

The California Retail Code is part of the Health and Safety Code (Cal Code) that regulates restaurants, temporary food facilities and mobile food facilities (Attachment 1). The State relies on local enforcement agencies (LEA's) which have the primary responsibility for enforcement of the Cal Code. The Environmental Health Services Division (DEHS) of the San Bernardino County Department of Public Health is the LEA authorized to interpret, apply and enforce the Cal Code throughout the County, including within incorporated cities and towns. Although DEHS inspects and permits all permanent and temporary food facilities, DEHS does not have authority over zoning or building codes in Hesperia.

Until recently, San Bernardino and Riverside Counties were the only counties in California that did not permit hot food trucks. Accordingly, DEHS has prohibited food trucks and other mobile vendors from selling hot foods. Exceptions to the County's prohibition included prepackaged foods and foods such as popcorn, snow cones, pretzels, churros, nachos, ice and hot dogs when contained within a fully protected food case. In the past, the County exempted hot food trucks to operate as "temporary food facilities" at "community events" held within the County (e.g. San Bernardino County Fair).

Due in large part to the burgeoning popularity of hot food trucks throughout the state and county, the County's Board of Supervisors authorized County staff to conduct research related to the legal and practical issues involving hot food trucks. On June 5, 2012, the County's Board of Supervisors was scheduled to consider the Food Truck Events Ordinance.

According to County staff, DEHS will require food truck vendors to obtain a permit and the trucks will be inspected. Trucks will be required to meet minimum standards for kitchen facilities, including refrigeration, sinks and running water. DEHS will issue a letter grade to each food truck, similar to restaurants.

New County Ordinance: Food Truck Events will be categorized into two distinct types- Major and Minor. A Major event would be an event other than a Community event, as defined by DEHS, where one or more mobile food facilities operate at a designated single location for not more than one day or a weekend, to sell or provide food to individuals. A Major event will have an anticipated attendance of over 500 persons, and will be limited to four events per parcel per calendar year. A Major event which takes place on both a Saturday and Sunday on one weekend will be considered a single event for the purposes of calculating the number of events per parcel. An example of a Major event would be having Mobile Food Facilities (MFFs) at church events, carnivals or festivals.

A Minor event would be an event other than a Community event, as defined by DEHS, where one or more mobile food facilities operate at a designated single location in either a single event, or a recurring event on more than one day, not to exceed 365 consecutive days, to sell or provide food to individuals. A Minor event will have an anticipated attendance of 500 persons or less. An example of a Minor event would be having MFFs on commercial facilities, industrial parks or construction sites.

The County's Food Truck Event Permit application, for both a Major and Minor event, would require submittal of a site plan which shows the layout of the Food Truck Event. The key land use considerations, which would be reviewed as part of the permit application, include:

- Food truck locations
- Trash disposal
- Restroom locations
- Structure and tent locations
- Lighting
- Fire prevention
- Other food concessions or vendors
- Site access and parking

Other issues which the County considers in the application process, depending on the size of the event, include the provision of emergency medical facilities, monitoring of noise/music levels, compliance with alcoholic beverage license requirements (if applicable), provision of law enforcement services and emergency evacuation procedures.

In the County, Minor events may be elevated to Major events if the activities require authorization from outside agencies. Additionally, a conditional use permit may be required by if the magnitude or longevity of the use warrants a conditional use permit. The police department would review all major applications; and proof of insurance would be required.

Town of Apple Valley: On May 2, 2012, Apple Valley's Planning Commission held a public workshop to discuss Mobile Food Facilities (MFFs) and Hot Food Trucks: The Commission discussed three options. Those options included:

1. Maintaining the status quo and continuing to allow MFFs as a part of a Special Event permit.
2. Allowing MFFs in commercial areas and establish a review process to address health and safety issues;
3. Allowing MFFs, on an annual basis, at construction sites within residential, commercial and industrial areas.

Hesperia's Regulations: Because they are prohibited in the County, the City does not currently have regulations for hot food trucks. The closest related regulations are within Chapter 5.24 of the Municipal Code pertaining to Peddling, Soliciting and Hawking (Attachment 2). In general, this chapter regulates mobile food vending vehicles, but mostly applies to ice cream trucks. The code requires ice cream trucks to install amber lighting, mirrors, and audible devices when backing-up. In addition, ice cream trucks cannot be stationed within 500 feet from a school or a park. Vehicles must be parked near a curb; cannot sell to a person standing in the street; and cannot vend during nighttime hours. The Police Department is required to inspect all ice cream trucks.

In Hesperia, outdoor events are permitted with a Temporary Special Event (TSE) permit. TSEs are intended for businesses desiring to hold special events such as grand openings or other promotional events. TSE permits may be issued for 21 consecutive days or 4 consecutive weekends in any 90 day period. Potentially, the TSE process may be used to permit mobile food vendors on private property. Operators must submit written property owner authorization and, when serving food, evidence that DEHS has issued a permit. TSE regulations do not provide guidance on how to regulate mobile food facilities.

ISSUES/ANALYSIS

In order to facilitate a discussion, staff prepared a brief analysis of some issues. Included in the analysis was a preponderance of issues related to mobile food regulations found in the California Municipal Revenue Tax & Association (CMRTA) survey, as well as in the San Bernardino County's Food Truck Events Ordinance. The CMRTA survey was conducted using an online forum of CA cities sharing information provided by CMRTA. Those cities that responded to the survey included Delano, Menlo Park, San Rafael, Newport Beach and Daly City.

Regulating Placement: Placement considerations would include:

- The City may consider adopting an Ordinance similar to the San Bernardino County's Ordinance, whereby Mobile Food Facilities (MFFs) would be allowed as part of organized events, as either Major or Minor events (Attachment 3). The County's code, applicable to unincorporated areas, would apply to private and public properties. Public properties include public parks, schools and civic places.
- The City may consider permitting MFFs on private property if they would not conflict with the required improvements such as site access or parking; or if not located within the clear sight triangle or the right-of-way.
- The City may consider allowing MFFs on construction sites.
- On private property, MFFs would require written authorization from all property owners.
- The City may consider giving exceptions to MFFs when situated on schools, parks, or civic facilities or during community events sponsored by a governmental agency. Authorization from the City, School or Park District would be required.
- The County will not allow hot food trucks to roam throughout unincorporated areas. Similarly, the City may consider not allowing MFFs to roam throughout the City.

Regulating Distance: California Assembly Bill AB-1678 has been proposed this legislative session that would regulate mobile food facilities at school campuses. If adopted, AB-1678 would prohibit MFFs within 500 feet of a public elementary or secondary school campus. Exceptions to AB-1678 would apply to nonresidential private properties; construction sites; filming locations; and when a formal agreement exists with a school district. Other considerations would include:

- The City may consider limiting the distance a food truck can be from a fully developed restaurant; another mobile food facility; or a school, a park or other civic facility. The distance limitations may range from 500 feet to 1,000 feet.
- The City may consider not requiring distance limitations for MFFs on construction sites or industrial complexes, due to the size and the location of these land uses.

Regulating Time: In the County's Ordinance, Major events would be permitted no more than 4 times a year; and Minor events would be permitted on a daily basis, or on a recurring basis, not to exceed 365 consecutive days. The County's Ordinance would not regulate operating hours, except in considering noise levels during the hours of 11 pm thru 7 am. Pursuant to State law, a toilet and a hand washing facility would be required within 200 feet when such vehicle would be stationary for a period of more than 1 hour. The City may consider multiple approaches, including:

- *Allowing MFFs for indefinite period:* The City may consider allowing MFFs when situated on a property for an indefinite period, if there would be enough room on the property to accommodate the facility; and if adequate restrooms and hand washing facilities exist within 200 feet of the food service.
- *Limiting the time and frequency:* The City may consider limiting the time and frequency that mobile food facilities would be allowed to be stationary. The time could range from 15 to 60 minutes. After the allotted time, vehicles would not be allowed to vend at the same location, or in proximity to that area, for a period of 2 hours.
- The City may consider applying time limitations (e.g. 1 hour) on a facility that would not have restrooms and hand washing facilities or in unique circumstances such as when situated on a construction site.
- The City may consider not allowing MFFs to operate during the night hours or in residential neighborhoods.

Regulating Type of Food Facilities: There would be a number of ways to vend from a mobile and temporary facility. Typically, food facilities would be in the form of carts, wagons and catering trucks. During community events, those facilities selling food would also consist of enclosed tents and temporary booths. Existing devices, such as bicycles, shopping carts and strollers have been known to be converted into vending apparatuses. All facilities will be required to be permitted and inspected by DEHS. A facility consideration would include:

- The City may consider prohibiting mobile food facilities in the form of carts or other man-powered devices.

Administrative Procedures: An Ordinance would need to include procedures for permitting mobile food facilities. While the Health and Safety Code has certain controls that would be enforced by County Health, a review process would ensure food facilities do not violate City regulations and would be necessary to protect issues related to public's health and safety that are specific to Hesperia. Administrative considerations would include:

- A site plan identifying the relevant features of the property and location of the vending facility would be necessary; and noise, lighting and trash issues would be addressed as part of the review process.
- The City may consider amending the regulations for ice cream trucks to clarify that current City regulations do not apply to MFFs; and to remove regulations prohibiting ice cream trucks within public parks.
- The City may consider including business license procedures to ensure MFFs and other food vendors would be registered with the State Board of Equalization. This process would ensure that the City receives sales tax from sales transactions that occur in Hesperia.

Environmental: This item is a Planning Commission workshop item. At this time, the Planning Commission is not required to make an environmental finding consistent with the California Environmental Quality Act (CEQA).

CONCLUSION

Staff has provided the Commission with a variety of issues pertaining to regulating mobile and temporary food vendors. A discussion about these issues will be used to draft an Ordinance that fits Hesperia. The amendments would be included within Chapter 5.24 pertaining to Mobile Food Vending operations and within Chapter 16.12, Article XI, of the Development Code pertaining to Special Events and Temporary Uses. The Ordinance shall comply with State law and the Hesperia General Plan, as well as be consistent with the County's health regulations. At this time, the Commission is asked to provide guidance on possible regulations or raise other issues pertaining to mobile and temporary food services.

FISCAL IMPACT

None.

ALTERNATIVES

1. Provide alternative direction to staff.

ATTACHMENTS

1. Excerpts of the Health and Safety Code (Cal Code)
2. Chapter 5.24 of the Hesperia Municipal Code pertaining to Peddling, Soliciting and Hawking
3. San Bernardino County's Food Truck Events Ordinance (Draft)

ATTACHMENT 1

Excerpts of the Health and Safety Code (Cal Code):

The regulations relevant to mobile/temporary food facilities include:

- Sections 114294-14327 regulate Mobile Food Facilities (MFF).
- Section 113831(a) provides a definition for a "Mobile food facility."

"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.

- Section 113930 provides a definition for a "Temporary food facility" (TFF).

"Temporary food facility" means a food facility approved by the enforcement officer that operates at a fixed location for the duration of an approved community event or at a swap meet only as a part of the community event or swap meet.

- Section 114315 requires a toilet and a hand washing facility within 200 feet when stopped for more than 1 hour:

114315. (a) A food facility shall be operated within 200 feet travel distance of an approved and readily available toilet and handwashing facility, or as otherwise approved by the enforcement agency, to ensure that restroom facilities are available to facility employees whenever the mobile food facility is stopped to conduct business for more than a one-hour period.

(b) This section does not limit the authority of a local governing body to adopt, by ordinance or resolution, additional requirements for the public safety, including reasonable time, place, and manner restrictions pursuant to its authority under subdivision (b) of Section 22455 of the Vehicle Code.

The California Law, in its entirety, is available online:

<http://www.leginfo.ca.gov/calaw.html>

ATTACHMENT 2

Chapter 5.24

PEDDLING, SOLICITING AND HAWKING

Sections:

- 5.24.010 Application requirements.
- 5.24.020 License limitations.
- 5.24.030 Hours of operation.
- 5.24.040 Hawking prohibited.
- 5.24.050 Exceptions.
- 5.24.060 Mobile food vending vehicle operations.

5.24.010 Application requirements.

In addition to the application requirements specified in Section 5.04.050, the following information shall be required:

- A. The supplier of the goods to be sold;
- B. The place and date of any court judgment rendered against the applicant as a sex offender or as a defendant guilty of a criminal battery, fraud, burglary or theft;
- C. A copy of the state sales tax permit (California Revenue and Taxation Code §6066) for the applicant's activities attached to the application;
- D. A description of every type of merchandise or service that the applicant proposes to peddle or solicit;
- E. A designation of the location or locations at which place or places the applicant proposes to peddle or solicit and the dates and time of the same;
- F. A copy of the permit for any food products which are regulated. (Ord. 250 (part), 1997; Ord. 197 Exh. A (SBCC § 41.0126(a)), 1994)

5.24.020 License limitations.

Upon filing a complete application and all required documentation and payment of the required fee, the city shall transmit one copy to the police department. The chief of police or designee shall, within thirty (30) business days of the referral report to the collector, in writing, recommend approval or denial of the license and state the reasons therefore. The license shall not be issued unless all of the following conditions have been met:

- A. The applicant has submitted a correct and complete application form;
- B. The applicant has paid all required fees;
- C. The supplier of the personal property to be sold has been sufficiently identified as required by this chapter and there is no reasonable doubt as to the title or ownership of the personal property;
- D. The applicant has not had a judgment rendered against him as a violator of California law as a sex offender, as a person who has committed a criminal battery, burglary or theft, or as a person who has committed a fraud;
- E. The time and place of the proposed licensed activities is in accordance with the regulations set forth in this chapter. (Ord. 250 (part), 1997; Ord. 197 Exh. A (SBCC § 41.0126(b)), 1994)

5.24.030 Hours of operation.

A license issued under this chapter shall authorize the licensee to peddle or solicit during the dates specified on the license and only during daylight hours. (Ord. 197 Exh. A (SBCC § 41.0126(c)), 1994)

5.24.040 Hawking prohibited.

Hawking, as defined in this title, is prohibited within the city limits of the city. (Ord. 197 Exh. A (SBCC § 41.0126(d)), 1994)

5.24.050 Exceptions.

The following persons must apply for and be given a license pursuant to this chapter and shall be subject to the exemption specified below:

A. **Veterans Exemption.** Any person who was honorably discharged or honorably relieved from the armed services of the United States shall not be required to pay a license fee under this chapter unless the merchandise includes spirituous, malt, vinous, or other intoxicating liquor.

B. **Religious, Scientific or Charitable Organizations.** Organizations qualifying under this chapter shall not be required to pay a license fee.

C. **Senior Citizens, Youth, Physically Disabled and Blind Persons.** Any person who is either: (1) at least fifty-five (55) years of age, or is (2) under eighteen (18) years of age, or is (3) physically disabled, or is (4) certified by a physician to be blind, shall not be required to pay a license fee. (Ord. 197 Exh. A (SBCC § 41.0126(e)), 1994)

5.24.060 Mobile food vending vehicle operations.

Special requirements for mobile food vending vehicle operations shall apply as follows:

A. **Equipment Requirements for Mobile Food Vending Operations.** In addition to other equipment required by law, every mobile food vending vehicle shall be equipped with:

1. Signal lamps mounted at the same level and as high and as widely space laterally as practicable. These lamps shall be five to seven inches in diameter and shall display two alternately flashing amber lights visible at five hundred (500) feet to the front and rear in normal sunlight upon a straight level street. The light output of each indicator shall not be less than five candle power nor more than fifteen (15) candle power at any time;

2. A convex mirror mounted on the front so the driver in his normal seating position can see the area in front of the truck obscured by the hood;

3. An audible warning device to indicate vehicle backing automatically activated and audible at a distance of one hundred (100) feet to the direct rear of the vehicle.

B. **Use of Special Lights on Mobile Food Vending Vehicles.**

1. The driver of a mobile food vending vehicle stopped on the street for the purpose of vending shall actuate the special amber flashing lights required by subsection (A)(1) of this section;

2. These lights shall not be used when the truck is in motion nor at any time the truck is stopped for a purpose other than vending.

C. **Inspection Required.** Every mobile food vending vehicle shall be inspected by the chief of police or designee once each year prior to its use in this city for the purpose of retail sales of frozen dairy products. The department shall inspect each mobile food vending vehicle to determine whether it complies with this chapter and other state and local laws. Notice from the captain or designee shall be made to the business license officer prior to issuance of a city business license.

D. Vending Restrictions.

1. A person shall not vend within five hundred (500) feet of any property used as a grade school, junior high school or middle school, either public or private, from one hour before the regular school day to one hour after the regular school day; provided, this subsection shall not apply on days when school is not attended by children or on school property when vending has been approved in writing by the principal.

2. A person shall vend only when the vehicle is lawfully parked or stopped.

3. A person shall vend only from the side of the vehicle away from moving traffic and as near as possible to the curb or edge of the right-of-way.

4. A person shall not vend to a person standing in the roadway.

5. A person shall not stop on the left side of a one-way street to vend.

6. A person shall not vend on a street unless there is a clear view of the mobile food vending vehicle for a distance of at least two hundred (200) feet in each direction.

7. A person shall not vend except during the period between thirty (30) minutes before sunrise and thirty (30) minutes after sunset.

8. A person shall not vend within five hundred (500) feet of any property used as a public or private park or playground.

E. Backing Restricted. The vendor shall not back up the vehicle on a public street to make or attempt a sale.

F. Unauthorized Riders Prohibited.

1. The driver shall not permit any unauthorized person to ride in or on the vehicle.

2. A person shall not ride in or on a mobile food vending machine unless employed by its owner or unless authorized in writing to do so by the owner or police department.

G. Exemption Authorized.

1. The planning director, with the concurrence of the chief of police or designee, may exempt from the requirements of this chapter any mobile food vendor which is not used to vend to persons under twelve (12) years of age.

2. The special equipment, inspection, and vending restrictions do not apply to vendors which do not vend to persons under twelve (12) years of age. (Amended during 1997 codification; Ord. 197 Exh. A (SBCC § 41.0126(f)), 1994)

ATTACHMENT 3

ORDINANCE NO. _____

1
2 AN ORDINANCE OF THE COUNTY OF SAN BERNARDINO, STATE OF
3 CALIFORNIA, ADDING CHAPTER 85.19, AND AMENDING
4 SECTION 810.01.080, ALL OF THE SAN BERNARDINO
5 COUNTY CODE, RELATIVE TO THE PERMITTING AND
6 OPERATION OF FOOD TRUCK EVENTS IN THE
UNINCORPORATED AREAS OF THE COUNTY.

7 The Board of Supervisors of the County of San Bernardino, State of California,
8 ordains as follows:

9
10 SECTION 1. The Board of Supervisors of the County of San Bernardino finds
11 that:

12 (a) Properly noticed public hearings have been held before the Planning
13 Commission and the Board of Supervisors of the County of San Bernardino, State of
14 California, pursuant to the Planning and Zoning Law of the State of California and the
15 San Bernardino County Code.

16 (b) This ordinance is exempt from the California Environmental Quality Act
17 (CEQA) in accordance with Section 15061(b)(3) of the CEQA Guidelines as the
18 proposed ordinance will not have a significant effect on the environment.

19
20 SECTION 2. Chapter 85.19 is added to Title 8 of the San Bernardino County
21 Code is, to read:

22 **Chapter 85.19 Food Truck Event Permits**

23 **Sections:**

- 24 85.19.010 Purpose.
25 85.19.020 Permit Required for Food Truck Events.
26 85.19.030 When Application for Permit Must be Submitted.
27 85.19.040 Content of Application.
28 85.19.050 Fees, Bonding, and Insurance.

- 1 85.19.060 Request for Law Enforcement Services.
- 2 85.19.070 Application Review Process.
- 3 85.19.080 Review by Sheriff.
- 4 85.19.090 Decision on Application.
- 5 85.19.100 Expiration and Non-Transferability of Permit.
- 6 85.19.110 Complaints.
- 7 85.19.120 Suspension or Revocation of Permit.
- 8 85.19.130 Other Prohibited Activities.
- 9 85.19.140 Post-Decision Procedures.
- 10 85.19.150 Clean-Up and Performance Security.

11 **85.19.010 Purpose.**

12 The purpose of this Chapter is to provide regulations for the establishment,
13 operation, removal, and cleanup of Food Truck Events in the unincorporated areas of
14 the County and which do not constitute a "land use" of sufficient magnitude or
15 longevity to require permanent land use approval.

16 **85.19.020 Permit Required for Food Truck Events.**

17 (a) Permit required. Except as otherwise provided by the County Code or
18 state or federal law, no person or entity shall advertise, conduct, maintain, operate, or
19 provide admission for any Food Truck Event within the unincorporated areas of the
20 County without possessing an unexpired, unsuspended, and unrevoked Food Truck
21 Event permit from the Department for each Food Truck Event.

22 (b) Closure if no permit. A Food Truck Event conducted without the
23 required permit is subject to closure at any time during the event. It shall be the
24 responsibility of the applicant to have the permit approval letter on-site during the
25 event. The applicant, promoter of the event, business owner, and/or landowner may
26 be liable for the costs of the agencies participating in the closure of the event.

27
28

1 (c) Exemption. Any Food Truck Event that has received another land use
2 approval (e.g., Conditional Use Permit) to allow food trucks shall be exempt from the
3 requirements of this Chapter.

4 (d) Food Truck Events. A Food Truck Event shall be classified as a Food
5 Truck Event - Major or a Food Truck Event - Minor, as defined in County Code section
6 810.01.080.

7 **85.19.030 When Application for Permit Must be Submitted.**

8 An application for a Food Truck Event permit must be submitted in a complete
9 form at least 60 days in advance of the anticipated commencement of the Food Truck
10 Event.

11 **85.19.040 Content of Application.**

12 The applicant shall supply a site plan and other information the Department
13 may reasonably require based upon the location, intensity, and level of services
14 required for each proposed Food Truck Event. The applicant must show or provide,
15 at a minimum, the following information:

- 16 (a) Food Truck staging areas(s);
- 17 (b) Trash receptacles;
- 18 (c) Restrooms;
- 19 (d) Temporary structures or tents;
- 20 (e) Notation of land uses on adjacent properties;
- 21 (f) Site lighting;
- 22 (g) Fire protection, including location of fire hydrants and
23 supplemental water sources;
- 24 (h) Food concessions;
- 25 (i) Inclement weather contingencies;
- 26 (j) Medical/first aid facilities;
- 27 (k) News releases required;
- 28

1 (l) Noise impact(s) (An applicant's request to play or broadcast
2 music, especially between the hours of 11:00 p.m. and 7:00 a.m., shall be evaluated
3 and determined based on all relevant information including the following: the proximity
4 to the nearest residence, business, or other occupied land use; the topography of the
5 site and relevant surrounding area; and the time limits the music is proposed to be
6 played);

7 (m) Restoration of landscape;

8 (n) Sanitary facilities;

9 (o) Provisions for adequate ingress/egress and adequate parking
10 including provisions for special traffic control measures, including
11 the use of traffic enforcement officers, barricades, cones, signs,
12 maps and any other traffic control devices of any type;

13 (p) Topographical and ecological considerations and consideration of
14 alternative sites; and

15 (q) Water facilities.

16 **85.19.050 Fees, Bonding, and Insurance.**

17 (a) Fees. All estimated total fees and charges shall be deposited by the
18 applicant with the affected department(s) at least 30 days before the scheduled
19 occurrence of the Food Truck Event.

20 (b) Bonding and insurance. The applicant may be required to provide
21 sufficient liability insurance naming the County as an additional named insured. The
22 insurance shall be sufficient to protect, defend, and indemnify the County, its agents,
23 employees, officers, servants, and volunteers from and against any claim, damage,
24 injury, liability, and loss of any nature arising out of, or in any way connected to, the
25 Food Truck Event. The amount, quality, and type of the insurance shall be
26 determined in compliance with the policy established by the Risk Management
27 Department. The County may require a bond to be posted before the Food Truck
28

1 Event to ensure that all conditions are met, including the cleanup and restoration of
2 landscape.

3 **85.19.060 Request for Law Enforcement Services.**

4 An applicant may request law enforcement services to preserve the peace at a
5 Food Truck Event. The request shall be made in compliance with County Code
6 section 85.16.030(j).

7 **85.19.070 Application Review Process.**

8 (a) Upon receipt of a completed application, site plan, and all related fees,
9 the Department shall consult with all applicable County, state, and federal agencies,
10 which may include one or more of the departments or agencies described in County
11 Code section 85.16.030(a)(4) as well as any other relevant agency.

12 (b) The Food Truck Event shall comply with the California Environmental
13 Quality Act (CEQA). A review will determine whether the categorical exemptions in
14 Sections 15301 and 15304 of the CEQA Guidelines are applicable. If the Food Truck
15 Event has the potential to cause adverse environmental impacts, an environmental
16 review of the proposed event shall be conducted in compliance with the County Code
17 and CEQA, and an additional environmental review fee will be required.

18 (c) After an environmental determination has been made, or if one is not
19 required, the Director:

20 (1) May approve or deny the application; and/or

21 (2) May refer the application directly to the Planning Commission for
22 consideration; and/or

23 (3) May require a Conditional Use Permit or other appropriate land
24 use permit and approval where the magnitude or longevity of the use requires the
25 permit and/or approval; and/or

26 (4) Shall notify the applicant of the Sheriff's determination, if the
27 Sheriff has determined in compliance with Section 85.19.080 below, that no permit

28

1 should be issued or should only be issued upon compliance with certain requirements
2 or conditions; and/or

3 (5) May elevate the application for a Minor Food Truck Event to an
4 application for a Major Food Truck Event because of the scope or other
5 circumstances of the event.

6 **85.19.080 Review by Sheriff.**

7 If the Director refers an application to the Sheriff's Department, the Sheriff's
8 Department shall make a recommendation for the approval, disapproval, and/or
9 necessary conditions for the approval of an application for a Food Truck Event permit,
10 based on the criteria set forth in County Code section 85.16.030(i).

11 **85.19.090 Decision on Application.**

12 The decision to approve, to approve upon the compliance with certain
13 additional requirements or conditions, or to deny an application, shall be based on the
14 criteria set forth in County Code subsections 85.16.030(h), (i), and (m).

15 **85.19.100 Expiration and Non-Transferability of Permit.**

16 A Food Truck Event permit shall expire in compliance with the terms of the
17 permit. A Food Truck Event permit shall not be transferable to any other date,
18 organization, person, place, or time.

19 **85.19.110 Complaints.**

20 Any person may file a complaint with the Department or the Sheriff regarding a
21 Food Truck Event or may petition for a suspension or revocation of any Food Truck
22 Event permit.

23 **85.19.120 Suspension or Revocation of Permit.**

24 A permit may be suspended or revoked on any ground set forth in County
25 Code subsections 85.16.030(h), (i), or (m), and in compliance with the applicable
26 procedures set forth in County Code subsections 85.16.030(m), (n), and (o), and in
27 this Chapter.

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1 **85.19.130 Other Prohibited Activities.**

2 It shall be unlawful for any person to do any of the activities described in
3 County Code subsection 85.16.030(p) in conjunction with a Food Truck Event.

4 **85.19.140 Post-Decision Procedures.**

5 In addition to the provisions specified in this Chapter, the procedures and
6 requirements in Chapter 86.06 (Time Limitations), and those related to appeals and
7 revocation in Division 6 (Development Code Administration), shall apply following a
8 decision on an application for a Food Truck Event Permit or on a decision to suspend
9 or revoke a Food Truck Event Permit or on any other decision or determination
10 regarding a violation of this Chapter. The Board of Supervisors shall not make any
11 decision on an application for a permit or a suspension or revocation of a permit or on
12 any related appeal. In the case of a conflict, the provisions of this Chapter shall
13 prevail.

14 **85.19.150 Clean-Up and Performance Security.**

15 (a) Each site occupied by a Food Truck Event shall be cleaned of debris,
16 litter, or other evidence of the event on completion of the event, and shall thereafter
17 be used in compliance with the provisions of this Development Code.

18 (b) Performance security may be required before initiation of a Food Truck
19 Event to ensure cleanup after the activity is finished, in compliance with Section
20 86.06.050 (Performance Guarantees).

21

22 SECTION 3. Section 810.01.080 of the San Bernardino County Code is
23 amended by the addition of the following definitions and the renumbering of the other
24 definitions accordingly, to read:

25 **810.01.080 Definitions, "F."**

26 . . .

27 (nn) Food Truck Event – Major. An event, other than a Community Event,
28 where one or more mobile food facilities, as defined by the Environmental Health

1 Services Division, operates at a designated single location, not to exceed one day, to
2 sell or provide food to an individual, with an anticipated attendance of over 500
3 persons. A Major Event will be limited to four events per parcel per calendar year. A
4 Major Event which takes place on both a Saturday and Sunday on one weekend will
5 be considered one event, for the purposes of calculating the number of events per
6 parcel.

7 (oo) Food Truck Event – Minor. An event, other than a Community Event,
8 where one or more mobile food facilities, as defined by the Environmental Health
9 Services Division, operates at a designated single location in either a single one-day
10 event, or a recurring event on more than one day, not to exceed 365 consecutive
11 days, to sell or provide food to an individual, with an anticipated attendance of 500
12 persons or less.

13
14 SECTION 4. This ordinance shall become effective thirty (30) days after its
15 adoption.

16
17
18

JOSIE GONZALES, Chair
Board of Supervisors

19
20 SIGNED AND CERTIFIED THAT A COPY OF
21 THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIR OF THE BOARD

22 LAURA H. WELCH,
23 Clerk of the Board of Supervisors
24 of the County of San Bernardino
25
26
27
28

1 STATE OF CALIFORNIA)
2)ss.
3 COUNTY OF SAN BERNARDINO)

4 I, LAURA H. WELCH, Clerk of the Board of Supervisors of the County of San
5 Bernardino, State of California, hereby certify that at a regular meeting of the Board of
6 Supervisors of said County and State, held on the ____ day of _____, 2012 at
7 which meeting were present Supervisors: _____

8 and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to
9 wit:

10 AYES:

11 NOES:

12 ABSENT:

13 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official
14 seal of the Board of Supervisors this ____ day of _____, 2012.

15 LAURA H. WELCH,
16 Clerk of the Board of Supervisors of the
17 County of San Bernardino,
18 State of California

19 _____
20 Deputy

21 Approved as to Form:
22 JEAN-RENE BASLE
23 County Counsel

24 By: *Kenneth C. Hardy*
25 KENNETH C. HARDY
26 Deputy County Counsel

27 Date: 4/30/12

28



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, MAY 23, 2012**

A. PROPOSALS:

1. CROSSOVER HIP HOP CENTER (CUP12-10135)

Proposal: Revised Conditional Use Permit to establish a teen dance club and associated school and tutoring services in existing building.

Location: 16490 7th Street (APN: 0413-072-16)

Planner: Daniel Alcayaga



CITY OF HESPERIA DEVELOPMENT REVIEW COMMITTEE

City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, JUNE 6, 2012

A. PROPOSALS:

1. ENCORE JUNIOR & SENIOR HIGH SCHOOL (SPR11-10248)

Proposal: A revised site plan review to amend approved Revised Site Plan Review SPR09-10208, to establish a charter school as well as to install ten portable classrooms.

Location: 16955 Lemon Street (APN 0410-011-06)

Planner: Stan Liudahl

Action: Administrative Approval

2. TMS CONSORTIUM (SPR11-10213)

Proposal: A site plan review and development agreement to construct a three-story, 114-unit affordable apartment complex on 5.6 gross acres within the High density residential (HDR) District of the Main Street and Freeway Corridor Specific Plan.

Location: South side of Live Oak Street between Eighth and Ninth Avenue (APN: 0407-142-03 & 04)

Planner: Stan Liudahl

Action: Forwarded to Planning Commission