LIVE OAK PLANNING COMMISSION

REGULAR MEETING AGENDA
MAY 20, 2025
6:00 PM

MEETING LOCATION
LIVE OAK COUNCIL CHAMBERS
9955 LIVE OAK BOULEVARD
LIVE OAK, CALIFORNIA 95953

MEMBERS OF THE COMMISSION

JERRY STEWART, VICE CHAIR
MATT CASHMAN, COMMISSIONER
ALAN DEALA, COMMISSIONER
MICHELLE SERPA, COMMISSIONER
LIZ SKUTLEY, COMMISSIONER
MIKE TUMAN, COMMISSIONER

LAURA STEWART,
ASSOCIATE PLANNER

The Commission may take up any agenda item at any time, regardless of the order listed. Action may be taken on any item on this agenda. Materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at City Hall, 9955 Live Oak Boulevard, Live Oak, during normal business hours. Such documents are also available on the City of Live Oak's website at www.liveoakcity.org, subject to staff's availability to post the documents before the meeting.

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the City Clerk's office at (530) 695-2112 x107. Requests must be made at least 24 hours in advance.

- ***Remote Viewing:***
    - *Members of the public can view a livestream of the meeting online at* https://liveoakca.granicus.com/ViewPublisher.php?view_id=1.
    - *Members of the public can access the Zoom webinar as follows:*
        - ***Join by Electronic Device:***
          https://us02web.zoom.us/j/88490190259
        - ***Join by Phone:***
          1-669-900-6833 or 1-877-853-5247 (Toll Free)
          Webinar ID: *884 9019 0259*
- ***Public Comment:*** *Members of the public can submit general public comments, as well as comment on specific agenda items in the following ways:*
    - ***Public Attendance:*** *Members of the public who attend in person may make comments from the Council Chamber podium.*

- ***Live Remote Public Comment:*** *Members of the public can submit a live remote public comment by:*

  - *Joining the virtual Commission meeting via the link below. When public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes.*

    https://us02web.zoom.us/j/88490190259

  - *Joining the virtual Commission meeting by calling the phone number below. When public comment is opened, dial *9 to raise your hand and be called upon to speak for up to 3 minutes.*

    1-669-900-6833 or 1-833-548-0282 (Toll Free)
    Webinar ID: *884 9019 0259*

- ***Email Public Comment:*** *Comments from the public on agenda items will be accepted until 1:00 pm on the date of the meeting, via email to the Associate Planner at lstewart@liveoakcity.org. Comments will be distributed to Commission prior to the meeting and attached to the minutes. Please note that emailed comments will NOT be read aloud by staff during the meeting.*

- ***eComment Feature:*** *Comments from the public on agenda items will be accepted until 1:00 pm on the date of the meeting, via the eComment feature at https://liveoakca.granicus.com/ViewPublisher.php?view_id=1. Comments will be distributed to Commission prior to the meeting and attached to the minutes. Please note that eComments will NOT be read aloud by staff during the meeting.*

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

CORRECTIONS AND/OR CHANGES TO THE AGENDA

PRESENTATIONS

A. Administration of Oath of Office for New Live Oak Planning Commissioner Appointments

PUBLIC COMMENT

CONSENT ITEMS

1. Planning Commission Meeting Minutes
   Recommendation: Approve the December 17, 2024, Planning Commission Regular Meeting minutes.
   (Laura Stewart, City Planner)

BUSINESS ITEMS

2. Mobile Food Vendor and Sidewalk Vendor Ordinance and Enforcement Discussion
   Recommendation: Review and discuss the draft ordinance and continue the discussion on enforcement procedures. Feedback from the Commission will be incorporated into a revised version for further consideration and potential recommendation to the City Council.
   (Laura Stewart, City Planner)

3. Revocation of Conditional Use Permit 23-01 || APN 006-330-004
   Recommendation: Revoke Conditional Use Permit for Wireless Facility.
   (Kary Hauck, Interim City Manager)

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COMMISSIONER CONSIDERATION AND ACTION

UPDATES AND ANNOUNCEMENTS FROM THE CITY PLANNER

COMMISSIONER REPORTS/COMMENTS/REQUESTS

ADJOURNMENT

City of Live Oak
Report to Planning Commission

Meeting Date: May 20, 2025

Title: Administration of Oath of Office for New Live Oak Planning Commissioner Appointments

City of Live Oak
Report to Planning Commission

Meeting Date:	May 20, 2025
Title:	Planning Commission Meeting Minutes
Contact Information:	Laura Stewart, City Planner
Recommendation:	Approve the December 17, 2024, Planning Commission Regular Meeting minutes.

Attachments:

Minutes

LIVE OAK
PLANNING COMMISSION

MEETING MINUTES
DECEMBER 17, 2024
6:00 PM

CALL TO ORDER

Meeting called to order by Commissioner Didario at Live Oak City Council Chambers, 9955 Live Oak Boulevard, Live Oak, CA at 6:00 pm.

ROLL CALL

Appeared in-person: Commissioners Cashman, Didario, Stewart, and Tuman

Absent: Commissioners Ivory and Serpa

PLEDGE OF ALLEGIANCE

Commissioner Didario led the Pledge of Allegiance.

CORRECTIONS AND/OR CHANGES TO THE AGENDA

None.

PRESENTATIONS

None.

PUBLIC COMMENT

Aaron Pamma addressed the Commission.

CONSENT ITEMS

Consent Calendar is passed by one motion with exceptions and separate votes as noted.

MOTION:	APPROVE THE CONSENT CALENDAR. (MOTION: TUMAN; SECOND: CASHMAN)
VOTE:	4-0-2
AYES:	COMMISSIONERS CASHMAN, DIDARIO, STEWART, AND TUMAN
NOES:	NONE
ABSENT:	COMMISSIONERS IVORY AND SERPA

1. Draft Minutes – Regular Meeting of the Planning Commission – October 15, 2024
Kevin Valente, Contract Planner
Commission action: October 15, 2024 Planning Commission Regular Meeting minutes approved.

PUBLIC HEARING ITEMS

2. Consideration of the Proposed Millennium Farms Tentative Subdivision Map
Kevin Valente, Contract Planner

Kevin Valente, Contract Planner, provided a report for the Commission.

The project applicant(s) addressed the Commission: Ernie Phelan and Gurvinder Pamma.

Public Hearing was opened at 6:50 pm.

Brenda Hopper (Poplar Way) addressed the Commission.

Public Hearing was closed at 7:02 pm.

MOTION: AMEND CONDITION OF APPROVAL #13 FOR THE APPROVED MILLENNIUM FARMS TENTATIVE SUBDIVISION MAP TO REMOVE THE APRICOT STREET EXTENSION REQUIREMENT AND ADD AN EMERGENCY VEHICLE ACCESS TO TREATMENT PLANT ROAD.
(MOTION: TUMAN; SECOND: CASHMAN)

VOTE: MOTION FAILED 2-1-1-2
AYES: COMMISSIONERS CASHMAN AND TUMAN
NOES: COMMISSIONER STEWART
ABSTAIN: COMMISSIONER DIDARIO
ABSENT: COMMISSIONERS IVORY AND SERPA

MOTION: AMEND CONDITION OF APPROVAL #13 FOR THE APPROVED MILLENNIUM FARMS TENTATIVE SUBDIVISION MAP TO REMOVE THE APRICOT STREET EXTENSION REQUIREMENT AND ADD AN EMERGENCY VEHICLE ACCESS TO TREATMENT PLANT ROAD AND DIRECT CITY STAFF AND THE APPLICANT TO CONTINUE DISCUSSIONS REGARDING SECONDARY ACCESS ALTERNATIVES INCLUDING DEREE ROAD AND APRICOT STREET.
(MOTION: TUMAN; SECOND: CASHMAN)

VOTE: 3-1-2
AYES: COMMISSIONERS CASHMAN, DIDARIO, AND TUMAN
NOES: STEWART
ABSENT: COMMISSIONER IVORY AND SERPA

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COMMISSION CONSIDERATION AND ACTION

None.

UPDATES AND ANNOUNCEMENTS FROM THE PLANNING DIRECTOR

None.

COMMISSIONER REPORTS/COMMENTS/REQUESTS

Commissioner Didario requested a joint City Council and Planning Commission meeting to discuss citywide topics.

ADJOURNMENT

Adjourned the meeting at 7:29 pm.

City of Live Oak
Report to Planning Commission

Meeting Date: May 20, 2025

Title: Mobile Food Vendor and Sidewalk Vendor Ordinance and Enforcement Discussion

Contact Information: Laura Stewart, City Planner

Location: Citywide

Background: At the May 15, 2024 City Council meeting, former Interim City Manager Mark Scott presented a report titled "Adopting Mobile Food Vendor and Sidewalk Vendor Ordinances," which included the City of Indio's ordinance as a reference. Following the presentation, the City Council directed staff to initiate the development of a Mobile Food Vendor ordinance through the Planning Commission, with the intent of preparing a recommendation for Council consideration.

Subsequently, at the Planning Commission meeting held on August 6, 2024, Planning Consultant Kevin Valente introduced a report titled "Citywide Mobile Food Vendor and Food Truck Regulations Discussion." During the public comment period, two members of the public expressed concerns about the need for clear regulations and enforcement mechanisms regarding food truck and sidewalk vending operations within the City. In response, the Commission directed staff to develop a comprehensive ordinance addressing both mobile food vendors and sidewalk vendors, along with enforcement procedures.

Interim City Manager Kary Hauck has since prepared a draft ordinance entitled "Special Provisions for Mobile and Open Air Vending Operations," which is attached for review and discussion by the Commission.

Fiscal Impacts: To be determined.

Recommendation: Review and discuss the draft ordinance and continue the discussion on enforcement procedures. Feedback from the Commission will be incorporated into a revised version for further consideration and potential recommendation to the City Council.

Attachments:

Mark Scott's May 15, 2024 Mobile Food Vendor CC Report
Kevin's Mobile Food Vendor PC Staff Report 8.6.24
Draft Mobile Food Vendor Ordinance

LIVE OAK
CALIFORNIA

City of Live Oak
Report to City Council

Meeting Date: May 15, 2024

Title: Adopting Mobile Vendor and Sidewalk Vendor Ordinances

Contact Information: Mark Scott, Interim City Manager, and Nicole Rosser, City Attorney

Background: This report is the same report re-agendized from the May 1, 2024, City Council meeting.

The City of Live Oak does not currently have ordinances regulating the issuance of permits for mobile vendors (food trucks or other motorized vehicles) or sidewalk vendors (non-motorized carts or stands). In years past, there has been some concern about mobile or sidewalk vendors having unfair advantage over fixed base ("bricks and mortar") food businesses. Staff is unaware of any current ordinance or policy that prohibits food trucks or sidewalk vendors, nor is there any enabling ordinance or policy.

Staff has received requests from parties who own food trucks for permits to operate in Live Oak. Staff is also aware that there have been sidewalk vendors, from time to time, who have operated on a limited basis.

Analysis:

This item has been placed on the May 1, 2024 City Council agenda for discussion and possible direction to staff on how to proceed in developing an ordinance or policy. There is not a proposed ordinance or policy that is being proposed at this time.

Attached is an advisory memo from City Attorney Nicole Rosser that explains that under current law, a city is required to allow operation of food trucks and sidewalk vendors subject to conditions that relate generally to "time, place and manner." In fact, California law goes so far as to suggest some of the areas where conditions of approval may be applied.

As example, such businesses may be limited in their operation by conditions requiring:
* Locating:
*20 feet from any intersection or driveway
*a specified distance from parks or schools except by invitation
*a specified distance from any other mobile or sidewalk vendor

* Operating:
*Only during specified hours of the day
*Without loudspeakers or amplified music
*Within specific zone districts of the City
*Without disrupting sidewalk clearance or street traffic
*Serving customers so that they do not need to enter the street for service
*In compliance with State and County public health and safety regulations
*With a valid City business license and County public health permits

California law changed during the COVID shutdown period to make it easier for small businesses of this sort to operate. The attached ordinance from the City of Indio offers insights into the application of the new law to mobile vendors, stationary sidewalk vendors, and mobile sidewalk vendors. Within the operating conditions in the law, there is some discretion available to a City Council. There are also some conditions that are not discretionary. For instance, I believe State law requires a city to allow sidewalk vendors to operate in residential zones at least during the typical business hours of the day. After staff receives City Council input on areas of concern to the Council, staff will do further research into what the City may or may not restrict.

Fiscal Impacts:

There is no direct fiscal impact to the City that is affected by discussing this matter, While there could be fiscal impacts on fixed base food or retail businesses if enacted, there are no immediate impacts from discussing the policy itself.

Recommendation:

City Council discuss the options legally available to the City in adopting ordinances to provide for permitting of food trucks and sidewalk vending businesses to operate in the City of Live Oak, and to provide staff with direction on drafting such local law.

Attachments:

Memo re Mobile Vendors
City of Indio Municipal Code - Sidewalk Vendors and Vending Vehicles

MEMORANDUM

TO: Mark Scott

FROM Nicole Rosser

DATE: April 9, 2024

RE: MOBILE FOOD VENDORS/SIDEWALK VENDING

OVERVIEW:

The discussion of mobile food vendors consists of two applicable subsects to this general area: Mobile Vending and Sidewalk Vending. The City of Live Oak does not have any specific ordinances related to Mobile Vending or Sidewalk Vending. There is a definition in the zoning ordinance for Mobile Food Vending and a limitation of locations of where they can be permitted upon review by the City, but no actual regulations of hours of operations in residential zones, special event use, and prohibited materials.

MOBILE VENDING:

Mobile Vending is defined as the selling, advertising, promoting, offering or soliciting to sell, convey, barter, or trade of food, products, goods and merchandise from a mobile food facility (MFF) or a mobile vending facility (MVF).

MFF means any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold/distributed at retail. It includes, cars, trucks, vans, or any vehicle or device (i.e. trailer) that is pushed, pulled, carried, towed or otherwise transported by a motor vehicle or devise and equipped to store, prepare, serve, advertise, promote, offer, convey, barter, trade, solicit, and/or sell food, foodstuffs, food products, and all associated ware, goods and merchandise.

MVF means both a mobile food facility and any vehicle used in conjunction with mobile vending (Vending from motorized vehicles).

Mobile Vending is most frequently conducted on public property, but may be conducted on private property.

Some Council Considerations when considering a proposed Mobile Vending Ordinance should include precise definitions, regulations for hours of operation, and require a permit from the City in addition to a business tax certificate. The regulations should specifically consider:

1. Health permit from Sutter County;

2. Permit from the City of Live Oak and Business tax certificate and payment of fees;
3. Location and siting requirements, including distance from certain locations and other mobile vendors, and time restrictions;
4. Hours of operation restrictions;
5. Liability insurance requirements;
6. Compliance with City's sign regulation and noise level regulations;
7. Prohibition of certain items, such as alcohol, cannabis, adult materials, tobacco products, fireworks, etc;
8. Establishing penalties for violation of the ordinance;

Other Possible Considerations would be Long-Term Mobile Vending Facility and anything that would go along with that subject matter, including time limits, permanence etc.

SIDEWALK VENDING:

Legislation defines "sidewalk vendor" as a person who sells food or merchandise on a public sidewalk or other pedestrian path (including public parks). "Sidewalk vendors" can operate from a pushcart, wagon, or other non-motorized conveyance or from his or her person, while on the public sidewalk or walk path. A "sidewalk vendor" may be roaming from place to place or stationary operating from a fixed location.

There are two recent Senate Bills applicable to Sidewalk Vendors. Those are SB 946 and SB 972. SB 946 became effective on January 1, 2019 and prohibits California cities and counties from banning sidewalk vendors from operating on public sidewalks. SB 946 also prohibits cities from regulating sidewalk vendors unless cities establish a permitting system that is consistent with the provisions of SB 946. SB 946 also requires any restrictions placed on sidewalk vendors be directly related to objective health, safety, or welfare concerns. Community animus of economic competition does not constitute an objective health, safety or welfare concern according to the statute. Local jurisdictions wishing to regulate sidewalk vending are required to first adopt a program with regulations consistent with SB 946. The intent of the bill was to promote entrepreneurship and economic development opportunities for low-income and immigrant communities.

SB 972 became effective on January 1, 2023 and amended the California Retail Food Code. It added a new definition of a "compact mobile food operation" under the definition of a "mobile food facility" to address sidewalk vendors who prepare food using a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance. SB 946 did not affect the applicability of the California Retail Food Code as to sidewalk vendors who sell food. The California Retail Food Code allowed criminal penalties for violations. However, SB 972 de-criminalized the California Retail Code. SB 946 and SB 972 have fully decriminalized vending and only administrative citations are allowed.

It is important that Council look at both of these in conjunction as they are both related and cover the sale of food from a mobile type apparatus. Some important Council considerations that would be compliant with SB 946 and SB 972 are as follows:

1. Requiring maintenance of sanitary conditions in compliance with Sutter County health requirements and obtaining any applicable County permits to sell food;
2. Complying with disability access standards;
3. Obtaining a permit from the City and paying the appropriate permit fee, obtaining a business tax certificate, and requiring proof of a valid California seller's permit for sales tax compliance;
4. Obtaining liability insurance;
5. Requiring an acknowledgment that a sidewalk vendor uses public property at their own risk;
6. Requiring compliance with other generally applicable federal, state, county and local laws;
7. Requiring the provision of information on proposed vendor operations;
8. Consideration of restrictions of sidewalk vending within a certain radius of parks, farmers markets, and other temporary special events;
9. Prohibiting stationary vendors in residential areas and placing hours of operation restrictions on roaming and stationary vendors;
10. Imposing distance requirements from certain locations and other sidewalk vendors;
11. Prohibition of vending of alcohol, cannabit, adult materials, tobacco products, fireworks, etc;
12. Establishing administrative fines for violations.

RECOMMENDATION:

It would be recommended that Council give staff input as to the types of restrictions that they would like to see with respect to Mobile Vending and Sidewalk Vending. Since the City is receiving requests for permits, it is imperative that the Council set the narrative of what types of restrictions they would like to put in place.

CHAPTER 114: SIDEWALK VENDORS AND VENDING VEHICLES

Section

114.10 Definitions

114.11 Business license required

114.12 Vending permit required

114.13 Vending permit application

114.14 Criteria for approval or denial of vending permit

114.15 Permit expiration and renewal

114.16 Permit nontransferable

114.17 Sidewalk vendor operating requirements

114.18 Vending vehicle operating requirements

114.19 Regulations for vending on private property

114.20 Permit rescission

114.21 Administrative citations

114.22 Appeals

§ 114.10 DEFINITIONS.

For purposes of this Chapter, the following words or phrases shall have the following meanings:

CERTIFIED FARMERS' MARKET. A location operated in accordance with Chapter 10.5 of Division 17 of the Cal. Food and Agricultural Code and any regulations adopted pursuant to that chapter.

DIRECTOR. The City Manager or his or her designee.

ENFORCEMENT OFFICIAL. The City Manager, the Chief of Police, or either of their designees who is charged with enforcing the Indio Code of Ordinances.

FOOD or ***FOOD PRODUCTS.*** Any item described by Cal. Health and Safety Code § 113781.

GOODS or ***MERCHANDISE.*** Any item that is not food or a food product and can be sold and immediately obtained from a sidewalk vendor. Items for rent, subscription plans, and other services shall not be considered goods or merchandise.

HEARING OFFICER. A person selected by the City Manager to conduct an administrative hearing that has no bias or pecuniary interest in the matter to be heard.

PERSON. One or more natural persons, groups, businesses, business trusts, companies, corporations, joint ventures, joint stock companies, partnership, entities, associations, clubs, or organizations composed of two or more individuals (or the manager, lessee, agent, servant, officer, or employee of any of them), whether engaged in business, nonprofit, or any other activity.

ROAMING SIDEWALK VENDOR. A sidewalk vendor who moves from place to place and stops only to complete a transaction.

SIDEWALK VENDOR. Any person who vends from a vending cart or from one's person, upon a public sidewalk, parkway, pedestrian path, or other public right-of-way available to pedestrians.

STATIONARY SIDEWALK VENDOR. A sidewalk vendor who vends from a fixed location.

SWAP MEET. A location operated in accordance with Article 6 of Chapter 9 of Division 8 of the Cal. Bus. & Prof. Code, and any regulations adopted pursuant to that article.

TEMPORARY SPECIAL PERMIT. Any permit issued by the City for the temporary use of, or encroachment on, the sidewalk or any other public area, including, but not limited to, an encroachment permit, special event permit, or temporary use permit, for purposes including, but not limited to, filming, parades, festivals, or outdoor concerts.

VEND OR VENDING. To sell, offer for sale, display for sale, or solicit offers to purchase, food, food products, beverages, goods, or merchandise.

VENDING CART. Any pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for vending, that is not a vehicle as defined in the Cal. Vehicle Code.

VENDING VEHICLE. Any self-propelled, motorized device or vehicle that is used for vending and by which any person or property may be propelled or moved upon a highway, excepting a vending cart or other device moved exclusively by human power.

VENDING VEHICLE OPERATOR. Any person that operates or assists in the operation of a vending vehicle.

VENDOR. A person who vends from a vending cart, from one's person, or from a vending vehicle, including an employee or agent of another.

(Ord. 1767, passed 12-15-21)

§ 114.11 BUSINESS LICENSE REQUIRED.

All sidewalk vendors and vending vehicle operators desiring to vend in the City shall obtain and maintain a valid business license issued by the City in accordance with Chapter 110 of this Code.

(Ord. 1767, passed 12-15-21)

§ 114.12 VENDING PERMIT REQUIRED.

In addition to procuring a business license, as set forth in §114.12, all sidewalk vendors and vending vehicle operators desiring to vend in the City on public or private property shall first obtain a vending permit. Except as otherwise provided in this chapter, vending from a vending cart, from one's person, or from a vending vehicle on any public street, alley, parkway, sidewalk, or other public property or private property in the City is prohibited.

(Ord. 1767, passed 12-15-21)

§ 114.13 VENDING PERMIT APPLICATION.

To apply for a vending permit, a person must file an application with the Director, accompanied by a nonrefundable processing fee in an amount established by resolution of the City Council. The application shall be in a form prescribed by the Director and shall contain, at a minimum, the following:

(A) The legal name and current address and telephone number of the applicant;

(B) If the applicant is an agent of an individual, company, partnership, corporation, or other entity, the name and business address of the principal;

(C) A description of the food or merchandise offered for sale;

(D) A photograph of the vending vehicle or vending cart. If the applicant intends to use a vending vehicle, a description of the type of vehicle to be used, the vehicle's registration and license number, and the applicant's California driver's license numbers);

(E) Whether the applicant intends to operate as a stationary sidewalk vendor, a roaming sidewalk vendor, or a vending vehicle operator;

(F) A description of the streets, rights-of-way, or other locations in which the applicant intends to vend;

(G) A California seller's permit number pursuant to Cal. Revenue and Taxation Code § 6067;

(H) If a vendor of food or food products, certification to completion of a food handler course and proof of all required approvals from the Riverside County Department of Environmental Health;

(I) Proof of liability insurance in the amount and subject to the terms on file with the City's Risk Manager. The City's Risk Manager shall promulgate provisions regarding insurance requirements for sidewalk vendors and vending vehicles and shall be in an amount which is determined to be sufficient to adequately protect the City, persons, and property for injuries or damages which may be caused by activity under this Chapter;

(J) Certification by the applicant that the information contained in the application is true to his or her knowledge and belief;

(K) Any other reasonable information regarding the time, place, and manner of the proposed vending.

(Ord. 1767, passed 12-15-21)

§ 114.14 CRITERIA FOR APPROVAL OR DENIAL OF VENDING PERMIT.

The Director, or his or her designee, shall approve the issuance of a vending permit unless he or she determines that:

(A) Information contained in the application, or supplemental information requested from the applicant, is false in any material detail;

(B) The applicant has failed to provide a complete application, after having been notified of the requirement to produce additional information or documents;

(C) The applicant has failed to demonstrate an ability to conform to the operating standards set forth in this Chapter; or

(D) The applicant has failed to pay any previous administrative fines, complete any community service, and/or complete any other alternative disposition associated with a previous violation of this Chapter.

If the vending permit is denied, written notice of such denial and the reasons therefor shall be provided to the applicant.

(Ord. 1767, passed 12-15-21)

§ 114.15 PERMIT EXPIRATION AND RENEWAL.

A vending permit shall be valid for 12 months from the date of issuance, and shall expire and become null and void on the anniversary of its issuance. A person may apply for a permit renewal on a form provided by the City prior to the expiration of his or her active vending permit.

(Ord. 1767, passed 12-15-21)

§ 114.16 PERMIT NONTRANSFERABLE.

No vending permit granted pursuant to this chapter shall be transferable.

(Ord. 1767, passed 12-15-21)

§ 114.17 SIDEWALK VENDOR OPERATING REQUIREMENTS.

Sidewalk vendors shall comply with the following standards and conditions:

(A) Sidewalk vendors shall maintain at all times while vending a valid vending permit, a valid business license in accordance with Chapter 110 of this Code, and any other permit(s) or license(s) required by the City or other governmental agencies. A current, valid business license sticker shall be affixed in plain view to the vending cart. Vendors of food or food products shall in addition affix in plain view to the vending cart a current, valid Riverside County health inspection sticker.

(B) No sidewalk vendor shall vend in the following locations:

(1) Within ten feet of any street intersection;

(2) Within ten feet of any driveway or driveway apron;

(3) Upon or within any roadway, median strip, or dividing section;

(4) Within 200 feet of a permitted certified farmers' market, a swap meet, or an area designated for a temporary special permit. This prohibition shall be limited to the operating hours of the farmers' market or swap meet, or the limited duration of the temporary special permit;

(5) Within 300 feet of the nearest property line of any property on which a school building is located, between the hours of 7:00 a.m. and 5:00 p.m., each day that school is in session. This prohibition will not apply if the school principal gives the pushcart vendor written permission to enter or park on school property. The sidewalk vendor shall provide a copy of that authorization to the City within five days of its receipt, and possess a copy while vending to provide upon request to any Enforcement Official;

(6) Within the Major Music Overlay Zone, as defined in the Unified Development Code, for the duration of any Major Music Festival Event, including the time periods in which the streets and sidewalks are closed prior to and after the event;

(C) No sidewalk vendor shall vend in a manner that blocks or obstructs the free movement of pedestrians or vehicles. Sidewalk vendors must at all times provide a clearance of not less than four feet on all sidewalks or pedestrian areas so as to enable persons to freely pass while walking, running, or using mobility assistance devices.

(D) No sidewalk vendor shall block or impede access to bicycle racks, parking meters, required accessibility routes and curb cuts, trash enclosure areas or trash bins, fire hydrants, fire call boxes, or other emergency facilities.

(E) No sidewalk vendor shall vend within 50 feet of another sidewalk vendor or a vending vehicle.

(F) No sidewalk vendor shall distribute any item from the vending cart in a manner that causes any person to stand in the street.

(G) Sidewalk vendors shall not offer, provide, rent, or sell a service that is neither defined as merchandise or food.

(H) Vending is permitted between the hours of 8:00 a.m. and 10:00 p.m., daily, except as follows:

(I) In residential areas, vending shall be permitted between the hours of 8:00 a.m. and 7:00 p.m.

(J) In nonresidential areas, the limit on hours of operation shall not be more restrictive than the hours of operation of other businesses or uses on the same street.

(K) In City parks, vending shall be permitted only during the open hours of the park.

(I) Stationary sidewalk vendors shall obtain an encroachment permit pursuant toChapter 97, and must operate exclusively from the location and for the time periods designated by the encroachment permit.

(J) Stationary sidewalk vendors shall not vend in areas that are zoned exclusively residential.

(K) Stationary sidewalk vendors shall not vend at any park where the City or the park operator has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire.

(L) Sidewalk vendors shall maintain a clearly designated trash receptacle in the immediate vicinity of the vending cart,

marked with a sign requesting use by patrons. Prior to leaving any vending location, the vendor shall pick up, remove, and dispose of all trash generated by the vending operations within a 25 foot radius of the vending location.

(M) Sidewalk vendors shall maintain and possess at all times while vending proof of liability insurance in the amount required by the City.

(N) Sidewalk vendors of food or food products shall possess and display in plain view on the vending cart a valid health permit from Riverside County Department of Environmental Health.

(O) Sidewalk vendors shall comply with all applicable state and local laws, including without limitation state food preparation, handling, and labeling requirements; fire codes and regulations; noise standards; and the Americans with Disabilities Act of 1990 and other disability access standards (both state and federal).

(P) No vending cart shall become a permanent fixture on the vending site or be considered an improvement to real property.

(Ord. 1767, passed 12-15-21)

§ 114.18 VENDING VEHICLE OPERATING REQUIREMENTS.

Vending vehicle operators shall comply with the following standards and conditions:

(A) Vending vehicle operators shall obtain and maintain at all times while vending a valid vending permit, a valid business license in accordance with Chapter 110 of this Code, and any other permit(s) or license(s) required by the City or other governmental agencies. A current, valid business license sticker shall be affixed to the back of the vending vehicle. Vendors of food or food products shall in addition affix to the lower left hand side of the windshield a current, valid Riverside County health inspection sticker.

(B) In addition to any other equipment required by law, each vending vehicle shall be equipped with the following:

(1) A convex mirror mounted so that the driver can see the area in front of the truck that is obscured by the truck's hood; and

(2) A back-up alarm audible for a distance of at least 100 feet.

(C) Lettering showing the vending vehicle operator or owner's name, business address, and telephone number shall be permanently affixed to both sides of the vending vehicle in a conspicuous place. The lettering shall at all times be visible, shall not be less than four inches in height, and shall be in contrast to the color of the background upon which it is placed.

(D) No vending vehicle operator shall vend in the following locations:

(1) Within 100 feet of any street intersection controlled by a crosswalk, traffic light, or stop sign;

(2) Within ten feet of any driveway or driveway apron;

(3) Within any publicly-owned or operated parking lot, unless the vending vehicle operator has written permission of the owner and complies with the provisions of § 114.18;

(4) On any street, alley, or highway with a posted speed limit greater than 35 miles per hour;

(5) Within 200 feet of a permitted certified farmers' market, a swap meet, or an area designated for a temporary special permit. This prohibition shall be limited to the operating hours of the farmers' market or swap meet, or the limited duration of the temporary special permit;

(6) Within 300 feet of the nearest property line of any property on which a school building is located, between the hours of 7:00 a.m. and 5:00 p.m., each day that school is in session. This prohibition will not apply if the school principal gives the vending vehicle operator written permission to enter or park on school property. The vending vehicle operator shall provide a copy of that authorization to the City within five days of its receipt, and possess a copy while vending to provide upon request to any Enforcement Official;

(7) Within the Major Music Overlay Zone for the duration of any Major Music Festival Event, as defined in the Unified Development Code, including the time-periods in which the streets and sidewalks are closed prior to and after the event.

(E) The vending vehicle shall not obstruct pedestrian or vehicular traffic.

(F) No vending vehicle operator shall vend within 50 feet of another vending vehicle or a sidewalk vendor.

(G) Vending is prohibited on the exposed street or traffic side of the vending vehicle. No food, food products, goods, or merchandise shall be distributed from the vending vehicle in a manner so as to cause any customer or potential customer to stand in that portion of the street that is open to other vehicles.

(H) No part of a vending vehicle or any other equipment or furniture related to the operation of the vending vehicle shall encroach onto a public sidewalk.

(I) Vending is permitted between the hours of 8:00 a.m. and 11:00 p.m., daily, except that in residential areas vending shall only be permitted between the hours of 8:00 a.m. and 7:00 p.m.

(J) Vending vehicle operators shall maintain a clearly designated trash receptacle in the immediate vicinity of the vending

vehicle, marked with a sign requesting use by patrons. Prior to leaving any vending location, the vendor shall pick up, remove, and dispose of all trash generated by the vending operations within a 25 foot radius of the vending location.

(K) Vending vehicle operators shall maintain and possess at all times while vending proof of liability insurance in the amount required by the City.

(L) Vending vehicle operators shall comply with all applicable federal, state, and local laws, including without limitation state food preparation, handling, and labeling requirements; fire codes and regulations; noise standards; the Americans with Disabilities Act of 1990 and other disability access standards; and traffic, parking, and Cal. Vehicle Code provisions.

(M) No vending vehicle shall become a permanent fixture on the vending site or be considered an improvement to real property.

(Ord. 1767, passed 12-15-21)

§ 114.19 REGULATIONS FOR VENDING ON PRIVATE PROPERTY.

In addition to compliance with the operating requirements set forth in §§114.16 and 114.17, any vendor operating or conducting business from a vending cart or vending vehicle on private property shall comply with the following:

(A) The vendor shall comply with all applicable zoning regulations and land use entitlements for the private property.

(B) Unless vending is otherwise authorized by the applicable zoning regulations and/or land use entitlements for the private property or as otherwise provided for herein, the vendor shall obtain from the Community Development Director an administrative permit prior to engaging any vending activity. Any request for such a permit shall require the written consent of the property owner, which shall be provided to the Community Development Director. In determining whether to grant the administrative permit, the Community Development Director shall make the following findings: (i) the vending is allowed within the applicable underlying zone or is consistent with the uses permitted in such zone; (ii) the vending will not be detrimental to the public health, safety and welfare or adversely affect property values or the present or future development of the surrounding area; and (iii) the property is physically suitable for the activity. The Community Development Director shall review and approve the administrative permit application within ten days of receipt. If the administrative permit is denied, written notice of such denial and the reasons therefor shall be provided to the applicant.

(C) No administrative permit, however, is required under this Section for the following vending vehicle activities:

(1) Vending vehicles that serve active construction sites as long as the vending vehicle does not vend to the general public during their stop and the stop at the site is no longer than one hour.

(2) Vending vehicles on private property operating solely for private catering purposes as long as the vehicle is situated entirely on private property, service is limited to the guests of the catered event only and no payment transactions occur for individual orders taken by the vending vehicle operator.

(3) The vending vehicle is on private property for no more than one hour as long as: (a) vending is authorized by the applicable zoning and/or land use entitlement; and (b) the vendor has the written consent from the property owner and said consent shall be provided to the City upon request.

(Ord. 1767, passed 12-15-21)

§ 114.20 PERMIT RESCISSION.

(A) *Sidewalk vendors.* The Director may rescind a vending permit issued to a sidewalk vendor for a fourth violation or any subsequent violation of this Chapter.

(B) *Vending vehicle operators.* The Director may rescind a vending permit issued to a vending vehicle operator for a first violation or any subsequent violation of this Chapter.

(C) Should a vending permit be rescinded, the sidewalk vendor or vending vehicle operator shall be required to cease operation immediately. A sidewalk vendor or vending vehicle operator whose permit is rescinded may apply for a new vending permit upon the expiration of the term of the rescinded permit.

(Ord. 1767, passed 12-15-21)

§ 114.21 ADMINISTRATIVE CITATIONS.

(A) Except as provided in Subsection (B) below, any violation of this Chapter is punishable by an administrative citation in following amounts:

(1) One hundred dollars for a first violation.

(2) Two hundred dollars for a second violation within one year of the first violation.

(3) Five hundred dollars for each additional violation within one year of the first violation.

(B) Vending without a valid City-issued vending permit is punishable by an administrative citation in the following amounts:

(1) Two hundred fifty dollars for a first violation.

(2) Five hundred dollars for a second violation within one year of the first violation.

(3) One thousand dollars for each additional violation within one year of the first violation.

(4) Upon proof of a valid vending permit, the administrative citations set forth in this paragraph shall be reduced to amounts set forth in Subsection (A).

(C) A violation of this chapter shall not be punishable as an infraction or misdemeanor. No person alleged to have violated the provisions herein shall be subject to arrest except when otherwise permitted by law.

(D) Failure to pay an administrative citation issued pursuant to this section shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized herein shall not be assessed.

(E) When assessing administrative citations pursuant to this chapter, the hearing officer shall take into consideration the person's ability to pay the fine. The City shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

(F) If the person meets the criteria described in Cal. Gov't Code § 68632(a) or (b), the City shall accept, in full satisfaction, 20% of an administrative citation imposed pursuant to this chapter.

(G) The hearing officer may allow a person to complete community service in lieu of paying the total administrative citation, may waive the administrative citation, or may offer an alternative disposition.

(Ord. 1767, passed 12-15-21)

§ 114.22 APPEALS.

(A) Any person aggrieved by the decision of the Director to issue, deny issuance, or rescind a vending permit may file an appeal with the City Clerk within 14 calendar days from the date of the decision. The permit, if one has been issued, shall remain in effect while the appeal is being heard by the Hearing Officer. The Hearing Officer shall make his or her decision on the basis of the preponderance of the credible evidence presented at the appeal hearing and shall render a decision within ten business days of the hearing to either affirm, reverse, or modify the action of the Director. The decision shall be in writing, and shall set forth the findings and reasons for the decision. The Hearing Officer's decision after such hearing shall be final and conclusive.

(B) Except as otherwise specified herein, appeals of administrative citations shall be conducted in accordance with the procedures and requirements Chapter 11 of this Code.

(Ord. 1767, passed 12-15-21)

PLANNING COMMISSION STAFF REPORT

DATE: August 6, 2024

TO: City of Live Oak Planning Commission

FROM: Kevin Valente, Planning Director

SUBJECT: Citywide Mobile Food Vendor and Food Truck Regulations Discussion

RECOMMENDATION: Staff recommends the Live Oak Planning Commission receive a presentation from staff and discuss mobile food vendor and food truck regulations within the City and provide any necessary direction to staff.

BACKGROUND

On May 15, 2024 the Live Oak City Council directed staff to review the existing State and local regulations for mobile food vendors and food trucks and bring those findings to the Live Oak Planning Commission as a discussion item.

The City of Live Oak has recently received several requests to permit mobile food vendors and food trucks within the City. City staff has previously received direction from the Live Oak City Council that mobile food vendors and food trucks are not supported within the City. The reasoning for such direction has been for the City to prioritize the operation of brick and mortar restaurants. The City Council has expressed concerns with mobile food vendors and food trucks operating in the City and the limited existing brick and mortar restaurants would suffer. Currently, mobile food vendors and food trucks would not need to pay the permitting costs and costs for utilities that the existing brick and mortar restaurants are required to.

ANALYSIS

Currently, the Live Oak Municipal Code (LOMC) defines a mobile food vendor as a person who prepares food items for service, sale, or distribution by means of a vehicle. Table 17.04.020 in the LOMC currently allows mobile food vending in the Employment Zone Districts only. Specifically, staff-level review of a Zoning Clearance approval is required for mobile food vending in the Employment/Office Zoning District (E1) pursuant to Section 17.35.020 of the LOMC, and is permitted by-right in the Employment/Manufacturing Zone (E2), pursuant to Section 17.35.010 of the LOMC.

City staff determined the State of California does not mandate regulations for mobile food vendors and such regulations can be determined by the local jurisdiction. With the exception of food trucks are required to have the necessary health and business permits and Senate Bill (SB) 946 was signed into law in 2018, which prevents local authorities from prohibiting sidewalk vendors from operating within their jurisdictions.

Specifically, SB 946 states the following:

- Defines “sidewalk vendor” to mean a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one’s person, upon a public sidewalk or other pedestrian path.

- Prohibits all current sidewalk vending regulations unless they are consistent with SB 946 and prohibits cities from imposing sidewalk vending regulations "within specific parts of the public right of way," or within certain neighborhoods or areas.
- Prohibits cities from limiting the total number of vendors unless doing so is directly related to "objective health, safety or welfare concerns."
- Authorizes cities to adopt time, place, and manner restrictions for sidewalk vending, provided those restrictions are directly related to "objective health, safety or welfare concerns." To the extent limitations on hours are needed, they cannot be unduly restrictive.
- Continues to allow cities to require compliance with sanitary standards, ADA requirements and that food preparation be consistent with Health and Safety Code sections 113700 et seq.
- Cities may still require that vendors obtain a permit for sidewalk vending or a business license and require them to possess a sellers permit from the California Department of Tax and Fee Administration.
- Allows cities to prohibit from areas zoned exclusively residential "stationary sidewalk vendors" — vendors who remain at a fixed location, but cities cannot prohibit "roaming sidewalk vendors" — vendors who move from place-to-place and only stop to complete a transaction.
- Allows cities to prohibit vending within the vicinity of a farmers' market or swap meet or areas designated for use pursuant to a temporary special permit.
- Allows cities to impose sidewalk vending regulations for public parks, provided they are necessary to ensure the use and enjoyment of the park and necessary to "prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park."

It should be noted in April of 2020, the State of California allowed food trucks to operate at the 86 rest stops within the State during the COVID-19 pandemic to provide access to food for highway motorists, including truck drivers, as well as, economic relief to food truck operators.

Surrounding local jurisdictions have varied regulations governing how food trucks and sidewalk vendors operate within their jurisdiction.

The City of Gridley has a fairly permissive food vendor ordinance. Mobile food vendors must apply for a permit through the City that is valid for no longer than one year and must provide other required permits including for food safety. Mobile food vendors may operate in any land use district between the hours of 5:30 AM and 11:00 PM.

Yuba City is more restrictive. A mobile food vendor must obtain a zoning clearance permit and business license from the City. Vendors can locate in any land use district, barring a residential area, and operate between the hours of 8:00 AM and 8:00 PM. Yuba City outlines the rules against solicitation and requires the operator to receive permission from the property owner if operating on their property. Certain parking restrictions are established as well. Separate rules are outlined for open air vendors, including where and how they operate as well as their appearance. They may only operate on private property in certain areas of the City (industrial/office/retail). Yuba City also requires a mobile food vendor and open-air vendor to procure general liability coverage and workers compensation insurance.

The City of Marysville requires a mobile food vendor to first obtain a permit from the City Engineer, which specifies where the food vendor can stand in the public right-of-way. However, regulations for operating hours or specific location restrictions have not been adopted.

The City of Galt, in southern Sacramento County, includes restrictions on mobile food vendors, which is defined as a person who prepares food items for service, sale, or distribution by means of a vehicle. All mobile food vendors operating on private property must obtain permission from the property owner and

a permit from the Community Development Department. Mobile food vendors are allowed to operate in Commercial, Downtown, and Industrial zoning districts and may operate between the hours of 7:00 AM and 10:00 PM. If located within a public right-of-way, mobile food vendors may only be allowed to stay at a location for as long as it takes to make a sale.

Sutter County prohibits food trucks in all Residential zoning districts and the Recreation and Public zoning districts; however, food trucks are permitted in the Agricultural, Commercial, Employment, and Industrial zoning districts.

Surrounding local jurisdictions also have varied definitions of a mobile food vendor use.

The City of Gridley defines "Mobile food vendor" as any motorized or non-motorized enclosed, partially enclosed, or enclosed vehicle, trailer, cooking unit, and/or grill, operated by any person, firm, representative, partner, associate, or employee who drives, operates, vends, prepares, processes, wraps and distributes foods and beverages which are "ready-to-eat/drink" or "prepared/cooked on-site" which are sold, or offered for sale, directly to any consumer excepting therefrom any food delivery vehicle delivering products ordered by home delivery customers.

Yuba City defines "Mobile vendor" as a person conducting commercial activity from either a motorized or nonmotorized vehicle offering goods for sale on a temporary, intermittent or seasonal basis in which customers approach the vehicle to make a purchase. This term includes mobile caterers, lunch wagons, eating cars, ice cream trucks, pushcarts, bicycle carts, motorized food wagon or conveyance. In addition, Yuba City defines "Open air vendor" shall mean a person conducting commercial activity from either a motorized or nonmotorized vehicle at a fixed location on private property, offering goods for sale on a temporary, intermittent or seasonal basis in which customers approach the vending operation to make a purchase. Open air vendor operations are not mobile enough to comply with the time requirements identified for mobile vendors and are therefore constrained to setting up operations at an approved fixed location.

The City of Galt defines "Mobile food vendor" as a person who prepares food items for service, sale, or distribution by means of a vehicle.

The following is a list of discussion topics for the Planning Commission to consider and provide feedback to staff.

- Continue the current requirements or direct staff to prepare an Ordinance to amend the LOMC;
- Define mobile food vendor uses (i.e., food trucks, sidewalk vendors, and open air vendors);
- Permissive or restrictive regulations for mobile food vendors;
- Regulate mobile food vendor use by zoning district;
- Permit multiple food trucks in one location;
- Regulate mobile food vendor operations;
    - Hours of operation;
    - Time, place, and manner restrictions for sidewalk vending;
    - Prohibit stationary sidewalk vendors from operating in exclusively residential zoned areas;
    - Prohibit sidewalk vending within the vicinity of a farmers' market or swap meet or areas designated for use pursuant to a temporary special permit; and
    - Establish sidewalk vending regulations for public parks.
- Establish a permitting process for mobile food vendor uses;
    - Business license;

    - CA Food Handler's Card;
    - Sellers permit from the California Department of Tax and Fee Administration; and
    - Zoning Clearance or Use Permit.
- Establish consistency with SB 946; and
- Establish farmers market requirements.

- **Article XX. - Special Provisions for Mobile and Open Air Vending Operations**

- **Sec. XX. - Declaration of purpose.**

The City Council of Live Oak expressly finds that the vending of produce and prepared or prepackaged foods, goods, wares, and/or services on public streets, sidewalks, or alleys and on private property could potentially pose unsafe conditions and special dangers to the public health, safety, and welfare of the residents of the City of Live Oak. It is the purpose and intent of the City Council, in enacting this article, to provide those persons who engage in those types of vending operations with clear and concise regulations to prevent safety, traffic, and health hazards, as well as to preserve the peace, safety, and welfare of the community.

- **Sec. XX. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a)

"Business owner" shall mean any person, firm, or corporation, which owns or controls any interest in any business engaged in vending as defined in subsection (u) of this section.

(b)

"Building complex" shall mean a grouping of any number of buildings that was comprehensively planned as a single or multi-phased project. Building complexes are characterized by shared ingress/egress and parking improvements and master planned utility infrastructure. Building complexes can be located on the same or separate parcel(s) of land.

(c)

"Commissary" shall mean a food establishment in which food, containers, equipment, or supplies are stored or handled for use in motorized food wagons or conveyance.

(d)

"Conveyance," as used in this chapter, shall mean any vehicle (except motorized food wagons, as defined below), trailer, cart, wagon, or stand, with or without wheels, which may be moved from one place to another under its own power or by other means.

(e)

"Fixed place of business" shall mean a commercial activity operating from an immoveable building or enclosed structure at a permanent location which complies with applicable City, State and Federal regulations.

(f)

"Itinerant merchant," for purposes of this chapter, shall mean any person who engages in a temporary business of selling and delivering goods, wares, or merchandise within the City, and who, in furtherance of such purpose, hires, leases, uses, or occupies any building structure, motor vehicle, tent, public rooms in hotels, lodging houses, apartments, shops, or any street alley, or other place within the City, for the exhibition and sale of such goods, wares, or merchandise, either privately or at public auction; provided that any person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant, or auctioneer.

(g)

"Mobile vendor" shall mean a person conducting commercial activity from either a motorized or nonmotorized vehicle offering goods for sale on a temporary, intermittent or seasonal basis in which customers approach the vehicle to make a purchase. This term includes mobile caterers, lunch wagons, eating cars, ice cream trucks, pushcarts, bicycle carts, motorized food wagon or conveyance.

(h)

"Mobile unit" shall mean any vehicle, truck, trailer, cart, pushcart, wagon, bicycle, dray, conveyance or structure on wheels, not firmly fixed to a permanent foundation, which is not required to have a license to operate issued by the California Department of Motor Vehicles.

(i)

"Motor vehicle" shall mean any automobile, truck, trailer or other conveyance requiring a license issued by the California Department of Motor Vehicles.

(j)

"Motorized food wagon" shall mean any vehicle as defined in the California Vehicle Code, which is equipped and used for retail sales of prepared, prepackaged, or unprepared, unpackaged food or foodstuffs of any kind on any public street, alley, highway, or private street, alley, or property within the City of Live Oak. For the purposes

of this chapter, a motorized food wagon shall also include any trailer or wagon pulled by a vehicle.

(k)

"Open air vendor" shall mean a person conducting commercial activity from either a motorized or nonmotorized vehicle at a fixed location on private property, offering goods for sale on a temporary, intermittent or seasonal basis in which customers approach the vending operation to make a purchase. Open air vendor operations are not mobile enough to comply with the time requirements identified for mobile vendors and are therefore constrained to setting up operations at an approved fixed location.

(l)

"Operator's permit" shall mean either a mobile vendor permit or an open-air vendor permit as provided for in this article.

(m)

"Peddler," for purposes of this chapter, shall mean any person traveling by foot, motor vehicle, mobile unit or any other type of conveyance from place to place conveying or transporting goods, wares, merchandise, foods, farm products, or provisions, or personal property of any nature whatsoever, and hawking or offering and exposing the same for sale, soliciting or taking or attempting to take orders for the same or for services to be furnished or performed in the future, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer or solicit or taking or attempting to take orders for the same for sale from a motor vehicle or mobile unit.

(n)

"Peddle" and "peddling" shall mean traveling by foot, motorized vehicle, nonmotorized vehicle or any other type of conveyance from place-to-place, house-to-house, or from street-to-street, carrying, conveying or transporting goods, wares, merchandise, or food and concurrently offering or exposing the same for sale.

(o)

"Peddling" shall mean the act of being a peddler.

(p)

"Permittee" shall mean the person issued a permit to operate either a mobile or open-air vending operation by the City of Live Oak.

(q)

"Persons" shall mean any person, firm, partnership, association, or corporation, and includes, but is not limited to, owners, operators, drivers, lessors, and lessees of motorized food wagons and conveyances.

(r)

"Public sidewalk or street" shall mean all of those areas dedicated as public thoroughfares, including, but not limited to, roadways, parkways, medians, alleys, sidewalks and public ways or dedicated easements for public rights-of-way.

(s)

"Solicitor," "drummer," or "canvasser" shall mean any person who goes from house to house or from place to place taking, or attempting to take, orders for the sales of goods, wares, and merchandise of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such individual has a sample, or whether or not he or she is collecting advance payments. "Canvasser" shall also include any person who goes from house to house or place to place for the purpose of leaving samples and/or advertisements for any goods, wares, or merchandise or for services to be rendered.

(t)

"Traveling merchant" shall mean any person who engages in buying, selling, trading or exhibition for purchase, sale or trade of any goods, wares, merchandise or services door-to-door, street-to-street or on a temporary or intermittent basis from a location which is not a fixed place of business. Traveling merchant includes but is not limited to mobile street vendors and persons commonly referred to as solicitors, peddlers, hawkers, itinerant merchants, door-to-door salesman and transient vendors.

(u)

"Vend" or "vending" shall mean the sale of any goods, wares, merchandise, prepared, prepackaged, or unprepared, unpackaged food or foodstuffs of any kind from private or public property.

(v)

"Vendor"/"operator" shall mean any person who sells and makes immediate delivery, or offers for sale and immediate delivery, any goods, wares, or merchandise, or drives, operates, vends, and/or prepares food on or from a motorized food wagon or conveyance.

- **Sec. XX. - Regulation of sales.**

It is unlawful for any person to vend, or attempt to engage in vending or operate any vehicle or conduct any business for the purpose of vending from any vehicle, motorized food wagon, or conveyance parked, stopped, or standing upon any public street, alley, highway, or property, or private street, alley, or property within the City of Live Oak except in accordance with all applicable provisions of this Code.

- **Sec. XX. - Permit to operate—Mobile vendors.**

A person desiring to engage in a mobile vendor operation, as defined by this article, shall submit a written application for a zoning clearance permit with all supporting information required by the City of Live Oak. Such application shall be accompanied by a non-refundable, non-transferable application fee in an amount established in the City's Fee Schedule. Any such permit shall be required to be renewed annually and a separate nonrefundable, nontransferable application fee shall be paid annually for such renewal application. Vendors must have the permit in their possession when vending. Additionally, the permittee shall display a City issued permit sticker upon each of their mobile unit, motor vehicle, or motorized food wagon as defined herein to demonstrate compliance with the requirements of this article.

(a)

As part of the permit to operate application, the vendor or business owner shall provide the following:

(1)

Name, mailing address, and telephone number of applicant;

(2)

Presentation of a California driver's license, if any, or other photographic identification issued by a State or United States Federal agency establishing the applicant's age as 18 or older;

(3)

Proof of current vehicle registration and a copy of an applicable vehicle insurance policy for any vehicles used in the vending activity;

(4)

Four photographs (showing different exterior views) of each motorized food wagon or conveyance;

(5)

A copy of a current Sutter County Environmental Health permit for any food service vending operation;

(6)

A copy of the vendor or business owner's current business tax certification and applicable Board of Equalization Seller's Permit;

(7)

Business owners must show proof of payment to a commissary for the prior 12 months for all cases involving the reissuance of a permit; and proof of current payment for new vendors;

(8)

Satisfactory proof of insurance as required by SECTION XX;

(9)

A description of the goods, wares, merchandise, products, or any other thing or representation of value on consignment which will be the subject of the applicant's peddling or itinerant merchant business or activity.

(b)

A permit to operate shall be granted unless:

(1)

The operator fails to submit a complete application;

(2)

The operator makes any omission, untrue statement or material misrepresentation in the application or provides fraudulent documentation with the application;

(3)

The operator has violated this article within the last 12 months;

(4)

Any vehicle proposed to be operated lacks the required equipment, is improperly licensed or is unsafe;

(5)

The operator has not otherwise complied with this article.

- **Sec. XX. - Conditions to operate—Mobile vendors.**

A person who has obtained a zoning clearance permit to operate a mobile vending operation shall comply with all of the required conditions below or be subject to revocation of the permit as described in SECTION XX.

(a)

No permittee shall engage in business activity between the hours of 8:00 p.m. and 8:00 a.m., except upon invitation of the occupant or business owner.

(b)

No permittee shall solicit or attempt to solicit on any premises on which a notice or sign is clearly posted prohibiting solicitations or indicating the owner or occupant desire not to be solicited.

(c)

The peddling of goods, merchandise, wares or foods within a public or private parking lot is prohibited, unless the permittee can provide written permission from the property owner of the subject property to be located at said location. If peddling of food, permittee must provide written agreement for handwashing and toilet facilities within 200’ of peddling location.

(d)

The permit shall be exhibited by the permittee whenever requested by a law enforcement officer or at the request of any citizen the permittee is engaged in selling or soliciting.

(e)

The permittee shall maintain a valid City of Live Oak Business License at all times.

(f)

No permittee shall peddle goods from any motorized vehicle that is not properly licensed and insured as required by the State of California.

(g)

Any permittee engaged in the sale of tangible personal property that would normally be subject to sales tax if sold at retail shall maintain and have available for review, their California Sellers Permit issued by the State Franchise Tax Board.

(h)

No permittee shall intentionally or deliberately obstruct the free movement of any member of the public on any sidewalk, street or public place.

(i)

No permittee shall peddle items or solicit to a captive audience, including persons in lines or seated in public places.

(j)

No permittee shall peddle any prepackaged food unless the items have all State and Federally required food labels and a Sutter County Environmental Health permit, to sell such items.

(k)

Except as otherwise provided, no permittee shall peddle any goods, merchandise, wares or foods by sitting, standing or walking on a public street, or upon a median or parkway within a public street or right-of-way.

(l)

No permittee shall peddle or attempt to peddle to the occupant(s) of a vehicle in a public street or highway.

(m)

The permittee may not park, store or maintain a vehicle on a residentially zoned parcel in the City or a public street in a residential area.

(n)

The permittee shall comply with all California State Vehicle Code Requirements.

(o)

The peddling of goods, merchandise, wares or foods from a nonmotorized vehicle with the exception of bicycle carts shall be limited to the public or private sidewalk. Except for bicycle carts peddling is prohibited from or within a public street or highway.

(p)

The use of amplified music and horns must comply with the City's noise regulations as specified in Title 9, Chapter 30.020.

- **Sec. XX. - Parking and stopping restrictions—Mobile vendors.**

A mobile vendor may locate and operate in the public right-of-way subject to the following conditions:

(1)

A vendor shall not operate within 100 ft. of any street intersection.

(2)

No mobile vendor shall stop to conduct his or her business or activity from a motor vehicle or mobile unit within 200 ft. of another mobile vendor who has already stopped to conduct business.

(3)

A mobile vendor shall move not less than 600 ft. at least every 30 minutes and may not return to a previous location or within 600 ft. of a previous location on the same calendar day.

(i)

The lone exception to the above requirement is at an industrial building or office building where there are multiple shift changes during the course of a 24-hour day. For those occurrences, a mobile vendor can return to the same location a maximum of two times during a calendar day.

- **Sec. XX. - Condition/appearance of site and motorized food wagon and conveyance—Mobile vendors.**

Any permitted mobile vendor who stops at a site shall maintain the property as follows:

(1)

The site shall be maintained in a safe and clean manner at all times.

(2)

No tables, chairs, fences, shade structures, or other site furniture, (permanent or otherwise) or any freestanding signs shall be permitted for the customers of the business.

(3)

Exterior storage or display of surplus refuse, equipment, materials, goods, wares, or merchandise associated with the vendor is prohibited.

(b)

Any permitted mobile vendor shall comply with the following standards for the condition/appearance of their motorized food wagon and conveyance:

(1)

The vendor shall display, in plain view and at all times, current permits and licenses in or on their vehicle.

(2)

Any motorized food wagon or conveyance used in the course of vending shall be entirely self-sufficient in regards to gas, water, and telecommunications.

(3)

Should any utility hook-ups or connections to on-site utilities be required, the vendor shall be required to apply for appropriate permits to ensure building and public safety and consistency with applicable building and zoning regulations.

(4)

The vendor shall not discharge items from any motorized food wagon or conveyance vehicle onto the sidewalk, gutter, storm inlets, or streets.

(c)

Any permitted mobile vendor shall comply with the following sanitation standards.

(1)

All motorized food wagons or conveyances shall operate out of a commissary pursuant to the requirements of the California Health and Safety Code.

(2)

All motorized food wagons or conveyances shall be equipped with refuse containers large enough to contain all refuse generated by the operation of such a vehicle, and the vendor of the motorized food wagon or conveyance shall pick up all refuse generated by such operation within a 25 ft. radius of the vehicle before such vehicle is moved. No vendor shall dispose of any trash or refuse in any such public or private trash receptacle other than a trash receptacle owned, operated, or otherwise provided by and under the control of such vendor.

(3)

A motorized food wagon or conveyance shall comply with California Health and Safety Code regarding the availability of adequate toilet facilities for use by food service personnel.

- **Sec. XX. - Permit to operate—Open air vendors.**

A person desiring to engage in an open-air vendor operation, as defined by this article, shall submit a written application for a use permit with all supporting information required by the City of Live Oak. Such application shall be accompanied by a non-refundable, non-transferable application fee in an amount as may be established by resolution of the City Council. Any such permit shall be required to be renewed annually

and a separate nonrefundable, nontransferable application fee shall be paid annually for such renewal application. Vendors must have the permit in their possession when vending. There must be at least one vendor with a valid permit present whenever vending is taking place.

(a)

As part of the permit to operate application, the vendor or business owner shall provide the same information as specified in SECTION XX. In addition, the applicant must also provide the following:

(1)

An affidavit in a form approved by the City from the property owner (if other than self) permitting the vendor to locate on the site;

(2)

A site plan, drawn to scale and with dimensions, indicating the location of all existing buildings, structures, driveways, parking spaces, traffic controls, and improvements, and the location or areas where the proposed vending activity, structures, and improvements related to the vending activity will be located upon the site;

(3)

If the open-air vendor is located within 400 ft. of a business selling similar goods and products, then the vendor shall obtain written approval from said business and submit such written approval as part of the application.

(b)

The open-air vending application for a use permit shall be forwarded to the Planning Commission for review unless:

(1)

The operator fails to submit a complete application;

(2)

The operator makes any omission, untrue statement or material misrepresentation in the application or provides fraudulent documentation with the application;

(3)

The operator has violated this article within the last 12 months;

(4)

Any vehicle proposed to be operated lacks the required equipment, is improperly licensed or is unsafe;

(5)

The operator has not otherwise complied with this article.

(c)

Any use permit request for an open air vending operation shall be processed in accordance with SECTION XX.

- **Sec. 8-5.5345. - Conditions to operate an open air vending operation.**

Open air vending operations are allowed under the following conditions or be subject to revocation of the permit as described in SECTION XX:

(1)

Vendors may only locate on private property. No open air vending operations shall be allowed on public property, including the public right-of-way.

(2)

Open air vending operations are allowed in areas where there is a large unmet need for service to be offered by the open-air vendor; in general, open air vending operations shall only be allowed in the following areas of the City:

(i)

Industrial building/complex greater than 65,000 square ft.

(ii)

Office building/complex greater than 50,000 square ft.

(iii)

Retail building/complex greater than 100,000 square ft.

The Planning Commission may issue use permits for open air vending operations in areas of less square footage than shown above when the findings for issuance of a use permit, as provided in XX, and in particular, finding number (d)(5), can be made, based on information in the record. The obligation to present evidence of an unmet need in areas of less square footage than shown above is the responsibility of the applicant.

(3)

Open air vending operations shall comply with the following development standards:

(i)

An open-air vendor shall be incidental to a primary use of the subject property on which it's located, with the primary use having a valid City of Live Oak Business License.

(ii)

An open-air vendor shall not be permitted as an accessory use to a stand-alone parking lot.

(iii)

If the open-air vendor is located within 400 ft. of a business selling similar goods and products, then the vendor shall obtain written approval from said business before being issued permit to operate.

(iv)

An open-air vendor cannot utilize, or be located on, parking spaces required for the primary use at that property.

(v)

An open-air vendor cannot be located on a vacant, undeveloped parcel or lot.

(vi)

An open-air vendor must be located on a paved concrete or asphalt parking surface.

(vii)

An open-air vendor cannot interfere with access, parking, aisles, circulation, driveways, or fire lanes and hydrants.

(viii)

An open-air vendor cannot interfere with pedestrian movement or create a pedestrian hazard.

(ix)

An open-air vendor shall not peddle any food unless the items have all State and Federally required food labels and a Sutter County Environmental Health permit, to sell such items.

(x)

An open-air vendor engaged in the sale of tangible personal property that would normally be subject to sales tax if sold at retail shall maintain and have available for review, their California Seller's Permit issued by the State Franchise Tax Board.

- **Sec. XX. - Condition/appearance of site—Open air vendors.**

(a)

Any permitted open-air vendor who is located at an approved fixed location shall maintain the property as follows:

(1)

The site shall be maintained in a safe and clean manner at all times.

(2)

No tables, chairs, fences, shade structures, or other site furniture, (permanent or otherwise) or any freestanding signs shall be permitted for the customers of the business.

(3)

Exterior storage or display of surplus refuse, equipment, materials, goods, wares, or merchandise associated with the vendor is prohibited.

(b)

Any permitted open-air vendor shall comply with the following standards for the condition/appearance of their motorized food wagon and conveyance.

(1)

The vendor shall display, in plain view and at all times, current permits and licenses in or on their vehicle.

(2)

Any motorized food wagon or conveyance used in the course of vending shall be entirely self-sufficient in regard to gas, water, and telecommunications.

(3)

Should any utility hook-ups or connections to on-site utilities be required, the vendor shall be required to apply for appropriate permits to ensure building and public safety and consistency with applicable building and zoning regulations.

(4)

The vendor shall not discharge items from any motorized food wagon or conveyance vehicle onto the sidewalk, gutter, storm inlets, or streets.

(§ 2, Ord. 004-10, eff. June 17, 2010)

- **Sec. XX. - Insurance requirements.**

To obtain an operator's permit from the City, the operator must demonstrate that it maintains, at its sole expense, liability insurance meeting the following requirements:

(a)

General liability coverage of $2,000,000 per occurrence for bodily injury personal injury and property damage.

(b)

Separate commercial automobile liability insurance for each motor vehicle proposed to be operated within the City pursuant to the operators permit, with at least the following limits of liability: $1,000,000 per accident for bodily injury and property damage.

(c)

Evidence that the operator has procured workers compensation insurance covering all employees of the operator.

(d)

Required insurance must be issued by companies admitted to do business in California, with a current A.M. Best rating of no less than A:VI. Exception may be made for the State Compensation Insurance Fund when not specifically rated.

(e)

Each insurance policy required by this SECTION XX shall provide a minimum scope of insurance at least as broad as:

(1)

Insurance Services Office Commercial General Liability coverage (occurrence Form CG 00 01).

(2)

Insurance Services Office Form Number CA 00 01 covering Automobile Liability, Code 1 (any auto).

(f)

The general liability and automobile liability policies are to contain the following provisions:

(1)

The City, its officers, agents, officials, employees and volunteers must be named as additional insureds under the policies. General liability coverage shall be provided in the form of an additional insured endorsement (CG 20 10 11 85 or equivalent) to the operator's insurance policy, or as a separate owner's policy.

(2)

For any claims related to the operator's permit or vehicle, the operator's insurance coverage shall be primary insurance as respect for the City, its officers, agents, officials, employees and volunteers.

(3)

Each insurance policy required by this SECTION XX shall be endorsed to state that coverage shall not be canceled by either party, except after 30 days' prior written notice has been provided to the City.

(4)

Any deductible or self-insured retentions must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials, employees, and volunteers, or the operator shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

(§ 2, Ord. 004-10, eff. June 17, 2010)

- **Sec. XX. - Revocation of permits.**

Any permit issued by the City under this article may be revoked by the issuing party for any of the following reasons, including but not limited to the following:

(a)

The existence of any fact which, at the time of application, would have caused the City to deny the application, whether such fact existed at the time of the application or occurred thereafter;

(b)

Any violation of laws relating to the requirements for operation of a mobile or open-air vending operation;

(c)

Failure to maintain insurance as required by this article;

(d)

Failure to maintain a mobile or open-air vending operation in a safe and sanitary condition such that the vehicle could pass, at any time throughout the permit period, the inspection required for the issuance of a permit;

(e)

Fraud, misrepresentation, or a false statement made in the course of applying for a permit or carrying on the business of a vendor;

(f)

The conviction of any crime or misdemeanor involving moral turpitude;

(g)

Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public; or

(h)

Any violation of this article.

- **Sec. XX. - Appeal of revocation or denial.**

An operator or applicant to for an operator's permit shall be entitled to appeal the City's decision to revoke or deny a permit by filing a written notice of appeal with the City Clerk within ten days from the date the notice of revocation or denial is mailed. The appeal shall set forth the reasons why such action is not proper. Failure to set forth specific reasons why the action is improper or to timely file such appeal shall constitute a waiver of the right to appeal, and the proposed adverse action shall become final. The appeal shall be conducted pursuant to the provisions of ARTICLE XX of the Zoning Code.

- **Sec. XX. - Exceptions.**

The provisions of this article shall not apply to:

(a)

Any person engaged in vending conducted in connection with the operations of a State-certified open-air market or an authorized street fair or event under a special event permit, lease, real property license, agreement, or other entitlements issued by the City of Live Oak.

(b)

Any person delivering any goods by vehicle where such goods have been ordered in advance for such delivery from any business located at a permanent location and which goods are being delivered from such location to the customer by vehicle, regardless of the point of sale.

(c)

Persons invited to call upon private residences or businesses that operate from a fixed place of business located in or outside the City limits.

(d)

Persons selling or soliciting sales of daily or weekly newspaper as defined by the California Government Code.

(e)

Persons soliciting or canvassing on behalf of or against any candidate for public office or any ballot initiative.

(f)

Persons engaged in selling or soliciting sales as a fundraiser for a local school, civic or nonprofit corporation. For the purposes of this section, local shall mean within a seven-mile radius of the City limits.

(g)

Persons engaged in religious solicitation or other protected religious activities.

(§ 2, Ord. 004-10, eff. June 17, 2010)

- **Sec. XX. - Penalties.**

Any person violating any provisions or failing to comply with any of the mandatory requirements of this article is subject to the following penalties:

(a)

Violations are subject to enforcement by any means authorized in this Code, including but not limited to the administrative enforcement provisions established in SECTION XX of the Municipal Code;

(b)

Revocation of permit to operate/conditional permit to operate as defined herein in SECTION XX.

(§ 2, Ord. 004-10, eff. June 17, 2010)

- **Sec. XX. - Enforcement.**

The provisions of this article may be enforced by any peace officer, or the Director of Community Development or his/her designee.

City of Live Oak
Report to Planning Commission

Meeting Date: May 20, 2025

Title: Revocation of Conditional Use Permit 23-01 || APN 006-330-004

Contact Information: Kary Hauck, Interim City Manager

Location: APN 006-330-004

Background: On July 25, 2023, the Planning Commission approved Conditional Use Permit (CUP) 23-01 for the construction and operation of a wireless telecommunications facility located at Assessor's Parcel Number 006-330-004, located on Larkin Road just north of the Sunsweet facility. The permit was granted with a set of conditions of approval specific to the use and maintenance of the property. See attached conditions of approval.

Since issuance, the property has been observed and documented as being used illegally for truck and trailer parking, a use not allowed in the current zoning district and in direct violation of Live Oak Municipal Code Section 17.37.100(c). See attached code section.

VIOLATION HISTORY
Despite multiple formal notices issued to the property owner, the violations remain uncorrected:
* May 2, 2023: In-person Meeting with the Property Owner
* May 11, 2023: 5-Day Notice issued via certified and regular mail
* May 22, 2023: Notice of Violation via certified and regular mail
* April 21, 2025: Notice of Fine Assessment violation via certified and regular mail
* May 9, 2025: 30-Day Notice & Order (Final Notice) warning of lien proceedings via certified and regular mail
As of the date of this report, the property continues to be used as an unauthorized truck and trailer storage yard. The property is currently subject to lien proceedings valued at over $75,000 for continued noncompliance and accrued penalties.

Analysis: The continued violation not only contradicts the approved conditions of CUP 23-01, but it also conflicts with broader zoning restrictions regarding property use and public health, safety, and welfare. Allowing the CUP to remain active despite blatant noncompliance undermines the Planning Commission's authority and the integrity of the City's zoning and permitting processes.

Revocation is supported under Live Oak Municipal Code Section 17.37.100(c) (attached) which authorizes the City to revoke or modify permits for failure to comply with the Live Oak Municipal Code.

STAFF RECOMMENDATION
Staff recommends that the Planning Commission revoke Conditional Use Permit 23-01 for the wireless facility at APN 006-330-004 due to:
* Ongoing and unresolved zoning violations, specifically unauthorized truck and trailer parking.
* Repeated and ignored violation notices.
* Clear noncompliance with the conditions of approval attached to CUP 23-01.
* Continued violation of Live Oak Municipal Code Section 17.37.100(c) (attached).

NEXT STEPS
If the Commission votes to revoke the permit, staff will file the appropriate documentation and notify the property owner of the action. Additional enforcement proceedings, including the placement of liens, will proceed as outlined in the City's municipal code.

Recommendation: Revoke Conditional Use Permit for Wireless Facility.

Attachments:

Conditions of Approval
Live Oak Municipal Code Section 17.37.100(c)
Notices and Property Images

Ghag

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July 25, 2023

Jared Kearsley
4040 Bonanza Way
Loomis, CA 95650

RE: Larkin Road Wireless Facility - Conditional Use Permit Approval

Dear Mr. Kearsley:

This letter is to inform you that on July 18, 2023 the City of Live Oak City Council approved the requested Use Permit for the Larkin Road Wireless Communication Facility Project located east of Larkin Road, identified by Assessor's Parcel Number (APN) 06-330-004 with the following conditions of approval:

1. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.
2. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, and any other payments that are due.
3. All required easements or rights-of-way for improvements shall be obtained by the developer at no cost to the City. Advance permission shall be obtained from all pertinent property owners and easement holders, if applicable, for any work done within such property or easements.
4. The use of construction equipment shall be restricted to weekdays between the hours of 7:00 AM and 6:00 PM. Requests for alternative days/times may be submitted in writing to the City Engineer for consideration.
5. Standard dust control methods and designs shall be used to stabilize the dust generated by construction activities. The developer shall post dust control signage with a contact number of the developer, City staff, and the Feather River Air Quality Management District.
6. Any expansion of this use or substantial modification that results in a change of use shall require an amendment of this use permit. Minor Modifications to this Use Permit shall be considered by the Planning Director in accordance with Live Oak Municipal Code Section 17.37.100, and may require notification of surrounding property owners prior to such approval.
7. The Use Permit shall expire on June 20, 2025 and shall become null and void in accordance with Live Oak Municipal Code Section 17.37.090(A), unless the use has been established.
8. Chain link fencing with razor wire is not allowed. The wireless communication facility shall have a view obscuring decorative wall or fence, subject to review and approval by the Live Oak Community Development Department.
9. Prior to issuance of building permits, the applicant shall provide recorded lease and easement deeds. Legal descriptions and plats shall be provided for the City's review prior to recording.
10. Applicant shall provide all-weather ingress/egress across the 20' wide access and utility easement in a manner and with materials acceptable to the Public Works Department.

11. The all-weather ingress/egress requirement shall include the driveway approach at Larkin Road. At a minimum, the driveway approach shall be constructed in accordance with City of Live Oak Standard Detail 206, Commercial Driveway.
12. Applicant shall coordinate with P.G.&E., A.T.&T., Comcast and the City of Live Oak for utility services to the site. Improvement plans for the project shall indicate the nature, size, depth and location of all existing and proposed utility infrastructure.
13. Any and all work within City of Live Oak rights-of-way shall require an encroachment permit from the Public Works Department.
14. Applicant shall provide engineered plans, details and structural calculations for the monopole and the monopole foundation.

Per Live Oak Municipal Code Section 17.37.070(B), any applicant or person claiming to be adversely affected by any action of the Planning Commission may, within 10 days after such action, file a written appeal to the City Council. Such appeal shall be filed with the City Clerk and shall be accompanied by the payment of any fee adopted by the City Council. The appeal period for your project closes July 28, 2023.

You may now begin the building permit process for the required project site improvements with the Live Oak Building Department and City Engineer.

Please do not hesitate to call or email me if you have any additional questions.

Sincerely,

Kevin Valente

Kevin Valente, AICP
Contract Planner
City of Live Oak
Kvalente@liveoakcity.org
(530) 695-2112 ext. 120

adopted by the City Council. The filing of an appeal shall stay the issuance of any permit in connection with the action pending a decision from the City Council.

2. Notice and Hearing. Upon receipt of the appeal, proper notice of a public hearing before the City Council shall be provided, as required by California **Government Code** Sections 65090 through 65095, and by such other means of notification the City Council may require.

3. Determination. At the conclusion of the public hearing, or at a time prescribed in Section **17.37.050**, the City Council shall approve, approve in modified form or deny the appeal.

(Ord. 526 § 1, 2010)

§ 17.37.080. Amendments to permits and variances.

Amendments to previously approved permits and variances may be granted as follows:

A. Minor Modifications. The Community Development Director may approve minor modifications to a previously approved project if the resulting project is considered substantially the same as originally approved and the basis for the findings for the environmental document prepared for the project and the findings for the approval of the project are not affected.

B. All Other Modifications. Must be approved by the Planning Commission. The procedure for such an amendment shall comply with Sections **17.37.030** through **17.37.050**.

(Ord. 526 § 1, 2010)

§ 17.37.090. Expiration of permits and variances.

A. Expiration. Every permit and variance provided for in this chapter, unless otherwise conditioned as part of the permit or variance, expires and is null and void without further action by the City if the use, building or structure for which the permit was issued has not substantially commenced operation, or in the case of new construction, the construction has not been substantially commenced, within two years of the date of approval or, in the case of appeals, the date the approval was affirmed or a denial was reversed. In the case the permit or variance is accompanied by a rezoning, the approval date is not until the effective date of the rezoning. For purposes of this section, "construction that has substantially commenced" means the installation of a building foundation(s).

B. Phasing. In the case of phased projects decided upon by the Planning Commission or City Council, construction of the first phase must have substantially commenced within two years. Additional phases shall be commenced within two years of the initial phase of construction or as otherwise provided in the initial application process or as an amendment to the application.

C. Project Completion. In the case of a project that commenced construction prior to its expiration date, or its extended expiration date if an extension was granted, or the phase expiration date if it is a phased project, construction must be competed within two years of the expiration date or the permit becomes null and void without any further action by the City.

D. Discontinuance of a Use. When a use for which a permit was granted has been abandoned and the use discontinued for a period of one year, the permit shall expire and become null and void without further action by the City.

(Ord. 526 § 1, 2010)

§ 17.37.100. Permit and variance revocation or modification.

Any approved permit or variance may be revoked, or conditions of approval or other provisions of the permit or variance may be modified, in compliance with this chapter.

A. Initiation of Proceedings. The Community Development Director may initiate the process for zoning clearance revocation or modification. All other permit and variance revocation or modification proceedings may be initiated by the Planning Commission on its own motion or may be directed to the Planning Commission by the City Council.

B. Notice and Hearing. Permits and variances (except zoning clearances) proposed to be revoked or modified shall first be provided a public hearing by the Planning Commission, as provided in Section **17.37.050**.

C. Revocation. A permit or variance may be revoked or modified by the Planning Commission if one or more of the following findings are made:

1. Misrepresentation. Permit issuance was based on misrepresentation by the applicant, either through the provision of information or statements in the application, or in public hearing testimony.

2. Invalidation of Findings. One or more of the findings required to grant the original permit can no longer be made due to changes in the project.

3. Violation of Conditions. One or more of the conditions of approval have not been completed or have been violated.

4. Violation of Other Codes. Improvements authorized by the permit or variance are in violation of any ordinance or law.

5. Improper Expansion. The approved permit or variance has been expanded beyond the scope of the original approval, so that the external impacts of the use are substantially greater than would be under the original approval.

6. Threatens the Public's Health. Exercising the permit or variance is in a manner that threatens or is injurious to the public's health or safety or constitutes a public nuisance.

D. Appeal. The decision of the Planning Commission may be appealed to the City Council, pursuant to Section 17.37.070.B.

(Ord. 526 § 1, 2010)

§ 17.37.110. Reapplication.

Following the denial of a use permit or variance by the Planning Commission, or a rezoning, revocation or denial of an appeal by the City Council, no permit or variance for the same or substantially the same permit, variance, rezoning or other entitlement shall be filed within 12 months following the date of the previous final action.

(Ord. 526 § 1, 2010)

LIVE OAK

30 Day Notice and Order

Issued on: 05/09/2025
Case Number: CE-23-2

Property Owner(s):
Jiwan Ghag
Dilbag Deol
9026 Ida Street
Live Oak, CA 95953

Subject Address: 9401 Larkin Road, Live Oak, CA 95953
Assessor's Parcel Number: 006-330-004
Date of Original Violation: 4/24/2023
Previous Notices: 5/11/2023, 5/22/2023, 4/21/2025

Dear Property Owner,

Recently a violation of the Live Oak Municipal Code was witnessed at your above stated property. At this time, you are being sent this notice in an effort to remedy the below described violation(s).

To avoid fines and penalties, you are being sent this notice as a courtesy prior to any abatement action. Please be aware that according to Live Oak Municipal Code Section 14.08.090, if you fail to abate the violations in the time prescribed, you will be subject to fines and administrative costs from the date of the violation. As of today, those fines and administrative costs are $75,066 will increase by $100 daily until the violation is abated. If you ignore this Courtesy Notice, the City of Live Oak will seek to recover its administrative costs, and you will be subject to these fines.

The following is a list of specific violations on your property:

1. **Illegal parking of semi-trucks, box trailers and doubles being parked on a parcel that is zoned C-MU; *Pursuant to table 17.030.020 of the LOMC, semi-truck and trailer parking is not an allowable use in C-MU zoning. Owner must remove the semi-trucks and trailers. Comply by: 6/9/2025***

Please contact Interim City Manager, Kary Hauck, at your earliest convenience to discuss the situation, and the possible steps for correction. You have until the dates listed above to voluntarily abate the zoning violation and call for inspection. Any person

LIVE OAK

having any record title or legal interest in the premises may appeal this notice and order provided that the appeal is made in writing as provided by Section 14.08.110 of the Live Oak Municipal Code. The appeal request must be filed in writing with the City Manager within 30 days of the date of this notice.

Pursuant to the Live Oak Municipal Code, we are taking steps to place a lien on this property at the end of this 30-day period if compliance is not achieved.

Si usted no puede comprender esta nota y necesita traduccion, la Ciudad tiene empleados que hablan Espanol que pueden traducer para usted.

Thank you for your prompt attention,

Kary Hauck, Interim City Manager
City of Live Oak
(530) 695-2112

LIVE OAK

NOTICE OF FINE ASSESSMENT

Issued on: 04/21/2025
Case Number: CE-23-2

Jiwan Ghag
Dilbag Deol
9026 Ida Street
Live Oak, CA 95953

Subject: Outstanding Zoning Violation
Assessor's Parcel Number: 006-330-004

Dear Property Owner,

On May 25, 2023, the City of Live Oak informed you that a violation of the Live Oak Municipal Code was witnessed at your above stated property. On April 15, 2025, staff visited this parcel and witnessed twelve (12) trailers, and two (2) tractor/trailers parked on this parcel which is an ongoing violation of the Live Oak Municipal Code.

As stated in the certified letter you received via certified mail on May 25, 2023, you are subject to daily fines. Please be aware that according to Live Oak Municipal Code section 14.08.090, since you failed to abate the violations in the time prescribed, you will be subject to fines and administrative costs from the date of the violation. Starting on May 22, 2023 through today April 21, 2025, your current fines and administrative costs are: **$69,900**. These fines and administrative costs will continue to increase by $100 daily until this matter is resolved.

Please remove all illegally parked trailers and tractor trailers from this location within 10 calendar days to avoid further action. Please be aware that failure to pay the fines/fees state above may result in a lien on this property.

Thank you for your prompt attention,

Kary Hauck, Interim City Manager
City of Live Oak
(530) 695-2112

LIVE OAK
CALIFORNIA

Notice of Violation

Issued on: 05/22/2023

Case Number: CE-23-2

Jiwan Ghag & Dilbag Doel

9026 Ida Str
Live Oak, CA 95953

Subject Address: 9400 block Larkin Road, Live Oak, CA, 95953
Assesor's Parcel Number: 06-330-004
Date of Violation: 5/22/23
Previous Notices: 4/25/23 Courtesy Noitce & 5/11/23 5 Day Notice

Dear Property Owner,
Recently a violation of the Live Oak Municipal Code was witnessed at your above stated property. At the time, you are being sent this notice in an effort to remedy the below described violation(s).

Please be aware that according to Live Oak Municipal Code section 14.08.090, you have failed to abate the violations in the time prescribed, you are subject to fines and administrative costs from the date of the violation. (5/10/23)

As of today those fines and administrative costs are $1390.00 and will increase by $100 daily until the violation is cleared. If the violation is not cleared in 30 days or by 6/12/23, the City will record the Notice of Violation with the Sutter County Tax Assesors Office.

The following is a list of violations that have been witnessed on your property:

Municipal Code	Description	Resolutions	Comply-By
17.03.020	Pursuant to Table 17.03.020 of the LOMC, Semi-truck and trailer parking is not an allowable use in C-MU zoning.	Please remove the Semi-Trucks and trailers.	06/12/2023

Please contact Tom Davis in the Code Enforcement Department at your earliest convenience to discuss the situation, and the possible steps for correction. 530-695-2112.

Thank you for your prompt attention,

Si usted no puede comprender esta nota y necesita traducción, la Ciudad tiene empleados que hablan español que pueden traducir para usted.

JIWAN
1400 Larkin
530 301-5050

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
JIWAN GHAG + DILBAG DOEL
9026 IDA STR
LIVE OAK, CA 95953

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Doel ☒ Agent ☐ Addressee

B. Received by (Printed Name) Doel
C. Date of Delivery 25 MAY 23

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7009 0960 0000 0836 3551

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

U.S. Postal CERTIFIED (Domestic Mail)
For delivery info
OFF
Postage
Certified
Return Receipt (Endorsement Req
Restricted Delivery (Endorsement Req
Total Postage
7009 0960 0000 0836 3551

Sent To
Street, Apt. No., or PO Box No.
City, State, ZIP+4
9026 - IDA STR.
LIVE OAK
See Reverse for Instructions

PS Form 3800, August 2006 See Reverse for Instructions

APN # 06-330-004
Jiwan Ghag owner 1
Dilbag Deol Owner 2
9026 Ida St
Live Oak, CA

Lakhvir Ghag
530 301-5050
9400 Larkin
TUESDAY
3:30 City Hall
MEET for
Larkin Truck Parkin


2023/05/22
07:39

LIVE OAK
CALIFORNIA

5 Day Notice

Issued on: 05/11/2023

Case Number: CE-23-2

Jiwan Ghag & Dilbag Doel

9026 Ida Str
Live Oak, CA 95953

Subject Address: 9400 Block Larkin Rd, Live Oak, CA, 95953
Assesor's Parcel Number: 06-330-004
Date of Violation: 5/11/23

Dear Property Owner,

Recently a violation of the Live Oak Municipal Code was witnessed at your above stated property. At the time, you are being sent this notice in an effort to remedy the below described violation(s).

In an effort to avoid fines and penalties, you are being sent this notice as a courtesy prior to any abatement action. Please be aware that according to Live Oak Municipal Code section 14.08.090, if you fail to abate the violations in the time prescribed, you will be subject to fines and administrative costs from the date of the violation. As of today those fines and administrative costs will increase by $100 daily until the violation is abated. If you ignore this courtesy notice the City of Live Oak will seek to recover its administrative costs, and you will be subject to these fines. Please contact Tom Davis in the Code Enforcement department at (530) 695-2112 as soon as possible to discuss your property.

The following is a list of violations that have been witnessed on your property:

Municipal Code	Description	Resolutions	Comply-By
17.03.020	Pursuant to Table 17.03.020 of the LOMC, Semi-truck and trailer parking is not an allowable use in C-MU zoning.	Please remove the Semi-Trucks and trailers.	05/16/2023

Please contact the Code Enforcement Department at your earliest convenience to discuss the situation, and the possible steps for correction. You have until the dates listed above to voluntarily abate the above nuisances and call for inspection before you are responsible for all fines to date as well as additional fines as incurred.

SENT 5/11/23
CERTIFIED

Thank you for your prompt attention,

Si usted no puede comprender esta nota y necesita traducción, la Ciudad tiene empleados que hablan español que pueden traducir para usted.

Building Department

From: Tom Davis
Sent: Monday, April 24, 2023 12:34 PM
To: Kevin Valente
Cc: Building Department; Aaron Palmer
Subject: FW: Larkin Truck Parking.

Importance: High

Hi all,
These pics are current today. There were at least two more trucks there this morning.
Karen and I are looking in our code and haven't been able to find any clear law or codes for no parking on a C-MU Zoned lot.
We will continue to look and let you know what we find.

Thanks
Tom Davis
Chief Building Official C.B.O - CCEO
City of Live Oak
530-864-3377

From: Tom Davis <tomdavis2124@gmail.com>
Sent: Monday, April 24, 2023 11:31 AM
To: Tom Davis <tdavis@liveoakcity.org>
Subject: Larkin Truck Parking.

1. MDM Trucking is one of the companies using this lot.



A small tractor.



Compactor. It appears they plan to use the entire lot for trucks as they compacted most of it.



Southern Encroachment with no driveway apron.

Building Department

From: Kevin Valente <kvalente@raneymanagement.com>
Sent: Monday, April 24, 2023 1:28 PM
To: Tom Davis
Cc: Building Department; Aaron Palmer
Subject: RE: Larkin Truck Parking.

Tom,

The Live Oak Municipal Code permits truck parking (freight yard/truck terminals) in the E-2 zoning district with Planning Commission approval of a use permit. The CM-U Zone is defined as the following:

Commercial-Mixed Use (C-MU) Zone District. Provides for a full range of retail and service commercial uses and higher density residential uses. The mix of uses can occur in either a vertical configuration in which nonresidential uses occur on the first floor with multiple-family residential uses above or in a horizontal configuration where nonresidential uses and residential uses are on the same level, but typically in different buildings. The CMU Zone District is consistent with the Commercial Mixed Use General Plan designation and with the Downtown Mixed Use designation when combined with the D Combining Zone District.

A truck parking does not meet the definition of C-MU. In addition, pursuant to Table 17.03.020 of the LOMC, truck parking is not listed as an allowable use in the CM-U Zone.

Kevin Valente, AICP
Contract Planner

The City of Live Oak
9955 Live Oak Blvd.
Live Oak, CA 95953
(916) 372.6100
www.liveoakcity.org

LIVE OAK

From: Tom Davis <tdavis@liveoakcity.org>
Sent: Monday, April 24, 2023 12:34 PM
To: Kevin Valente <kvalente@raneymanagement.com>
Cc: Building Department <buildingdept@liveoakcity.org>; Aaron Palmer <apalmer@liveoakcity.org>
Subject: FW: Larkin Truck Parking.
Importance: High

Hi all,
These pics are current today. There were at least two more trucks there this morning.
Karen and I are looking in our code and haven't been able to find any clear law or codes for no parking on a C-MU Zoned lot.
We will continue to look and let you know what we find.

Building Department

From: Tom Davis
Sent: Monday, April 24, 2023 1:54 PM
To: Kevin Valente
Cc: Building Department; Aaron Palmer
Subject: RE: Larkin Truck Parking.

Thank you, Kevin,
It was what I didn't see, that will work.
Karen and I will work on a letter to deliver. I will share it with you all and please let me know if the City Attorney should review and edit it before we send it.
Stay tuned.

Thanks
Tom Davis
Chief Building Official C.B.O - CCEO
City of Live Oak
530-864-3377

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Sent: Monday, April 24, 2023 1:28 PM
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Kevin Valente, AICP
Contract Planner

The City of Live Oak
9955 Live Oak Blvd.
Live Oak, CA 95953
(916) 372.6100


SOCIA CARLIN
SUNSWEET
WALNUT TRAILERS
#1
2024/07/09
11:41


#99
SOUTH LARKIN
SUN SWEET
ENCROACHMENT ?
GRAVEL IS
RELATIVELY NEW
AFTER THE RAINS STOPPED - THEY
PUT IT IN
2024/07/09
11:41

#3




PENNINGTON / LUTHER
TRUCK PARKING.
CEMETARY
#4
NO ENCROACHMENT.
2024/07/09
12:18


PENNINGTON / LOTHER
#5
ABOUT 8 OR 10
TRUCKS PARK HERE
2024/07/09
11:54


SOUTH LARKIN
NEAR SUNSWEET.
2024/04/18
10:10

CASE FILE NOTES

ADDRESS:	9401 Larkin Rd.
APN:	006-330-004
CASE NUMBER:	CE23-001

POSTAGE	HOURS	DATE	INITIALS	REMARKS
.73 + 9.64 / 10.37	1	5/9/25	KH	under the direction of the City Attorney, prepared a
				30-day N&O w/ heavy Language included & mailed
				to prop. owner via certified mail & regular mail
				TOTAL DUE AS of 5/9 = $75,066

CASE FILE NOTES

ADDRESS:	9400 Block LARKIN
APN:	06-330-004
CASE NUMBER:	CE23-0001

POSTAGE	HOURS	DATE	INITIALS	REMARKS
	.25	4/24/23	TWD	Took Pics VERIFIED VIOLATION
	.25	5/2/23	TWD	MEETING WITH OWNER.
	.25	5/11/23	TWD	SENT CERTIFIED LETTER
	.50	5/22/23	TWD	SENT NOV.
		6/2/23	TWD	$2940.00 DUE TODAY
		7-1-23	7-31	$ ~~2900~~ 2900
		8-1-23	8-31-23	$ 3100
		9-1-23	9-30-23	$ 3000
		10-1-23	10-31-23	$ 3100
		11-1-23	11-30-23	$ 3000
		12-1-23	12-31-23	$ 3100
				$ 21,140 TOTAL
	.25	4/15/25	KH	Took photos of site = 12 trailers 2 tractor/trailers

$9.68 1 4/21/25 KH Sent Fine Notice by Certified Mail & Regular Mail

1 5/6/25 KH