

**RESOLUTION NO. MPA17-0009**

**RESOLUTION OF THE CITY OF CHULA VISTA PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF CHULA VISTA ADOPT AN ORDINANCE AMENDING THE CHULA VISTA MUNICIPAL CODE BY ADDING SECTION 19.58.440 (MOBILE FOOD FACILITIES); AND AMENDING CHAPTERS 8.20 (FOOD VENDORS); 5.62 (VENDING VEHICLES); AND 10.52 (STOPPING, STANDING, AND PARKING)**

WHEREAS, the City is experiencing a surge of mobile food facilities that operate on private and public property without regulatory standards; and

WHEREAS, staff identified the need for a new Mobile Food Facility ordinance as there currently are no land use regulations for operating these facilities on private or public property within the City; and

WHEREAS, staff prepared a draft Mobile Food Facility ordinance to better regulate safe and equitable operation of these facilities on private and public property by requiring a ministerial permit process; and

WHEREAS, mobile food facilities provide diverse dining options for the general public at permitted special events on public or private property; and

WHEREAS, mobile food facilities provide an opportunity for entrepreneurs to operate small businesses, as well as for brick and mortar restaurants to expand into other locations or new markets; and

WHEREAS, California Health and Safety Code section 114315 establishes local regulatory authority over mobile food facilities and allows mobile food facilities to operate in accordance with local codes, ordinances and regulations; and

WHEREAS, Section 22455 of the California Vehicle Code authorizes the City to regulate the time, place and manner of vending from mobile food facilities in the public right-of-way for public safety; and

WHEREAS, staff presented the draft ordinance to the Development Services Oversight Committee which recommended approval; and

WHEREAS, the Director of Development Services reviewed the proposed legislative action for compliance with the California Environmental Quality Act (CEQA) and determined that the action is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the action is not subject to CEQA. In addition, notwithstanding the foregoing, the Director of Development Services has

also determined that the action qualifies for an Exemption pursuant to Section 15061(b)(3) of the State CEQA Guidelines. Therefore, no further environmental review is required; and

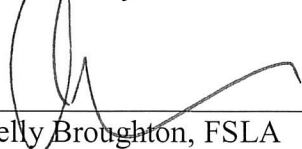
WHEREAS, a hearing time and place was set by the Planning Commission to consider the Chula Vista Municipal Code amendments and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City, at least ten (10) days prior to the hearing; and

WHEREAS, the Planning Commission held a duly noticed public hearing to consider said code amendments at the time and place as advertised in the City Council Chambers, 276 Fourth Avenue, and said hearing was thereafter closed.

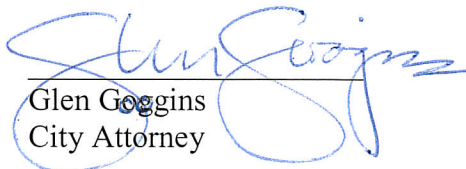
NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends that the City Council of the City of Chula Vista adopt the ordinance amending various sections of the Chula Vista Municipal Code related to mobile food facilities.

BE IT FURTHER RESOLVED THAT a copy of this Resolution be transmitted to the City Council.

Presented by:

  
\_\_\_\_\_  
Kelly Broughton, FSLA  
Director of Development Services

Approved as to form by:

  
\_\_\_\_\_  
Glen Goggins  
City Attorney

PASSED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF CHULA VISTA, CALIFORNIA, this 28th day of February 2018, by the following vote, to-wit:

AYES: Burroughs, Calvo, Milburn, Nava, Zaker

NOES: n/a

ABSENT: Anaya, Gutierrez

ABSTAIN: n/a

*YOLANDA CALVO for*  
  
\_\_\_\_\_  
Gabe Gutierrez, Chair

ATTEST:

  
\_\_\_\_\_  
Patricia Laughlin, Secretary