

**TAFT CITY COUNCIL/SUCCESSOR AGENCY
JOINT REGULAR MEETING AGENDA
TUESDAY, SEPTEMBER 3, 2013
CITY HALL COUNCIL CHAMBERS
209 E. KERN ST., TAFT, CA 93268**

AS A COURTESY TO ALL - PLEASE TURN OFF CELL PHONES

Any writings or documents provided to a majority of the City Council regarding any item on this agenda are made available for public inspection in the lobby at Taft City Hall, 209 E. Kern Street, Taft, CA during normal business hours (SB 343).

REGULAR MEETING

6:00 P.M.

Pledge of Allegiance

Invocation

Roll Call: Mayor Linder
Mayor Pro Tem Krier
Councilmember Miller
Councilmember Noerr
Councilmember Waldrop

1. PUBLIC HEARING - ZONING ORDINANCE AMENDMENT RELATING TO RECREATIONAL VEHICLE PARKS

Recommendation – 1) Conduct Public Hearing; and
2) Motion to approve and amend the City of Taft Zoning Ordinance entitled **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TAFT AMENDING CHAPTERS 5 AND 12 OF TITLE 6 OF THE CITY OF TAFT ZONING ORDINANCE RELATING TO RECREATIONAL VEHICLE PARKS for first reading by title only and reading of such be waived.**

2. CITIZEN REQUESTS/PUBLIC COMMENTS

THIS IS THE TIME AND PLACE FOR THE GENERAL PUBLIC TO ADDRESS THE CITY COUNCIL ON MATTERS WITHIN ITS JURISDICTION. STATE LAW PROHIBITS THE COUNCIL FROM ADDRESSING ANY ISSUE NOT PREVIOUSLY INCLUDED ON THE AGENDA. COUNCIL MAY RECEIVE COMMENT AND SET THE MATTER FOR A SUBSEQUENT MEETING. PLEASE LIMIT COMMENTS TO FIVE MINUTES.

3. COUNCIL STATEMENTS (NON ACTION)

4. DEPARTMENT REPORTS

5. CITY MANAGER STATEMENTS

6. CITY ATTORNEY STATEMENTS

7. FUTURE AGENDA REQUESTS

CONSENT CALENDAR ITEMS 8 - 13

All items listed on the Consent Calendar shall be considered routine and will be enacted by one roll call vote. There will be no separate discussion of these items unless a member of the City Council requests specific items to be removed from the Consent Calendar for separate action. Any item removed from the Consent Calendar will be considered after the regular business items. Are there any items on the consent calendar that any member of the public would like to comment on?

8. MINUTES

August 20, 2013 Regular

Recommendation – Approve as submitted.

9. RESOLUTION ENDORSING THE HYDROGEN ENERGY CALIFORNIA (HECA) PROJECT IN WESTERN KERN COUNTY

Recommendation – Motion to approve a resolution entitled **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT ENDORSING THE HYDROGEN ENERGY CALIFORNIA (HECA) PROJECT IN WESTERN KERN COUNTY.**

10. APPROVE PURCHASE OF SPECTROPHOTOMETER FOR FEDERAL WASTE WATER TREATMENT PLANT

Recommendation – Motion to approve purchase of Spectrophotometer for the Federal Waste Water Treatment Plant.

11. CONTRACT EXTENSION FOR INTERIM DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES

Recommendation – Motion to approve contract extension with MIG Hogle-Ireland for Interim Director of Planning and Development Services through December 31, 2013.

12. FUNDING TO THE TAFT CHAMBER OF COMMERCE FOR THE QUARTER OF JANUARY 2013 TO MARCH 2013

Recommendation – Motion to approve the 25% allocation of the Transient Occupancy Tax to the Taft Chamber of Commerce for the quarter of January 2013 through March 2013.

13. FUNDING TO THE TAFT CHAMBER OF COMMERCE FOR THE QUARTER OF APRIL 2013 TO JUNE 2013

Recommendation – Motion to approve the 25% allocation of the Transient Occupancy Tax to the Taft Chamber of Commerce for the quarter of April 2013 through June 2013.

14. PROPOSALS RECEIVED FROM RFP FOR TRANSIENT OCCUPANCY TAX AUDIT

Recommendation – Motion to 1) Discuss the proposals that were received; and
2) Motion to authorize Mayor to execute an Agreement with Tax Compliance Services

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Government Code
Section 54956.9 (a)

ADJOURNMENT

**AMERICANS WITH DISABILITIES ACT
(Government Code Section 54943.2)**

The City of Taft City Council Chamber is accessible to persons with disabilities. Disabled individuals who need special assistance (including transportation) to attend or participate in a meeting of the Taft City Council may request assistance at the Office of the City Clerk, City of Taft, 209 E. Kern Street, Taft, California or by calling (661) 763-1222. Every effort will be made to reasonably accommodate individuals with disabilities by making meeting material available in alternative formats. Requests for assistance should be made five (5) working days in advance of a meeting whenever possible.

AFFIDAVIT OF POSTING

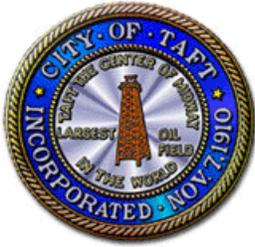
I, Debra L. Elliott, declare as follows:

That I am the Deputy City Clerk of the City of Taft; that an agenda was posted on a public information bulletin board located near the door of the Civic Center Council Chamber on August 29, 2013, pursuant to 1987 Brown Act Requirements.

I declare under penalty of perjury that the foregoing is true and correct.
Executed August 29, 2013, at Taft, California.

Date/Time

Signature



City of Taft Agenda Report

DATE: SEPTEMBER 3, 2013

TO: MAYOR LINDER AND COUNCIL MEMBERS

AGENDA MATTER:

PUBLIC HEARING - ZONING ORDINANCE AMENDMENT RELATING TO RECREATIONAL VEHICLE PARKS

SUMMARY STATEMENT:

The City of Taft is currently deficient with regard to short term residential facilities such as hotels, motels, and recreational vehicle parks. The City Council has directed city staff to review the Zoning Ordinance and recommend an amendment for Recreational Vehicle Parks. Currently, Recreational Vehicle Parks are only permitted within the Agricultural (A) Zone. The only A Zone properties within Taft are located along the eastern City boundary adjacent to the California Aqueduct and contain the Taft Federal Correctional Institute. The Council would like to see more opportunities for Recreational Vehicle Parks closer to the central part of the City and near the Rails to Trails.

At the July 17, 2013, Planning Commission meeting, City staff presented a draft amendment to the Zoning Ordinance regarding Recreational Vehicle Parks. The Commissioners provided direction to staff to address utility hookups, extend the maximum residency stay to 180 days, and to provide flexibility with regard to walls, fencing, and screening along street frontages.

At the August 7, 2013, Planning Commission meeting, City staff presented the final draft of the amendment to the Zoning Ordinance regarding Recreational Vehicle Parks, which the Commission approved unanimously with no further additions or deletions.

RECOMMENDED ACTION:

1. Conduct Public Hearing; and
2. Motion to approve and amend the City of Taft Zoning Ordinance entitled **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TAFT AMENDING CHAPTERS 5 AND 12 OF TITLE 6 OF THE CITY OF TAFT ZONING ORDINANCE RELATING TO RECREATIONAL VEHICLE PARKS for first reading by title only and reading of such be waived.**

FUNDING SOURCE: N/A

ATTACHMENT (Y/N): Ordinance, Reference RV Parks Ordinances, Planning Commission Adopted Resolution

PREPARED BY: Mark Staples, Interim Director, Planning & Community Development

REVIEWED BY:

CITY CLERK:	FINANCE DIRECTOR:	CITY MANAGER:
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ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TAFT AMENDING
CHAPTERS 5 AND 12 OF TITLE 6 OF THE CITY OF TAFT ZONING ORDINANCE
RELATING TO RECREATIONAL VEHICLE PARKS**

WHEREAS, the City of Taft is currently deficient in short term residential facilities such as hotels, motels, and recreational vehicle parks, and

WHEREAS, the City of Taft and surrounding areas have sporting events, civic events, college graduations, and other special events providing demand for short term residential facilities, and

WHEREAS, many recreational vehicles traveling from central and eastern Kern County drive through the City of Taft on Highways 33 and 119 to destinations in Ventura, Santa Barbara, and San Luis Obispo counties; and

WHEREAS, the Taft Zoning Ordinance currently limits the development of Recreational Vehicle Parks within the Agricultural (A) Zone District; and

WHEREAS, the Planning Commission reviewed and commented on a draft zoning ordinance amendment at its regular meeting on July 17, 2013; and

WHEREAS, the Planning Commission studied and considered the written findings for approval of Zoning Ordinance Amendment No. 2013-15, City Staff's written and oral reports, and all public testimony at its regular meeting on August 7, 2013, and

WHEREAS, the Planning Commission voted 5-0 to recommend approval of the proposed amendment to the City Council; and

WHEREAS, the laws and regulations relating to the preparation and adoption of environmental documents, as set forth in the State Guidelines Implementing the California Environmental Quality Act have been adhered to; and

WHEREAS, the City Council has fully considered this request and the potential environmental effects.

NOW THEREFORE, the City Council of the City of Taft does ordain as follows:

SECTION 1

Title 6, Chapter 5, Sections 3 and 4 of the Taft Zoning Ordinance is hereby amended to read as follows:

See attached Chapter 5, Commercial Zone Districts

SECTION 2

Title 6, Chapter 12, Table of Contents and adding new Section 19 – Recreational Vehicle Parks of the Taft Zoning Ordinance is hereby amended to read as follows:

See attached Chapter 12, Specific Use Development Standards, Table of Contents and Section 19 – Recreational Vehicle Parks

SECTION 3

This ordinance shall take effect thirty (30) days after the date of its adoption, and within fifteen (15) days after its adoption shall be published at least once in the Daily Midway Driller, a newspaper of general circulation, published and circulated in the City of Taft together with the names of members of the City Council voting for and against same.

ATTACHMENTS:

- Proposed Chapter 5, Commercial Zone Districts
- Proposed Chapter 12, Table of Contents
- Section 6.12.190, Recreational Vehicle Parks

PASSED AND ADOPTED on this _____ day of _____, 2013.

Paul Linder, Mayor

Attest:

Louise Hudgens, CMC
City Clerk

Approved as to form:

Thomas E. Ebersole, City Attorney

STATE OF CALIFORNIA }
COUNTY OF KERN } SS
CITY OF TAFT }

I, Louise Hudgens, City Clerk of the City of Taft, do hereby certify that the foregoing Ordinance had its first reading on _____, and had its second reading on _____, and was passed by the following vote:

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

Louise Hudgens, CMC, City Clerk

**CHAPTER 5 OF TITLE VI
COMMERCIAL ZONE DISTRICTS**

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6.5.10 **PURPOSE AND INTENT**

1. The General Plan outlines goals, objectives, and policies regarding the character and location of commercial uses and development within the City. It is the purpose of this Chapter to provide regulations which implement those goals, objectives, and policies, and which assure the availability of commercial uses within the City. Commercially zoned districts should be conveniently located, efficient, attractive, and designed in a manner that ensures safe and convenient commercial activity. In order to serve the retail and service commercial needs of City residents and businesses.
2. It is the further intent of the regulations contained in this Chapter:
 - a. To provide appropriately located areas for retail stores, service establishments, and commercial commodities and services required by residents of the City and the surrounding market area;
 - b. To encourage the concentration of commercial and office uses for the convenience of the public, and to secure mutually beneficial relationships to one another;
 - c. To provide adequate space to meet the needs of commercial development, including off-street parking and loading areas;
 - d. To minimize traffic congestion and to avoid the overloading of utilities by regulating the construction of buildings to excessive size relative to the land uses in the City;
 - e. To protect commercial properties from noise, odor, smoke, unsightliness, and other objectionable influences incidental to industrial uses; and
 - f. To promote high standards of site planning, architectural and landscape design for commercial developments within the City.

6.5.20 **COMMERCIAL DEVELOPMENT ZONE DISTRICTS**

1. Mixed Use (MU) Zone District

The Mixed Use Zone District is intended to provide maximum flexibility by allowing combinations of commercial and multiple family residential uses on the same parcel of land. This Zone District is generally reserved for properties located in the City's downtown area.

2. General Commercial (GC) Zone District

The primary purpose of the General Commercial Zone District is to provide sites for commercial uses that will serve a large segment of the population with a wide variety of retail, wholesale, service, and office uses.

3. Downtown Commercial (DC) Zone District

The General Plan outlines the goals, objectives and policies establishing the character and location of the Downtown Commercial (DC) Zone District. It is the purpose of this Chapter to provide regulations that will implement those goals, objectives and policies that assure the preservation of the character and vitality of the City.

The provisions of this Chapter are intended to ensure that the limited commercial and office related development permitted within the DC Zone District respects the historic significance of the downtown area by requiring that all proposed buildings and structures reflect the downtown’s architectural theme and are compatible with the surrounding residential community.

6.5.30 USE REGULATIONS

Identified on Table 5.A of this Chapter are those land uses or activities that may be permitted in each commercial zone district, permitted subject to an approved conditional use permit, or prohibited. This table also indicates the development procedure and the approval type by which each listed land use or activity may be permitted in each commercial zone district.

**Table 5.A
Uses Permitted Within Commercial Zone Districts**

Legend

- P Permitted subject to Consistency Assessment
- C Permitted Subject to approval of a Conditional Use Permit application
- X Not permitted in this district

USE		MU	GC	DC
A. Office and Related Uses				
1.	Administrative and executive offices	P	P	P
2.	Artist and photographic studio, including sale of equipment or supplies	P	P	P
3.	Clerical and professional offices	P	P	P
4.	Financial Services and Institutions	P	P	P
5.	Medical, dental and related health services for humans, including clinics laboratories and the sale of articles clearly incidental to services provided	P	P	P

B. Commercial Uses				
1.	Adult Entertainment	X	X	X
2.	Agricultural	X	X	X
3.	Ambulance Service	P	C	X
4.	Antique Shops	P	P	P
5.	Apparel Stores (sales)	P	P	P
6.	Art, galleries, music, dance studios, photographic studios and supply stores	P	P	P
7.	Appliance stores and repair	P	P	P
8.	Arcades	C	C	C
9.	Auto Supply Store	P	P	P
10.	Automotive washing (self or full service)	X	P	X
11.	Auction Houses	X	C	X
12.	Automotive dealerships subject to Section 6.12.100 of this Title	C	P	X
13.	Automotive rental agencies (excluding outdoor storage)	P	P	P
14.	Automotive rental agencies (including outdoor storage)	C	C	C
15.	Automotive-paint and body	X	C	X
16.	Automotive and light truck sales/service	C	P	C
17.	Automobile repair	C	C	C
18.	Bail bond services	P	P	X
19.	Bakeries (retail)	P	P	P
20.	Barber and beauty shops	P	P	P
21.	Bicycle shops (non-motorized)	P	P	P
22.	Blueprint and photocopy services	P	P	P
23.	Boat and RV (sales only)	C	P	X
24.	Book, gifts, and stationary stores	P	P	P
25.	Building materials sales/home improvement (indoors)	P	P	P
26.	Building materials sales/outdoor storage (masonry, sand, gravel)	C	C	C
27.	Camera Shops	P	P	P
28.	Candle Shops	P	P	P
29.	Candy stores and confectioneries	P	P	P
30.	Catering establishments	P	P	P
31.	Cemetery (Human)	X	X	X
32.	Cleaning and pressing establishments	P	P	P
33.	Clothing and Costume Rental	P	P	P
34.	Cocktail lounge/bar, including upgrading an existing ABC license (e.g. Beer and Wine to a hard liquor license) Refer to Section 11.50 of this Title	C	C	C
35.	Communication and Telecommunication Facilities (radio and television)	C	C	C
36.	Commercial recreational facilities (indoor)	P	P	P
37.	Commercial recreational facilities (outdoor)	C	C	C
38.	Convenience Store (including alcohol sales)	C	C	C
39.	Convenience Store (no alcohol sales)	P	P	P
40.	Dairy products stores	P	P	P
41.	Department stores	P	P	P
42.	Drapery and decorating shops	P	P	P

43.	Dress making shops	P	P	P
44.	Driving Schools	P	P	P
45.	Drugstore/Pharmacy	P	P	P
46.	Electronic coin-operated games (commercially operated) less than 5 games	P	P	P
USE		MU	GC	DC
47.	Electronic coin-operated games (commercially operated) 5 or more games (subject to Section 11.90 of this Title)	C	C	C
48.	Drive-in/through businesses including theaters and restaurants	C	C	C
49.	Feed and tack stores	P	P	P
50.	Fireworks Stand, subject to the provisions of Section 11.160 of this Title	P	P	P
51.	Floral shops	P	P	P
52.	Food stores and supermarkets	P	P	P
53.	Floor covering stores (may include incidental repair)	P	P	P
54.	Furniture stores, repair and upholstery	P	P	P
55.	General retail stores	P	P	P
56.	Hardware stores (no outdoor storage)	P	P	P
57.	Hardware stores (outdoor storage)	C	C	C
58.	Home improvement (indoor)	P	P	P
59.	Home improvement (outdoor)	C	C	C
60.	Health clubs, dance studios, martial arts, weight training, and similar uses	P	P	P
61.	Hobby shops	P	P	P
62.	Hotels and motels	P	P	C
63.	Insurance services	P	P	P
64.	Internet café	P	P	P
65.	Janitorial services and supplies	P	P	P
66.	Jewelry stores	P	P	P
67.	Kiosks (parking lot film processing and key shops)	P	P	P
68.	Laundry pick-up and delivery agencies and self-service laundries (includes diaper service)	P	P	P
69.	Liquor stores	C	C	C
70.	Medical Marijuana Dispensaries (ord. 731-07)	X	X	X
71.	Mortgage services	P	P	P
72.	Motorcycle shops (sales and service)	P	P	C
73.	Locksmith shops	P	P	P
74.	Massage Therapist (subject to provision of Title VI, Chapter 4-20)	P	P	P
75.	Meat markets	P	P	P
76.	Mortuaries	C	C	C
77.	Music stores	P	P	P
78.	Newspaper and magazine stores	P	P	P
79.	Mini-storage (for public use)	C	P	X
80.	Miniature golf courses	C	P	C
81.	Nurseries and garden supply stores (provided all equipment and supplies are kept within a building or fenced enclosed area)	P	P	P
82.	Office and business machines stores (sales, service and repair)	P	P	P
83.	Paint and wall covering stores	P	P	P

84.	Parking facilities (off site)	C	P	C
85.	Pet shops	P	P	P
86.	Political or philanthropic headquarters	P	P	P
87.	Pottery sales	P	P	P
88.	Printing and copy shops (other than newspaper)	P	P	P
89.	Recycling collection facilities including reverse vending machines and small collection facilities	P	P	P
90.	Plumbing shops and supplies	P	P	P
USE		MU	GC	DC
91.	Real estate services	P	P	P
92.	Restaurants other than fast foods (refer to Section 11.50 of this Title):			
	a. With entertainment and/or serving alcoholic beverages, including upgrading an existing ABC license (e.g. Beer and Wine to a hard liquor license)	C	C	C
	b. Without entertainment and/or serving alcoholic beverages	P	P	P
93.	Shopping centers	X	P	X
94.	Shoe stores (repairs)	P	P	P
95.	Second-hand stores/pawn shops	P	P	P
96.	Service Station (automotive, without convenience sales) subject to Section 6.12.220 of this Title	P	P	P
97.	Service stations (automotive, with convenience store, with or without alcoholic beverage sales)	C	C	C
98.	Sporting goods store	P	P	P
99.	Stamp and coin shops	P	P	P
100.	Stationary stores	P	P	P
101.	Statue shops	P	P	P
102.	Sign painting shops within a completely enclosed building	P	P	P
103.	Surveying services	P	P	P
104.	Swimming pool and spa (sales, service, and supply)	P	P	P
105.	Telegraph offices	P	P	P
106.	Tailor shops	P	P	P
107.	Tattoo parlor	C	C	C
108.	Taxidermists (no processing)	P	P	P
109.	Televisions (radio sales and repair)	P	P	P
110.	Theaters, including both motion picture and live performing arts	C	C	C
111.	Tire sales and service	C	C	C
112.	Toy stores	P	P	P
113.	Travel agencies	P	P	P
114.	Truck storage yard when adjacent to industrial zone district (ord. 773-09)	X	C	X
115.	Upholstering shops (indoor only)	P	P	P
116.	Variety stores	P	P	P
117.	Veterinary offices and animal hospitals including exterior kennels, pens or runs	X	C	X
C. Public and Quasi-Public Uses				
1.	Auditoriums	C	C	C

2.	Convalescent homes, hospitals	C	C	C
3.	Convention hall, trade show, exhibit building with incidental food services	C	C	C
4.	Churches, synagogues, mosques, temples	C	C	C
5.	Clubs, lodges fraternities and sororities	C	C	C
6.	Communication and telecommunication facilities (not including radio and television)	C	C	C
7.	Dances, per Chapter 6, Title IV on the Municipal Code	C	P	C
8.	Day nurseries, nursery schools, and child care facilities per state law	C	C	C
9.	Educational institutions (including public or private vocational schools)	C	C	C
10.	Fire and police stations	P	P	P
11.	Public administration buildings and civic centers	P	P	P
USE		MU	GC	DC
12.	Public libraries and museums	P	P	P
13.	Public parks and recreation facilities (public or private)	P	P	P
14.	Public utilities and public service sub-stations, reservoirs, pumping plants and similar installations not including public utility offices, unless project otherwise entails a public hearing; then permitted	C	C	C
<u>15.</u>	<u>Recreational Vehicle Parks</u>	<u>C</u>	<u>C</u>	<u>X</u>
15 16.	Residential care facility (per State law)	C	C	C
16 17.	Post offices	P	P	P
17 18.	Public utility services offices	P	P	P
18 19.	Transportation facilities	C	C	C
D. Residential Uses				
1.	Single family residential dwellings	X	X	X
2.	Residence in conjunction with a business	C	C	C
3.	Multi-family residential dwellings	C	C	C
E. Manufacturing Uses				
1.	Oil & Gas exploration and production; subject to the provisions of Chapter 6.10 of this Title	C	C	C
F. Accessory Uses				
1.	Accessory uses and structures located on the same site as a permitted use	P	P	P
2.	Accessory uses and structures located on the same site as a use permitted subject to a Conditional Use Permit	C	C	C
G. Temporary Uses				
1.	*Temporary uses as prescribed in Chapter 6.2, Permits and Approval, Section 6.2.90 of this Title, are permitted subject to issuance of a Temporary Use Permit.			
H. Other uses similar to, and no more objectionable than the uses identified above, shall be reviewed per the process required by the similar use, as determined by the Planning Commission.				

6.5.40 SITE DEVELOPMENT STANDARDS

1. General Requirements

Table 5.B of this Chapter describes the minimum site development standards applicable to proposed and existing development in all commercial zone

districts. All commercial development shall conform to the standards established in this Section.

- a. A development or commercial center may, for purposes of meeting the minimum site size standards, consist of a combination of parcels whose total net acreage meets the minimum site size criteria, provided that the design for the entire site is integrated unified.
- b. In addition to the minimum standards established in Table 5.B, developments within the commercial zone districts shall also comply with the special requirements contained in Section 6.5.40.2 of this Chapter, Chapter 6.13 (Performance Standards) of this Title, other City regulations and ordinances, and the City's General Plan.

Table 5.B
Commercial Site Development Minimum Standards

REQUIREMENT	GC	DC	MU
1. Minimum site area (square feet, net)	6,500	5,000	*12,500
2. Minimum site width, in feet	65	50	65
3. Minimum site depth, in feet	100	100	100
4. Front building setback, in feet	0	0	0
5. Side street building setback area, street sides, in feet	0	0	0
6. Rear setback	0	0	0
7. Maximum Floor Area Ratio	0.50	0.85	0.85
8. Building height, in feet, maximum (may be exceeded with an approved conditional use permit).	45	35	45

2. Special Requirements

- a. All uses in the commercial districts shall comply with the provisions of Section 6.11.290 (Screening Requirements) of this Title and shall provide street side landscaping as required by the Planning Director.
- b. Where off-street parking areas in the General Commercial Zone Districts are situated in a visual corridor, as may be defined in a precise plan adopted by the City Council, screening, such as a landscaped earthen berm or decorative wall no less than two (2) feet in height, shall be erected between the street right-of-way and the parking area.
- c. In all commercial zone districts, no external security bars shall be permitted on structures.

d. Parking for each use shall comply with the provisions of Chapter 6.14 of this Title.

e. [Recreational Vehicle Parks shall comply with the provisions of Section 6.12.190 \(Recreational Vehicle Parks\) of this Title.](#)

3. Exceptions

a. The creation of new lots within the commercial zone districts shall conform to the minimum allowable dimensions, except in the case of commercial condominium lots or lots within a shopping center, in which case no minimums are established, provided the commercial development is consistent with other requirements of this Title and applicable City standards, regulations, and ordinances.

b. Parcels created within shopping centers are exempt from the site development standards stated herein, as they relate to minimum site areas, and minimum lot width and depth, as long as a conceptual development plan for the entire center has been approved and if appropriate easements for reciprocal access parking and maintenance are provided.

c. When abutting a residentially zoned district, the front, side, and rear yard setbacks of that residentially zoned district shall apply to the commercial development abutting that residentially zoned district.

d. In the MU Zone District, the lot size may be reduced to the same size of the DC Zone District (6,500 square feet) provided that no multiple family units are proposed for the project site.

**CHAPTER 12 OF TITLE VI
SPECIFIC USE DEVELOPMENT STANDARDS**

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6.12.10 **PURPOSE AND INTENT**

It is the purpose and intent of this Chapter to identify land uses and activities which possess the potential to cause deleterious effects to the community in which they are located, and to subject such uses to specific regulations with the intent of minimizing, to the extent practical, these deleterious effects. Further, it is intended that in the zone districts in which these land uses are permitted, they are conducted in a manner which is consistent with the protection of the public health, safety, and welfare in accordance with the goals, policies, objectives and implementation programs contained in the General Plan.

It is further determined that it is in the interest of the public health, safety and welfare of the citizens of the City to protect minors from viewing publicly displayed harmful matter, and that pursuant to Penal Code Section 313.1(d), at grocery stores, convenient stores, video stores, and other retail outlets, as well as from the news racks, and that restriction of public display of such harmful matter will keep the adverse impacts of such harmful matter upon minors to a minimum.

6.12.20 **APPLICABILITY**

The provisions of this Chapter shall apply to the activities and land uses specified by this Chapter in addition to any standards and regulations established by this Title which may also be applicable to these specified land uses or activities.

6.12.30 **ADULT ENTERTAINMENT**

1. Applicability. It is the intent of this Chapter to prevent community wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of Adult-Oriented Businesses in close proximity to each other or proximity to other incompatible uses such as schools for minors, churches, and residentially zoned districts or uses. The City Council finds that it has been demonstrated in various communities that the concentration of Adult-Oriented Businesses cause an increase in the number of transients in the area, and an increase in the crime, and in addition the effects described above can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this Title to establish reasonable and uniform regulations to prevent the concentration of Adult-Oriented Businesses or their close proximity to incompatible uses, while permitting the location of Adult-Oriented Businesses in certain areas.
2. Findings of the City Council
 - a. The City Council, in adopting this ordinance, takes legislative notice of the existence and content of the following studies concerning the adverse secondary side effects of Adult-Oriented Businesses in other

cities: American Center for Law and Justice (1996); New York, New York (1994); State of New Jersey (1994); Garden Grove, California (1991); Tucson, Arizona (1990); Seattle, Washington (1989); Austin, Texas (1986); Oklahoma City, Oklahoma (1986); Indianapolis, Indiana (1984); Houston, Texas (1983); Beaumont, Texas (1982); Minneapolis, Minnesota (1980); Phoenix, Arizona (1979); Whittier, CA (1978), Amarillo, Texas (1971), Cleveland, Ohio (1977) Los Angeles, California (1977). The City Council finds that these studies are relevant to the problems addressed by the City in enacting this ordinance to regulate the adverse secondary side effects of Adult-Oriented Businesses, and more specifically finds that these studies provide convincing evidence that:

- 1) Adult-Oriented Businesses are linked to increases in the crime rates in those areas in which they are located and in surrounding areas.
 - 2) Both the proximity of Adult-Oriented Businesses to sensitive land uses and the concentration of Adult-Oriented Businesses tend to result in the blighting and deterioration of the areas in which they are located.
 - 3) The proximity and concentration of Adult-Oriented Businesses adjacent to residential, recreational, religious, educational and other Adult-Oriented Businesses uses can cause other businesses and residences to move elsewhere.
 - 4) There is substantial evidence that an increase in crime tends to accompany, concentrate around and be aggravated by Adult-Oriented Businesses, including, but not limited to, an increase in the crimes of narcotics distribution and use, prostitution, pandering and violence against persons and property. The studies from other cities establish convincing evidence that Adult-Oriented Businesses which are not regulated as to permissible locations often have a deleterious effect on nearby businesses in residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values.
- b. Based on the foregoing, the City Council finds and determines that special regulation of Adult-Oriented Businesses is necessary to ensure that their adverse secondary side effects will not contribute to an increase in crime rates or to the blighting or deterioration of the areas in which they are located or surrounding areas. The need for such special regulations is based upon the recognition that Adult-Oriented Businesses have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or located in direct proximity to sensitive uses such as parks, schools, churches,

thereby having a deleterious effect upon the adjacent areas. It is the purpose and intent of these special regulations to prevent the concentration of Adult-Oriented Businesses and thereby prevent such adverse secondary side effects.

- c. The location requirements, established by this Chapter, do not unreasonably restrict the establishment or operation of constitutionally protected Adult-Oriented Businesses that are provided by this ordinance.
- d. In developing this ordinance, the City Council has been mindful of legal principals relating to regulation of Adult-Oriented Businesses and does not intend to suppress or infringe upon any expressive activities protected by the First Amendments of the United States and California Constitutions, but instead desires to enact reasonable time, place and manner regulations that address the adverse secondary effects of Adult-Oriented Businesses. The City Council has considered decisions of the United States Supreme Court regarding local regulations of Adult-Oriented Businesses, including but not limited to: Young v. American Mini Theaters, Inc. 427 U.S. 50 (1976) (Reh. Denied 475 U.S. 1132); FWIPBS, Inc. v. Dallas. 493 U.S. 215 (1990); Barnes v. Glenn Theater. 501 U.S. 560 (1991); United States Court of Appeals 9th Circuit decisions, including but not limited to: Topanga Press. et a. v. City of Los Angeles. 989 F. 2d 1524 (1993); several California cases including but not limited to: City of National City v. Wiener. 3 Cal. 4th 832 (1993); People v. Superior Court (Lucero) 49 Cal. 3d 14 (1989); and City of Vallejo v. Adult Books et al. 167 Cal. App.3d 1169 (1985); and other federal cases including: Lakeland Lounge v. City of Jacksonville (5th Cir. 1992) 973 F.2d 1255, Hang On, Inc. v. Arlington (5th Cir. 1995) 65 F.3d 1248, Mitchell v. Commission on Adult Entertainment (3d Cir. 1993) 10 F.3d 123, International Eateries v. Broward County (11th Cir. 1991) 941 F.2d 1157, and Star v. Satellite v. City of Biloxi (5th Cir. 1986) 779 F.2d 1074.
- e. The City Council also finds that locational criteria alone do not adequately protect the health, safety and general welfare of the citizens of the City, and thus certain requirements with respect to the ownership and operation of Adult-Oriented Businesses are in the public interest. In addition to the findings and studies conducted in other cities regarding increases in crime rates, decreases in property values and blighting of areas in which such businesses are located, the City Council also takes legislative notice of the facts recited in the case of K v. Inc. v. Kitsav County, 793 F.2d 1053 (1986), regarding how live adult entertainment results in secondary effects such as prostitution, drug dealing, and other law enforcement problems.

- f. The City Council finds the following, in part based upon its understanding of the documents and judicial decision in the public record:
- 1) Evidence indicates that some dancers, models and entertainers and other persons who publicly perform specified sexual activities or publicly display specified anatomical parts in Adult-Oriented Businesses (collectively referred to as ‘performers’) have been found to engage in sexual activities with patrons of Adult-Oriented Businesses on the site of the Adult-Oriented Businesses;
 - 2) Evidence has demonstrated that performers employed by Adult-Oriented Businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;
 - 3) Evidence indicates that performers at Adult-Oriented Businesses have been found to engage in acts of prostitution with patrons of the establishment;
 - 4) Evidence indicates that fully enclosed booths, individual viewing areas, and other small rooms whose interiors cannot be seen from public areas of the establishment regularly, have been found to be used as a location for engaging in unlawful sexual activity;
 - 5) As a result of the above, and the increase in incidents of AIDS and Hepatitis B, which are both sexually transmitted diseases, the City has a substantial interest in adopting regulations which will reduce, to the greatest extent possible, the possibility of the occurrence of prostitution and casual sex acts at Adult-Oriented Businesses.
- g. Zoning, licensing and other police power regulations are legitimate, reasonable means of accountability to help protect the quality of life in the City and to help assure that all operators of Adult-Oriented Businesses comply with reasonable regulations and are located in places that minimize the diverse secondary effects which naturally accompany the operation of such businesses.
- h. The City Council recognizes the possible harmful effects on children and minors exposed to the effects of such Adult-Oriented Businesses and the deterioration of respect for family values, and the need and desire of children and minors to stay away from and avoid such businesses, which causes children to be fearful and cautious when walking through or visiting the immediate neighborhood of such businesses; and the City Council desires to minimize and control the adverse secondary effects associated with the operation of Adult-

Oriented Businesses and thereby protect the health, safety, and welfare of the citizens of the City; protect the citizens from increased crime; preserve the quality of life; preserve the property values and the character of surrounding neighborhoods and businesses; deter the spread of urban blight and protect against the threat to health from the spread of communicable and sexually transmitted diseases.

- i. It is not the intent of the City Council in enacting this ordinance, or any provision thereof, to condone or legitimize the distribution of obscene material, and the City Council recognizes that state law prohibits the distribution of the obscene materials and expects and encourages law enforcement officials to enforce state obscenity statutes against such illegal activities in the City.
- j. Nothing in this ordinance is intended to authorize, legalize, or permit the establishment, operation or maintenance of any business, building, or use which violates any City ordinance or any statute of the State of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness, obscene or harmful matter or the exhibition or public display thereof.
- k. The City Council finds the following in part, based upon its understanding of the documents and judicial decisions in the public record:
 - 1) Evidence indicates that some dancers, models and entertainers and other persons who publicly perform specified sexual activities or publicly display specific anatomical parts in Adult-Oriented Businesses (collectively referred to as ‘performers’) have been found to engage in sexual activities with patrons of Adult-Oriented Businesses on the site of Adult-Oriented Businesses;
 - 2) Evidence has demonstrated that performers employed by Adult-Oriented Businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;
 - 3) Evidence indicates that performers at Adult-Oriented Businesses have been found to engage in acts of prostitution with patrons of the establishment.
- l. In prohibiting public nudity in Adult-Oriented Businesses, the City Council does not intend to proscribe the communication of erotic messages or any other communicative element or activity, but rather only to prohibit public, nudity due to the secondary impacts associated with such public nudity; and

- m. The City Council also finds, as a wholly independent basis, that it has a substantial public interest in preserving societal order and morality, and that such interest is furthered by a prohibition of public nudity; and
 - n. While the City Council desires to protect the rights conferred by the United States Constitution to Adult-Oriented Businesses, it does so in a manner that ensures the continued and orderly development of property within the City and diminishes, to the greatest extent feasible, those undesirable secondary effects which the aforementioned studies have shown to be associated with the development operation of Adult-Oriented Businesses; and
 - o. In enacting a nudity limitation, the City declares that the limitation is a regulatory licensing provision and not a criminal offense. The City has not provided a criminal penalty for a violation of the nudity limitation. The City adopts such a limitation only as a condition of issuance and maintenance of an Adult-Oriented Business permit issued pursuant to the City Code; and
 - p. The City Council finds that preventing the exchanged of money between entertainers and patrons also reduces the likelihood of drug and sex transactions occurring in Adult-Oriented Businesses; and
 - q. Requiring separations between entertainers and patrons reduces the likelihood that such persons will negotiate narcotics sales and/or transact sexual favors within the Adult-Oriented Business; and
 - r. Enclosed or concealed booths and dimly lit areas within Adult Oriented Businesses greatly increase the potential for misuse of the premises, including unlawful conduct of a type which facilitates transmission of disease. Requirements that all indoor areas be open to view by management at all times, and that adequate lighting be provided, are necessary in order to reduce the opportunity for, and therefore the incidence of illegal conduct within Adult-Oriented Businesses, and to facilitate the inspection of the interior of the premises thereof by law enforcement personnel.
3. Establishment of an Adult-Oriented Business, as used herein, shall mean and include any of the following:
- a. The opening or commencement of any Adult-Oriented Business as a new business;
 - b. The conversion of an existing business, whether or not an Adult-Oriented Business, to any Adult-Oriented Business defined herein;

- c. The addition of any of the Adult-Oriented Businesses defined herein to any other existing Adult-Oriented Business; or
 - d. The relocation of any such Adult-Oriented Business.
4. Definitions:
- a. Specified Anatomical Areas. As used herein, “specified anatomical area” shall mean and include any of the following:
 - 1) Less than completely and opaquely covered human (i) genitals or pubic region; (ii) buttocks; and (iii) female breasts below a point immediately above the top of the areola;
 - 2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 - 3) Any device, costume or covering that simulates any of the body parts included in subdivision (a) or (b) above.
 - b. Specified Sexual Activities. As used herein, “specified sexual activities” shall mean and include any of the following, whether performed directly or indirectly through clothing or other covering:
 - 1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - 2) Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
 - 3) Masturbation, actual or simulated;
 - 4) Excretory functions as part of or in connection with any of the other activities described in subdivision (a) through (c) of this subsection.
 - c. Adult-Oriented Business. As used herein, “adult oriented business” shall mean any of the following:
 - 1) Adult Arcade. The term “adult arcade” as used in this Chapter, is an establishment where, for any form of consideration one (1) or more still or motion picture projectors, video cassettes, or other similar image producing devices are maintained to show images

for viewing by five or fewer persons each, are used to show films, computer generated images, motion pictures, video cassettes, slide or other photographic reproductions twenty-five percent (25%) or more of the number which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

- 2) **Adult Bookstore.** The term “adult bookstore” as used in this Chapter, is an establishment that sells or rents books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, slides, tapes, video cassettes, records, or any other form of visual or audio representation twenty-five percent (25%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- 3) **Adult Cabaret.** The term “adult cabaret” as used in this Chapter means a nightclub, bar, restaurant, or similar business establishment which (1) regularly features live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities; and/ or (2) which regularly features persons who appear semi-nude; and/or (3) shows films, computer generated images, motion pictures, video cassettes, slide, or other photographic reproduction 25% or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- 4) The term “adult hotel or motel”, as used in this Chapter, means a hotel or motel or similar business establishment offering public accommodations for any form of consideration which provides patrons with close-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides or other photographic reproductions thirty percent (30%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- 5) **Adult Motion Picture Theater.** The term “adult motion picture theater” as used in this Chapter, is a business establishment where, for any form of consideration, films, computer generated images, motion pictures, video cassettes, slides, or similar photogenic reproductions are shown, and twenty-five percent (25%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or anatomical areas.

- 6) Adult Newsstands. The term “adult newsstands” as used in the Chapter, shall mean the following:
 - a) Any coin-operated machine or device that dispenses material substantially devoted to the depiction of specified sexual activities or anatomical areas.
 - b) Any shelf, countertop, or rack, indoor or outdoor, used for displaying for sale, rental, or other use to the public, magazines, newspapers, video cassettes, or other periodicals substantially devoted to the depiction or specified activities or anatomical areas where 25% of the area is devoted to said uses in non-adult businesses. This does not apply to interior display fixtures in approved adult entertainment businesses.
- 7) Adult Theater. The term “adult theater” as used in this Chapter, means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration regularly features live performances which are distinguished or characterized by an emphasis on the display of specified anatomical areas or specified sexual activities.
- 8) Church. The term “church” as used in this Chapter, means an institution that people regularly attend to participate in or hold religious services, meetings, or other activities. The term “church” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.
- 9) Distinguished or Characterized by an Emphasis Upon. As used in this Chapter, the term “distinguished or characterized by an emphasis upon” shall mean and refer to the dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films “which are distinguished or characterized by an emphasis upon” the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas. See Pringle v. City of Covina, 115 Cal.App.3 151 (1981).
- 10) Modeling Studio. The term “modeling studio” as used in this Chapter, means a business which provides, of pecuniary compensation, monetary or other consideration, hire or reward, figure models who for the purposes of sexual simulation of

patrons, display “specified anatomical areas” to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. “Modeling Studio” does not include schools maintained pursuant to standards set by the State Board of Education. “Modeling Studio” further does not include a studio or similar facility owned, operated or maintained by an individual artist or group and which does not provide, permit, or make available “specified sexual activities”.

- 11) Regularly Features. The term “regularly features” with respect to an adult theater or adult cabaret, means a regular and substantial course of conduct. The fact that live performances which are distinguished or characterized by emphasis upon the display of specified anatomical areas or specified sexual activities occurs on two (2) or more occasions within a thirty (30) day period; or four (4) or more occasions within a one hundred eighty (180) day period, shall to the extent permitted by law be deemed to be a regular and substantial course of conduct.
- 12) School. The term “school” as used in this ordinance is any child or day care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.
- 13) Semi-nude. The term “semi-nude” means a state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices.

5. General Provisions

Adult-oriented businesses may be permitted in compliance with the provisions of this Chapter where the Land Use Department of the General Plan for the subject property is “Industrial” and where the zone district in which the subject property is located is “Industrial” subject to the limitations and design standards specified within said zone districts in accordance with the provision of this Chapter.

6. Development Standards

a. Minimum Proximity Requirements

The distances provided in this Section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property upon which the proposed land use is to be located to the nearest point of the property from which the proposed land use is to be separated.

b. Adult-oriented businesses shall not be established or conducted within:

- 1) 1,000 feet of any residential use;
- 2) 1,000 feet of any funeral parlor, mortuary, or similar facility;
- 3) 1,000 feet of a public or private school for minors;
- 4) 1,000 feet of a licensed day care facility for minors;
- 5) 1,000 feet of a church, synagogue or other place of worship;
- 6) 1,000 feet from any other adult entertainment business; and
- 7) 1,000 feet from any publicly used facility, such as parks, libraries, any civic buildings; however, this subsection shall not apply to such uses as public utility facilities such as the Taft-Kern County Airport, utility plants, and similar uses.

c. Exterior Display

No adult entertainment business shall be operated in a way that permits observation of material depicting or describing “Specified Anatomical Areas” or “Specified Sexual Activities” as defined in this Title, from any location outside of the building in which an adult entertainment business is operating.

d. Advertising structures, advertisements, displays or other promotional material depicting “Specified Anatomical Areas” or “Specified Sexual Activities”, or displaying of instruments, devices or paraphernalia which are designed for use in connection with “Specified Sexual Activities” shall not be visible from the outside of a building. Further, no building shall be painted in garish colors or such other fashion that will effectuate the same purpose as a sign.

e. All building openings, entries and windows for adult-oriented businesses shall be located, covered, or screened in a manner to prevent a view onto the interior from any exterior public or semipublic area.

- f. No loudspeakers or sound equipment shall be used for adult-oriented businesses that can be discerned by the public from public and/or semipublic areas.
7. An interior sign, with a minimum surface area at four (4) square feet, shall be posted in a prominent location inside the adult entertainment business, stating, in English and Spanish as follows:
- “Penal Code Section 314 (Indecent exposures: Exhibitions: Penalty.) Every person who willfully and lewdly, either:
- a. Exposes his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or
 - b. Procures, counsels, or assists any person to expose himself or take part in any model artist exhibition, to make any other exhibition of himself to public view, to view any number of persons engaged in actions deemed an offense to decency, or be adapted to excite to vicious or lewd thoughts or acts, is guilty of a misdemeanor.”
8. Operational Requirements
- a. All activities pertaining to the operation of an adult entertainment business shall be conducted inside the walls of the proposed building and shall be out of sight and sound from any location outside the building. This shall not apply to approved outdoor signage, for the purpose of notifying potential customers of the business.
 - b. Within the adult entertainment business, all image producing devices shall be located so that the machines are open to view from any side and are without obstructions or separations that would block from open sight, any patrons using said machines.
 - c. A responsible adult shall be present on the premises at all times and shall observe and supervise the use of all image-producing devices and all areas of the business available to public access. Adult entertainment businesses containing over forty (40) image-producing machines shall require the presence of two (2) responsible adults to observe and supervise all areas of the business available to public access.
 - d. Facility Design Requirements: All adult entertainment businesses, other than such businesses that are established as a tenant within an industrially zoned center containing multiple tenants, shall be designed

and constructed to blend into, and appear as an integral part of, the built environment that characterizes the surrounding area.

- e. **Exclusion of Minors:** Access to any adult entertainment business by a minor shall be prohibited. A sign shall be posted on all entrances restricting inclusion or entrance of minors. No minors shall be employed by any adult entertainment business nor permitted entrance into the premises.
 - f. **Minimum Lighting:** No person shall operate an adult entertainment business, excluding Adult Motion Picture Theaters, unless a light level of not less than two (2) foot candles at floor level is maintained in every portion of said establishment to which the public is admitted.
 - g. **Maximum Occupancy Load:** No person shall operate an adult entertainment business in which the number of persons in any room or partitioned portion of a room where an image-producing device is located exceeds one (1) person per thirty (30) square feet. The maximum occupancy permitted in any room or partitioned portion of a room in which any image-producing device is located shall be conspicuously posted by the operator and shall remain posted at the entrance of said room.
 - h. **Maximum Number of Devices:** No person shall operate an adult entertainment business in which the number of image-producing devices exceeds the maximum occupancy load permitted in any room or partitioned portion of a room in which an image-producing device is located.
 - i. **Free Access to Law Enforcement, Fire, Health and Safety Personnel, City Inspectors:** No person shall deny access to an adult entertainment business for the purpose of a reasonable inspection to enforce compliance with building, fire, electrical, health or plumbing regulations or California State Law.
 - j. **Other Remedies:** The provisions of subsection “j” are to be constructed as added remedies not in conflict with or derogation of any other actions or proceedings or remedies otherwise provided by law.
9. **Nonconforming Establishments**
- a. Any adult entertainment business establishment and conducted as a lawful business and a lawful use at the time this Title became effective, has been in continuous operation since that time, and is not in conformance with the requirements of this title shall be recognized as a legal non-conforming use.

- b. Any non-conforming adult entertainment use shall not be enlarged or changed by any of the following means, unless such a changed will bring the business into full compliance with the requirements of this Section.
 - 1) Increase in the size of the floor area or use area of a building or portion of a building in which the business is located;
 - 2) Use of an adjacent building in whole or part, whether on the same lot or an adjacent lot.
 - 3) Conversion of an existing adult entertainment business to any other adult entertainment business; and
 - 4) Addition of another adult entertainment business to an existing adult entertainment business.
 - c. The establishment of any land use specified in Section 6.12.30.6.b of this Chapter, within the prescribed distances to an existing adult-oriented business, shall not, by establishment of that land use, require the removal of the adult-oriented business, provided that the adult-oriented business is a legal use or a legal nonconforming use and is in conformance with all provision of this Title and other applicable ordinances and statutes.
10. Amortization of nonconforming adult-oriented business uses.

Any use of real property existing on the effective date of this Title, which does not conform to the provisions of Section 6.12.30 of this Chapter but which was constructed, operated and maintained in compliance with all previous regulations, shall be regarded as a nonconforming use which may be continued for ten (10) years after the effective date of this ordinance. On or before such date, all such nonconforming uses shall be terminated unless an extension of time has been approved by the City Council in accordance with the provisions of this Chapter.

- a. Abandonment. Notwithstanding the above, any discontinuance or abandonment of the use of any lot or structure as an Adult-Oriented Business shall result in a loss of legal nonconforming status of such use.
- b. Amortization-Annexed Property. Any Adult-Oriented Business which was a legal use at the time of annexation of the property and which is located in the City, but which does not conform to the provisions of this Chapter, shall be terminated within ten (10) years following the date of

annexation unless an extension of time has been approved by the City in accordance with the provisions of this Chapter.

11. Extension of time for termination of nonconforming use.

The owner or operator of a nonconforming use as described in this Chapter may apply under the provisions of this Section to the City Council for an extension of time within which to terminate the nonconforming use.

- a. Time and Manner of Application. An application for a time extension within which to terminate a use made nonconforming by the provisions of this Chapter may be filed by the owner of the real property upon which such use is operated, or by the operator of the use. Such an application must be filed with Planning Department at least ninety (90) days but not more than one hundred eighty (180) days prior to the time in which to terminate such use.
- b. Content of Application; Fees. The application shall state the ground for requesting an extension of time. The filing fee for such application shall be the same as that for a variance as is set forth in the schedule of fees established by resolution from time to time by the City Council.
- c. Hearing Procedure. The City Manager shall appoint a hearing officer to hear the application. The hearing officer shall set the matter for hearing within forty-five (45) days of receipt of the application. All parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues; may be represented by counsel; and shall have the right to confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this Section may be continued for a reasonable time for the convenience of a party or witness. The hearing officer's decision shall be final and subject to judicial review pursuant to Code of Civil Procedure Section 1094.6.
- d. Approval of Extension; Findings. An extension under the provisions of this Section shall be for a reasonable period of time commensurate with the investment involved, and shall be approved only if the hearing officer makes all of the following findings or such other findings as are required by law.
 - 1) The applicant has made a substantial investment (including but not limited to lease obligations) in the property or structure on or in which the nonconforming use is conducted; such property or structure cannot be readily converted to another use; and such investment was made prior to the effective date of this Chapter.

- 2) The applicant will be unable to recoup said investment as of the date established for termination of the use; and
- 3) The applicant has made good faith efforts to recoup the investment and to relocate the use to a location in conformance with the provisions of this Chapter.

12. Regulations Non-Exclusive

- a. Nothing in this Section is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any City ordinances or Statute of the State of California regarding public nuisance, sexual conduct, lewdness, obscene or harmful matter, or the exhibition or public display thereof.
- b. The regulations set forth in this Section are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of adult entertainment establishments set forth elsewhere in applicable ordinances.

13. Display of harmful material to minors prohibited.

- a. It shall be unlawful to display, cause to be displayed, or permit to be displayed for commercial purposes, any harmful matter in any public place except for a public place from which minors are excluded.
- b. Harmful matter is not considered to be displayed if it is located in an area that places such material reasonably beyond the reach of a minor and a device, commonly known as a blinder rack, is placed in front of such harmful matter.
- c. Any person who sells or rents video recordings containing harmful matter shall comply with Penal Code Section 313.1.(e) which requires the creation of a separate area within a business establishment for the placement of such video recordings for display of any material advertising the sale or rental of such video recordings. Additionally, any harmful matter, placed or displayed in that separate area, must be obscured by a blinder rack if the harmful matter can be viewed by any persons outside that area.
- d. Any news rack, which offers harmful matter for sale, must place a blinder rack in front of such harmful matter so as to obscure the lower two-thirds of the material displaying said harmful matter. For purposes of this subsection, a wrapper which obscures the lower two-thirds (2/3) of the material and which is fastened securely to the material may be

used in lieu of a blinder rack.

6.12.40 **KEEPING OF ANIMALS**

1. Intent

This Section is intended to ensure that keeping of animals or husbandry land uses does not create adverse impacts to adjacent properties such as dust, noise, odor, fumes, bright light, visual blight, or insect infestation.

2. Applicability

All keeping of animals or husbandry land uses conducted shall comply with the provisions of this Section in addition to applicable provisions of the zone district in which the said use is located.

3. Pre-Existing Uses

Legally established keeping of animals and husbandry uses which would, as a result of the adoption of this Title become nonconforming within this Title, be permitted to continue as a “legal nonconforming use”, provided, that the use meets the criteria for legal nonconforming uses, pursuant to Section 6.2.130 (Nonconforming Use and Structure Provisions) of this Title.

4. Permitted Uses

The following uses are permitted uses on each residential parcel in the City. For purposes of calculating allowed number of animals, remainders of area or of animals shall be rounded down.

a. The following standards apply to the keeping of domestic pets within A, RS, R-1, R-2, and R-3 zone districts.

- 1) Not more than four (4) dogs may be kept, maintained, or harbored at any residence within the City.
- 2) The keeping of up to four (4) domestic, adult household pets, other than dogs, including domestic birds, rabbits, hamsters, rats, mice, etc. shall be permitted in any combination of species for each ten thousand (10,000) square feet of net lot area, provided the total number of adult household pets kept does not exceed twenty (20) animals.

b. The following standards apply to the non-commercial keeping of horses within the A and RS zone districts.

- 1) No horses or ponies shall be kept on any lot with a net area less than twenty thousand (20,000) square feet.
 - 2) One (1) adult horse may be kept on a parcel for each twenty thousand (20,000) square feet of net lot area, up to a maximum of six (6) horses or ponies or combination thereof.
- c. Non-commercial keeping of the following animals, in any combination, may be permitted within the A and RS zone districts:
- 1) Goats, sheep and other small sized cleft hoof animals.
 - a) No goats, sheep or other small sized cleft hoof animals shall be kept on any parcel with a net area of less than twenty thousand (20,000) square feet.
 - b) Two adult goats, sheep or other small sized cleft hoof animal may be kept for each additional twenty thousand (20,000) square feet of net lot area, up to a maximum of six (6) adult animals total, in any combination of species.
 - 2) Cattle (Bovines)
 - a) No cattle or bovines shall be kept on any lot or parcel with a net area of less than forty thousand (40,000) square feet.
 - b) One bovine may be kept for each twenty thousand (20,000) square feet of net lot area up to a maximum of four (4) bovine.
 - 3) Poultry, rabbits, and other small animals.
 - a) On parcels ten thousand (10,000) square feet net lot area or larger, a maximum of four (4) such adult animals, in any combination of species may be kept.
 - b) On parcels ten thousand (10,000) square feet net lot area or larger, a maximum of four (4) such adult animals per each additional ten thousand (10,000) square feet of net lot area, in any combination of species, may be kept provided the total number kept does not exceed twenty (20) animals.
- d. Student Oriented Projects

The breeding and raising of livestock, in greater numbers than allowed in this Chapter, by minors in conjunction with a student-oriented fair

project sponsored by a bona fide agricultural organization shall be permitted upon application to and approval by the Project Assistance Team.

- 1) Application Contents. An application for a Temporary Animal Permit shall include the following:
 - a) The name and address of the applicant.
 - b) The name(s) and address(es) of the property owner(s).
 - c) Assessor's parcel number(s).
 - d) Legal description of the subject property.
 - e) Name of the organization sponsoring the applicant.
 - f) A plot plan showing the location of proposed pens, coops, or areas for the breeding and raising of animals in relation to existing residence(s) and other buildings and structures within one hundred (100) feet of pens, coops, or areas housing livestock.
 - g) The signature of each owner of the real property abutting the subject lot consenting to the granting of the Temporary Animal Permit.
- 2) Development Standards and Conditions. That breeding and raising of animals on a temporary basis shall comply with the following standards and conditions:
 - a) Applicant shall be sponsored by a bona fide organization, such as, but not limited to, Future Farmers of America, 4-H Club, Cow-Belles, or Junior Farmers.
 - b) The increase in animal density shall not exceed one (1) horse, donkey, mule, cow, dairy stock, goat, hog, sheep, or other similar animal for each additional ten thousand (10,000) square feet of lot area. In any case, no more than six (6) additional animals shall be allowed.
 - c) A Temporary Animal Permit shall be effective for a period of six (6) months from the effective date of the permit. No more than one (1) such permit shall be approved for any lot within one (1) year period.

a

- d) The written consent of each abutting property owner consenting to the granting of a Temporary Animal Permit must be obtained.
 - e) The applicant shall allow inspection of animal maintenance facilities by the Kern County Health Department and City staff.
 - f) The Project Assistance Team may revoke a Temporary Animal Permit at any time for noncompliance with this Section or upon receipt of a recommendation for revocation from the Kern County Health Department.
 - g) Each additional animal authorized by a Temporary Animal Permit over the allowable animal density specified herein shall be removed upon expiration of the permit.
- e. Conditionally Permitted Uses

The following shall be permitted subject to securing an approved conditional use permit in the Agricultural Zone District in accordance with Section 6.2.50 of this Title.

- 1) Exotic or wild animals as defined in Section 6.1.190 (Definitions) of this Title.
- 2) On lots twenty thousand (20,000) square feet or greater, frog farms or the raising of earthworms may be permitted, provided that the area devoted to such use or uses shall not exceed ten (10) percent of the net lot area.
- 3) Fish hatcheries or farms for stocking, breeding or commercial sale.
- 4) The raising of rabbits, chinchilla, nutria, hamsters, guinea pigs, and other such animals similar in size, appearance, and weight for commercial purposes.
- 5) Non-commercial aviaries (not including chickens) provided that the number of birds shall not exceed seventeen (17) birds for each forty thousand (40,000) square feet of net lot area.
- 6) Non-commercial apiary (beekeeping), provided that hives and/or boxes shall be placed a minimum of four hundred (400) feet from any street, road, highway, public school, park or any occupied dwelling except for the owner or caretaker of the apiary.

f. Animal Offspring

Offspring born to permitted or conditionally permitted animals kept on any given site may be maintained on said site until weaned without being counted against the maximum number of animals permitted on the site as follows:

- 1) Dogs; six (6) months
- 2) Horses and ponies; twelve (12) months
- 3) All other equine and cleft-hoofed animals; six (6) months

6.12.50**ALCOHOLIC BEVERAGE OUTLET REGULATIONS**

1. Purpose

It has been found that business establishments and organizations engaged in the sale of alcoholic beverages for consumption frequently generate or contribute to problems which adversely affect the health, peace or safety of the City's residents, property owners, businesses, visitors and workers. Such problems include, but are not limited to: loitering, obstruction of pedestrian and vehicular traffic, defacement of buildings, disturbances of the peace, illegal drug activity, drinking in public, harassment of passerby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, excessive littering, illegal parking, excessive loud noises in the late night and early morning hours, traffic violations, lewd conduct, police detections or arrests, and the deterioration of neighborhoods in which such establishment and business premises are located.

The purpose of this Section is to protect the health, safety and welfare of the community by: (i) imposing restrictions on the location of such establishments in relation to one another and in relation to certain public and private facilities and structures; and (ii) requiring that each such establishment or organization obtain a conditional use permit in connection with its business operations or its events and activities which involve the sale of alcoholic beverages.

2. Conditional Use Permit Required

Except as otherwise provided herein, no establishment may sell alcoholic beverages, for either on-site or off-site consumption, unless a conditional use permit has been approved for such an establishment. A conditional use permit shall not, however, be required if the establishment falls within the following categories:

- a. A retail store having ten thousand (10,000) square feet or more of floor area which does not devote more than five (5) percent of such floor area to the sale, display, and storage of off-site alcoholic beverages, or
 - b. A bona fide restaurant, as defined in Section 6.1.190 of this Title.
 - c. A special event function, such as neighborhood or community festivals, provided all of the following criteria are met:
 - 1) The person, group, business, or organization sponsoring the event secures and receives approval of all applicable permits from the City; and
 - 2) The person, group, business or organization sponsoring the event obtains a temporary on-sale license from the State of California Department of Alcoholic Beverage Control for each of the dates the event will be held; and
 - 3) The duration of the event does not exceed three (3) consecutive Days or five (5) days in any single calendar year.
3. Standard Conditions for conditional use permit approval for alcoholic-related land uses.
- a. The applicant shall furnish the City a copy of the ABC license and a copy of the conditions placed on the license by the Department of Alcoholic Beverage Control prior to the public hearing on any application for a conditional use permit.
 - b. The applicant shall comply with all restrictions placed upon the license issued by the State of California Department of Alcoholic Beverage Control.
 - c. The conditional use permit shall not become effective for any purpose unless an "Acceptance of Conditions" form has been signed by the applicant in the presence of the Planning Director or have the signature notarized and returned to the Planning Department. Further, the ten (10) day appeal period, as specified in Section 6.2.190, has elapsed.
 - d. A modification of an approved conditional use permit, as provided in this Title, shall be obtained when:
 - 1) The establishment proposes to change its type of liquor license.
 - 2) The establishment to modify any of its current conditions of approval.

- 3) There is a substantial change in the mode or character of operations of the establishment.
- e. Exterior lighting in the parking area shall be designated to provide adequate lighting for patrons, while not unreasonably disturbing surrounding properties. A lighting plan, subject to review and approval by the Project Assistance Team, shall be implemented prior to sale of any alcoholic beverage.
- f. In the event City staff determines that security problems exist on the site, the conditions of this permit may be amended, under the provisions of this Title, to require additional security.
- g. The establishment shall have a public telephone listing.
- h. It shall be the responsibility of the applicant/licensee to provide all employees that sell or serve alcoholic beverages with the knowledge and skill that will enable them to comply with their responsibilities under State law. This includes, but is not limited to the following:
 - 1) State laws relating to alcoholic beverages, particularly ABC and penal provisions concerning sales to minors and intoxicated persons, driving under the influence, hours of legal operations, and penalties for violations of these laws.
 - 2) The potential legal liabilities of owners and employees of businesses dispensing alcoholic beverages to patrons who may subsequently injure, kill, or harm themselves or innocent victims as a result of the excessive consumption of alcoholic beverages.
 - 3) Alcohol as a drug and its effects on the body and behavior, including the operation of motor vehicle.
 - 4) Methods for dealing with intoxicated customers and recognizing underage customers.
- i. Litter and trash receptacles shall be located at convenient locations inside and outside the establishment, and operators of such establishments shall remove trash and debris in a manner to eliminate a health problem. There shall be no dumping of trash and/or glass bottles outside the establishment between the hours of 10:00 p.m. and 7:00 a.m.
- j. The Planning Commission has the right to hold a public hearing to revoke or modify any conditional use permit pursuant to the provisions of this Title if harm or retail-related problems are demonstrated to occur

as a result of criminal or anti-social behavior, including but not limited to the congregation of minors, violence, public drunkenness, vandalism, solicitation and/or litter.

- k. A conditional use permit which has been approved or conditionally approved for alcohol-related land uses shall become null and void unless exercised within one (1) year of the date of final approval, or such extension of time as may be granted by the Planning Commission pursuant to a written request for extension submitted to the Planning Department a minimum of ninety (90) days prior to such expiration date.
4. Additional standard conditions of approval for alcohol related land uses for on-site sales.
 - a. All alcoholic beverages sold in conjunction with an on-site licensed establishment must be consumed entirely on the premises prior to closing time, and no alcoholic beverage shall be sold as take-out.
 - b. There shall be no live entertainment, amplified music, or dancing permitted on the premises at any time, unless specifically authorized by a conditional use permit approved by the Planning Commission. Furthermore, the proposed uses shall be consistent with the license conditions imposed by the State of California Department of Alcoholic Beverage Control.
 - c. The establishment shall comply with the provision of Section 6.11.180 (Noise Hazards) of this Title.
 - d. In addition to the knowledge and skills deemed necessary for responsible alcoholic beverage services, as set forth in this Chapter, the following additional topics and skills shall be required:
 - 1) Methods to appropriately pace customer drinking to reduce the risk that a customer may leave the premises in an intoxicated manner.
 - 2) Knowledge of mixology, including marketable alternatives to alcoholic beverages.
 5. Additional standard conditions of approval for alcohol related land uses for on-site sales in outdoor dining areas.
 - a. Whenever an outdoor dining area is being utilized for the sale, service or consumption of alcoholic beverages, an employee shall be in attendance and maintain continuous supervision at all times to ensure the outdoor

dining area does not create a public nuisance contrary to public welfare and morals.

- b. All alcoholic beverages served in an outdoor dining area must be served in glass containers.
 - c. All outdoor dining areas shall be surrounded by an enclosure of a design and height satisfactory to the Planning Commission.
 - d. Any canopy constructed over an outdoor dining area shall comply with all requirements of the Building and Fire Departments.
6. Additional standard conditions of approval for alcohol-related land uses for off-site sales.

The sale of alcoholic beverages for consumption on the premises shall be prohibited and there shall be appropriate posting of signs both inside and outside the licensed premises stating that drinking of alcoholic beverages on the premises is prohibited by law. These premises shall include the licensed premises proper, appurtenant and required parking areas, and appurtenant common areas if located in a commercial center.

7. Depending upon the complexity of the issue under consideration by the Planning Commission, additional conditions of approval may be added to the above listing of items in order to fully ensure that the proposed issuance of a land use approval for an alcohol-related use is fully compatible with the surrounding neighborhood and that all adverse environmental impacts are mitigated to the fullest extent possible.

6.12.60

KENNELS (COMMERCIAL AND NONCOMMERCIAL)

1. Intent

This Section is intended to ensure that the operation and maintenance of commercial and noncommercial kennels, as defined in Section 6.1.190 (Definitions) of this Title, does not create a nuisance or otherwise impair the enjoyment of surrounding properties.

2. Applicability

All kennels, both non-commercial and commercial shall comply with the provisions of this Section and all other standards and permit procedures pursuant to the zone district in which such kennel is located.

3. Performance Standards for Commercial and Noncommercial Kennels

- a. Animal runs shall meet the following criteria:
 - 1) All animal runs shall be of adequate size for animals held therein.
 - 2) All animal runs shall be constructed and/or coated with non-porous material to discourage the breeding of ticks and other similar pests.
 - 3) All animal runs and animal holding areas shall have concrete or other durable flooring which is sloped for proper drainage.
 - 4) All animal runs shall have adequate enclosures to provide protection from inclement weather.
 - 5) All animal runs shall be provided with sufficient drains to control drainage and daily washing of the runs.
- b. All kennels shall be served by sewer and/or all excrement produced by said kenneled animals shall be properly disposed of on a regular basis to control flies and odor.
- c. The kennel area shall be so located and sound attenuated, if necessary, so that noise levels measured at the property line do not exceed standards set for the adjacent use.
- d. No animal runs, exercise areas, or keeping of the kenneled animals for commercial or noncommercial purposes shall be located within a required setback area.

6.12.70 EXOTIC ANIMALS

The keeping of exotic animals, as defined in Section 6.1.190 (Definitions) of this Title, shall be permitted only in the “A” and “RS” Zone Districts, subject to the following regulations.

1. Requirements.
 - a. Prior to giving notice in accordance with the provisions of Section 6.2.150 (Public Hearing and Notification Procedures) of this Title, the reviewing authority shall request that the County Veterinarian submit a statement regarding the particular animal’s mature behavior and personality characteristics. Notice given to adjacent property owners shall include a description of the type of animal and its behavioral characteristics.

- b. Any action to approve a request for keeping an exotic animal shall not be effective until written evidence is received by the Planning Director that:
 - 1) The applicant has applied for and obtained a permit from the Public Health Department.
 - 2) The applicant has applied for and obtained a permit from the State Department of Fish and Game, if required.
- c. Conditions

Any action to approve a request for an exotic animal shall include the following conditions in addition to any conditions deemed appropriate by the reviewing authority:

- 1) The keeping of the animal must comply with the provisions of this Title, and any other applicable City Code, including setbacks from property lines and other dwellings.
- 2) The keeping of an animal must comply with all applicable federal and state requirements.
- 3) No more than two (2) exotic animals over the age of six (6) months may be kept unless a conditional use permit for a menagerie or zoo has been approved by the City.

6.12.80

ANTENNAS AND SATELLITE DISHES

1. Intent

This Section is intended to reduce the potential safety, aesthetic, and view blocking impacts of antennas and satellite dishes, and to integrate such structures into neighborhoods with the least possible impact.

2. Applicability

- a. This Section applies to every antenna and satellite dish installed or modified on or after the effective date of this Title.
- b. Except as otherwise provided for in this Section, no antenna or satellite dish shall be installed or modified prior to approval by the Project Assistance Team, including an antenna or satellite dish proposed as an accessory structure to an existing use for which a conditional use permit was required.

3. Development Standards

a. Residential Districts

Every satellite dish installed, modified, and maintained in a residential zone district shall be in accordance with the provisions of this Section.

- 1) Only one (1) per parcel is permitted.
- 2) The diameter of the dish shall not exceed five (5) feet.
- 3) The dish shall not be located in the front yard of the parcel.
- 4) The dish shall comply with all height and setback requirements specified for accessory structures within the applicable district.
- 5) Dishes less than three (3) feet in diameter may be roof mounted, provided that the top of the dish is mounted on the rear of the building, below the peak of the roof line in such a manner as to be screened as much as possible from view from a public street, and is no greater than twenty-three (23) feet in total height from ground level. Dishes with a diameter of three (3) feet or greater shall be ground-mounted and shall be no greater than eight (8) feet in height from ground level.
- 6) The dish shall be finished in a color to neutralize and blend it with the immediate surroundings.
- 7) The dish shall be screened and landscaped along all sides when visible from the street except the reception window for which low-level landscape treatment shall be applied along the dish's base. Such treatments shall completely enclose the dish.
- 8) The installation shall be so located to prevent obstruction of the dish's reception window from potential development on adjoining parcels of land.
- 9) A building permit shall be obtained.
- 10) The display of signs or other graphics on a satellite dish is prohibited.

b. Non-Residential Districts

Every satellite dish installed, modified and/or maintained in a non-residential zone district shall be in accordance with the provisions of this Section.

- 1) Only one dish greater than five (5) feet in diameter per parcel may be permitted.
- 2) The diameter of any dish shall not exceed ten (10) feet.
- 3) Dishes shall comply with all height and setback requirements specified for accessory structures for the applicable zone district.
- 4) Dishes shall be finished in color to neutralize and blend it with the immediate surroundings.
- 5) The installation shall be located in such a way as to prevent obstruction of the dish's reception window from potential development on adjoining parcels.
- 6) Dishes shall not be located in front of the primary structure on the parcel, and shall not be visible from a primary access street.
- 7) A building permit shall be obtained.
- 8) The displays of signs, lighted displays, or other graphics on a satellite dish is prohibited.

c. Standards for Antennas in All Districts

The installation of one (1) antenna which exceeds the maximum height for the district within which the antenna is to be located may be permitted subject to the following limitations, and the approval of a conditional use permit pursuant to Section 6.2.50 of this Title.

- 1) Any operation of citizens band or other radio transmitting equipment, excluding public service, public safety, or emergency radio services, shall be subject to the provisions of Chapter 6.13 (Performance Standards) of this Title.
- 2) Microwave, mobile phone antenna, and antenna repeater stations are subject to the provisions of Section 6.12.85 (Antennas and Wireless Telecommunication Facilities) of this Chapter.
- 3) Antenna for non-commercial use shall not exceed ten (10) feet over the height limit for the district in which it is located, unless such antenna is found by the Planning Commission to be

necessary to protect the public health and safety.

6.12.85**ANTENNAS AND WIRELESS TELECOMMUNICATION FACILITIES**

1. Wireless Communication Facilities, hereinafter referred to as “Facilities” as defined by Section 6.1.190 (Definitions) of this Title are permitted subject to the following:
 - a. Applications for Facilities: Applications for Facilities are subject to a two-tier review process as provided in this Section. Applications for Facilities are subject to either (i) Project Assistance Team (PAT) approval or (ii) a conditional use permit, hereinafter referred to as (“CUP”), subject to Planning Commission approval. Those development plan applications that do meet the design and development guidelines outlined in Tier 1, Section 6.12.85.1.a(1) of this Chapter will require approval by the PAT. Those applications that do not meet the design and development guidelines outlined in Tier 1, Section 6.12.85.1. a (1) and do fall within the design and development guidelines outlined in Tier 2, Section 6.12.85.1.a (2) require a CUP and require review and approval by the Planning Commission at a noticed public hearing.
 - 1) **TIER 1- PAT review**: The PAT shall approve Facilities only if it finds as follows:
 - i. Antennae are located in a commercial or industrial zone.
 - ii. Building or roof mounted antennae do not exceed fifteen (15) Feet in height and are architecturally screened from view.
 - iii. Antennae are in stealth design in connection with a building or structure so as not to be recognized as an antenna.
 - iv. Support equipment is located within a completely enclosed structure or otherwise screened from view.
 - v. Antennae meet all development standards within the applicable zone as required by this Title.
 - vi. Antennae will be, if reasonably possible, co-located with an existing site in an industrial or commercial zone.
 - 2) **TIER 2- Planning Commission Review**: Facilities which cannot be approved by the PAT, in accordance with the Tier 1 criteria, are subject to CUP procedures, as outlined in Section 6.2.50 of this Title. The following are also subject to a CUP:

- i. Ground mounted antennae.
 - ii. Facilities which do not comply with all development standards within the applicable zone require a variance. The variance request must meet the applicable findings outlined in Section 6.2.60 of this Title.
 - iii. Proposed Facilities that create more than a minimal visual impact on surroundings, as determined by the Project Assistance Team. In determining where more than a minimal visual impact exists, the following factors should be considered: location of Facility, size, and view of Facility from adjacent properties, and contrast between the Facility and other external structural equipment attached to the property.
 - iv. Facilities located adjacent to a residential zone (RS, R-1, R-2, R-3), provided that the property has multiple family grouped units and the Facility is: (1) stealth design, (2) building or roof mounted and integrated into the architecture of the building, or (3) co-located.
 - v. Facilities located within the line of sight of any scenic corridor.
2. Submittal Requirements: In addition to the submittal requirements as outlined in a development plan and CUP applications, applications for Facilities must contain the following additional information:
- a. All individuals, companies and providers of Facilities doing business within City shall process a master plan of all existing proposed Facilities sites. The Facilities master plan shall be reviewed and approved by the PAT in accordance with the written criteria established for such review by the PAT.
 - b. The applicant shall supply verification of the proposed Facilities' compliance with the American National Standards Institute (ANSI) and Institute of Electrical and Electronics Engineers (IEEE) by providing a copy of its FCC License Agreement for review by staff.
 - c. The applicant shall supply verification of compliance with the Federal Aviation Administration (FAA).
 - d. At the time of submittal of development plan or a CUP application for Facilities, the applicant shall submit information indicating the type of Facilities, its height above ground level, and its cell coverage.

3. Location Guidelines: All applications for Facilities are subject to the following location guidelines:
 - a. The preferred order of placement of Facilities is as follows:
 - (i) industrial zones,
 - (ii) agricultural zones,
 - (iii) commercial zones, and then
 - (iv) community facilities zones.
 - b. Facilities can be approved within a residential zone provided the property is not developed with a single family dwelling unit. Consideration of potential impacts on any adjacent residential property will be evaluated. The location of Facilities will be conditioned on the utilization of stealth design technology and/or building or roof mounted design.
 - c. Facilities should:
 - (i) be co-located with another structure, where appropriate
 - (ii) be utilized as stealth designs,
 - (iii) be roof or wall mounted as an integral architectural element on an existing structure, and
 - (iv) utilize state-of-the-art wireless technology.
 - d. The applicant is to investigate the feasibility of co-locating additional antennae on the tops of buildings, on existing monopoles, and/or clustering Facilities. If co-location or clustering is not possible in the case of a particular proposal, the applicant shall submit such evidence at the time of submittal. With the submitted of a CUP application, the applicant is to submit a copy of the appropriate portions of the tentative lease agreement indicating that no exclusive agreements have been made to prevent future carriers to locate on the same site or Facilities, as well as submit a design plan which does not preclude potential additional users.
 - e. Monopoles shall be separated a minimum of one-thousand (1,000) feet from any other existing monopole.
4. Development and Design Guidelines: All applications for Facilities shall be submitted to the Planning Department and shall contain the information required by Section 6.12.85 of this Section. The applicant shall submit plans that will be reviewed for all applicable zoning codes and standards. The following are intended to provide high quality guidelines to ensure compatibility with the community for the placement of Facilities.

- a. Support structures shall be screened from view by siting them next to tall buildings or structures, or placed near existing tall trees. Where applicable, the support structures are to be screened from public view with dense landscaping.
- b. Facilities must meet all applicable zoning setback and height regulations of the underlying zone district. All proposed Facilities that exceed the maximum height established by the underlying zone district are subject to FAA approval.
- c. Facilities may be designed as or within a piece of public art such as a clock tower or historical monument for public benefit.
- d. The height of the support structures must be the minimum necessary to provide the required coverage. However, an antenna or its support structure shall not exceed the height in any zone as prescribed by the zoning code.
- e. Safety lighting or colors, if prescribed by the City or other approving agency (i.e. FAA), may be required for support structures.
- f. Support structures shall be either galvanized steel or painted an unobtrusive color to neutralize and blend with surroundings. Where an equipment building accompanies the support structure, it shall be designed, colored and textured to match adjacent architecture or blend in with surrounding development.
- g. Proposed Facilities shall not create any non-conforming situations to the site such as a reduction in parking, landscaping, loading zones, and/or elimination of loading zones. Facilities are to be installed and maintained in compliance with the requirements of the California Building Code, California Electrical Code, Noise Standards and all other applicable codes and regulations.
- h. The Planning Commission may condition approval of Facilities on a five (5) year term or other review process.
- i. Whip and microwave dish antennae are permitted only if integrated into the design of the structure and/or fully screened from public view.
- j. All utilities associated with Facilities shall be placed underground.
- k. Chain link fencing is not permitted for containment of Facilities, unless such fencing is located in the rear portion of property not visible from a

public right-of-way and is installed with tennis screen material on all facades of the fence.

- l. Temporary monopoles, if associate with an approved Facilities application, may be permitted, if justified to the satisfaction of the Planning Director, for a period of up to three (3) months, provided that screening is installed to prevent view of the monopole and related facilities from any and all public rights-of-way.
- m. Lattice towers shall not be permitted within the City Boundaries.
- n. The operator or property owner is responsible for maintaining the Facilities in an appropriate manner consistent with the original approval of the Facilities. Should the use be replaced or discontinued for a period of six (6) months, the approvals will lapse.

6.12.90**ARCADES AND VIDEO MACHINES****1. Intent**

This Section is intended to establish standards which will mitigate the noise and loitering commonly associated with arcades and video machines. Regulations controlling the specific location and development of these uses are established by this Section.

2. Applicability

Arcades, as defined in Section 6.1.190 (Definitions) of this Title, shall be permitted only in the General Commercial (GC) and Downtown Commercial (DC) Zone Districts subject to the approval of a conditional use permit in compliance with the provisions of Section 6.2.50 of this Title. A conditional use permit shall also be required at such a time as application is made to the City to expand an existing arcade.

3. Minimum Development and Performance Standards**a. Maximum Number of Machines**

The number of video machines permitted shall not exceed one (1) machine per each thirty (30) square feet of floor area.

b. Lighting

The arcade shall be fully and adequately lighted for easy observation of all areas of the premises.

c. Bicycle Racks

Bicycle storage racks shall be maintained off the public sidewalk at the ratio of one-half (1/2) bicycle spaces per machine to adequately accommodate bicycles utilized by arcade patrons.

d. Telephones

At least one (1) public telephone shall be provided at each arcade. All telephones shall be located within the building.

e. Hours of Operation

Hours of operation shall be limited to between 8:00 a.m. and 10:00 p.m. every day of the week.

f. Adult Supervision

- 1) An employed adult supervisor shall be able to readily observe all video machines and all areas of business during hours of operation.
- 2) There shall be one (1) employed adult supervisor for each forty (40) video machines on the premises during hours of operation.

g. Noise

No sound created by any arcade, or its patrons, shall be detectable from the exterior of the arcade or from adjacent uses.

h. Litter

The premises shall be continuously maintained in a safe, clean, and orderly condition.

6.12.100 AUTOMOBILE DEALERSHIPS

1. Intent

This Section is intended to ensure that automobile dealerships do not create adverse impacts on adjacent properties and surrounding neighborhoods due to insufficient on-site customer and employee parking, traffic generation, including road testing of vehicles, obstruction of traffic, visual blight, bright lights, noise, fumes, or drainage run-off. The following special conditions shall apply to automobile dealerships.

2. Development Standards

All new dealerships shall comply with the provisions of this Section in addition to the development standards and permit procedures of the zone district in which it is located.

a. Minimize Lot Size

The minimum lot size for automobile dealerships shall be twenty thousand square feet.

b. Parking

Areas designated for employee and customer parking shall not be used for vehicle storage or display.

c. Landscaping

A minimum five (5) foot landscape strip shall be provided outside the public right-of-way along the street frontage perimeter of all vehicle display areas.

d. Washing of Vehicles

All washing, rinsing, or hosing down of vehicles and of the property shall comply with the requirements specified in Section 6.12.260 (Vehicle Repair Facilities) of this Chapter.

e. Loading and unloading of vehicles shall be conducted in accordance with the following provisions:

- 1) The dealership operator is deemed to be responsible and liable for any activities of a common carrier, operator, or other person controlling such loading or unloading activities to the extent any such activities violate the provisions of this subsection.
- 2) Off-loading locations shall be established either on-site or off-site, and shall be subject to the approval of the Public Works Director if within the public right-of-way. Loading and unloading activities shall not block the ingress and egress of any adjacent property.

f. Storage of Vehicles to be Repaired

Vehicles brought on site for repair purposes shall not be parked or stored on any public street or alley, and should be parked in required parking spaces reserved for such purposes.

g. Repair of Vehicles

The repair and service facility portion of any automobile dealership shall comply with the provisions of Section 6.12.260 (Vehicle Repair Facilities) of this Chapter.

h. Queuing of Vehicles

On-site queuing area or lanes for service customers shall be provided which shall be large enough to accommodate a minimum of one and a half (1 ½) vehicle for each service bay in the facility. On-site driveways may be used for queuing, but may not interfere with access to required parking spaces. Regular parking spaces may not double as queuing spaces.

i. Noise Control

- 1) Loudspeakers are permitted provided that noise levels are maintained below fifty-five (55) dBA at any boundary.
- 2) All noise generating equipment exposed to the exterior shall be muffled with sound absorbing materials to reduce noise levels below fifty-five (55) dBA at the property boundary.

j. Toxic Waste Storage and Disposal

Gasoline storage tanks shall meet all applicable State and local health regulations, and shall be constructed and maintained under the same conditions and standards that apply to service stations.

k. Air Quality

- 1) Brake washers shall be installed and utilized in all service stalls or areas which perform service on brakes containing asbestos or other materials known to be harmful when dispersed into air.
- 2) Mechanical ventilating equipment shall direct exhaust away from adjacent residential properties.
- 3) Exhaust systems shall be equipped with appropriate and reasonably available control technology to minimize or eliminate noxious pollutants which would otherwise be emitted.

6.12.110 AUTOMOBILE RENTAL AGENCIES

1. Intent

This Section is intended to ensure that automobile rental agencies do not create adverse impacts on adjacent properties and surrounding neighborhoods due to insufficient on-site customer and employee parking, traffic generation including road testing of vehicles, obstruction of traffic, visual blight, bright lights, noise, fumes, or drainage run-off.

2. Development Standards

a. Washing of Vehicles

All washing, rinsing, or hosing down of vehicles and of the property shall comply with the requirements of Section 6.12.260 (Vehicle Repair Facilities) of this Chapter.

b. Repair of Vehicles

No vehicle repair work shall occur on the premises unless all repair work and storage of parts is contained entirely within an enclosed building and the rental agency is otherwise permitted and licensed by the State of California to repair motor vehicles.

c. Storage of Vehicles

No vehicles to be displayed, sold, rented, or repaired shall be parked or stored on any street or alley. In addition, no rental cars shall be stored or parked within parking areas intended to comply with the provisions of Chapter 6.14 (Parking Regulations), of this Title.

6.12.120 BED AND BREAKFAST USES

1. Intent

This Section is intended to control the establishment and operation of bed and breakfast to ensure that such uses do not adversely affect the surrounding neighborhood.

2. Applicability

of All bed and breakfast uses, as defined herein, shall comply with the provisions of this Section and the zone district in which the use is located.

3. General Regulations

a. Bed and breakfast uses may be permitted in all residential and commercial zone districts in which residential (permanent and transient)

uses are either permitted or are permitted subject to an approved conditional use permit.

- b. This use shall be conducted as an accessory use only; the residential structure shall serve as the primary residence of the owner. If a corporation is the owner, a majority shareholder of the corporation shall reside in the residential structure where said use is proposed.
 - 1) All bed and breakfast uses shall be subject to:
 - a) A conditional use permit, as specified in Section 6.2.50 of this Title.
 - b) A health permit, as specified in the Kern County Code.
 - c) A transient occupancy tax (bed tax).
 - 2) Application for a permit shall be made by the resident property owner or his/her legal agent having power of attorney to make such application.

4. Development Standards

a. Structural Features

- 1) All dwelling units proposed for a bed and breakfast use shall comply with standards and specifications of the Uniform Building Code, and shall also be subject to the Room Occupancy Standard outlined in the State Housing Law (as amended).
- 2) Each guest room shall be equipped with a fire extinguisher and a smoke detector conforming to Uniform Building Code Standards. An exit/egress and an emergency evacuation map shall be displayed in a prominent location in each guest room.

- b. Accesses and driveways. The owner shall ensure that all required accesses, driveways and parking spaces remain clear and unobstructed, and are available and ready for the occupants use at all time.

c. Design Standards

- 1) Alterations and modifications may be made to the structures and the site but such alterations shall be compatible with the character of the neighborhood. Such alterations and modifications shall also comply with all applicable City provisions, requirements and standards and ordinances.

- 2) Additional landscaping may be required to screen parked vehicles from direct view of the neighbors, particularly where such parking is located within a front yard setback.
 - 3) Any lights used to illuminate the site shall be designed and placed to reflect away from adjoining properties and public thoroughfares.
 - 4) A non-illuminated identification sign, not to exceed six (6) square feet in area is permitted. If not attached to the residence, such sign shall not exceed six (6) feet in height and must blend with the architectural style of the structure and the neighborhood.
- d. Kitchen Facilities
- 1) There shall be no cooking facilities permitted in guest rooms.
 - 2) The sale of food or other materials in residential districts is limited to guests who are currently occupying the premises where the use is located and not to the general public.
- e. Miscellaneous Standards
- 1) The land use shall not involve the use of commercial vehicles for Delivery of materials to or from the premises except for those commercial vehicles normally associated with residential use deliveries.
 - 2) There shall be no outdoor storage of materials or equipment, nor shall merchandise be visible from outside the home.
 - 3) The appearance of the structure shall not be altered nor the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by use of colors, materials, lighting, signs, or the emission of sounds, noises and vibrations.
 - 4) The use of utilities and community facilities shall be limited to that normally associated with the use of a property for residential purposes.
- f. Penalty for Noncompliance

The Planning Commission may void any conditional use permit for a bed and breakfast use for noncompliance with the conditions set forth

in the approving permit. Notice of such a pending action shall be given to the permittee prior to any action being taken.

g. Findings

Prior to acting upon an application for a conditional use permit for a bed and breakfast use, the Planning Commission shall find that all the following are true:

- 1) That the site, upon which the bed and breakfast use is to be established, shall conform to all standards of the zone district in which it is located; that the site for the proposed use is adequate in size and shape to accommodate said use, and all yards, building coverage, setbacks, parking areas and other applicable requirements of this Title are met.
- 2) That the residential character of the neighborhood in which the use is located is maintained and preserved and that the issuance of the permit shall not be significantly detrimental to the public health, safety and welfare or injurious to the vicinity and district in which the use is located.

6.12.130 DAY CARE FACILITIES

1. Intent

This section is intended to ensure that day care facilities, as defined in Section 6.1.190 of this Title, which provide child care in a residential zone district does not adversely impact the adjacent neighborhood. While family day care facilities are needed by City residents in close proximity to their homes, care must be taken to prevent the potentially adverse traffic conditions, noise, and safety impacts this land use could have on the community. It is further the intent of this Section to allow day care operations in residential surroundings to give children a home environment which is conducive to healthy and safe development.

2. Performance Standards for Small Day Care Facilities

a. General Requirements

A small family day care facility shall conform to all property development standards and permit procedures of the zone district in which it is located in addition to the provisions of this Section and any requirements governed by California Health and Safety Code Section 1597.46.

b. Outdoor Play Area

An outdoor play area shall be provided which complies with the provisions of the California Health and Safety Code governing child day care homes. Stationary play equipment shall not be located in required front or side yard setbacks.

c. Fences and Walls

When located within or adjacent to a non-residential district, a six (6) foot high solid fence or wall shall be constructed on all such property lines, except within the front yard area where the fence or wall shall not exceed forty (40) inches in height. Materials, textures, colors and design of the fence must be compatible with on-site development and adjacent properties. All fences or walls shall provide for child safety with controlled points of entry.

d. Landscaping

On-site landscaping shall be maintained in good physical condition.

e. On-Site Parking

On-site parking for home-based day care facilities located within residential zone districts shall require no more than two (2) on-site spaces.

f. Passenger Loading

A passenger loading/unloading plan shall be reviewed and approved by the Public Works Director.

g. Lighting

All lighting shall comply with the provisions of Section 6.13.80 (Light & Glare) of this Title, except that when located within a residential district, lighting shall be directed away from adjacent properties and public right-of-way, except for passenger loading areas.

h. Hours of Operation

For the purposes of noise abatement, day care facilities in residential districts may only operate between the hours of 6:00 a.m. and 7:00 p.m. seven days a week.

i. Outdoor Activity

For the purposes of noise abatement, outdoor activities for day care facilities in residential districts may only be conducted between the hours of 8:00 a.m. to 7:00 p.m.

j. State and Other Licensing Requirements

All day care facilities shall be State licensed and shall be operated according to all applicable State and City regulations.

3. Performance Standards for Large Family Day Care Facilities

Applicants for large family day care facility (7 to 12) children shall be required to submit an application to the Planning Department for a large family day care facility. This application, which may be obtained at the office of the Planning Department, requires the applicant's signature to acknowledge that the following conditions shall be adhered to if the permit to operate is to remain valid.

- a. The facility is a single family dwelling and is the principal residence of the provider. This use as a family day care home is clearly incidental and secondary to the use of the property for residential purposes.
- b. No structural changes or signage is proposed which will alter the character of the single family residence.
- c. In addition to the required off-street parking for the residence, a minimum of one (1) off-street parking space per employee is required. The residential driveway is acceptable as such a parking space if said Parking space will not conflict with any required child drop-off/pick-up area and does not block the public sidewalk or any portion of the City right-of-way.
- d. The operation of the large day care facility shall comply with noise standards contained in the Noise Element of the General Plan and with Section 10.170 (Noise Hazards) of this Title.
- e. Any residence located on an arterial street must provide a drop-off/pick-up area designed to prevent vehicles from backing onto an arterial roadway. Curb-side drop-off/pick-up is acceptable if a curbside parking lane exists adjacent to the property. If existing curbside parking (drop-off/pick-up) is converted to a travel lane, this permit shall be terminated unless an adequate drop-off/pick-up area can be provided elsewhere to the satisfaction of the Public Works Director.

- f. The provider shall comply with all applicable Building Code and Fire Code regulations regarding health and safety requirements. Provider shall, prior to operating the facility, apply for and receive a Change of Occupancy Permit from the Building Official.
- g. The provider has secured a large family day care facility (home) license from the State of California, Department of Social Services.
- h. The facility shall be operated in a manner which will not adversely affect adjoining residences or be detrimental to the character of the residential neighborhood in which it is located.
- i. In addition to the provisions of this Section (6.12.130.3.), all provisions of Section 6.12.130.2. of this Chapter, not in conflict with this Section, shall apply.

6.12.140**DEPENDENT HOUSING**

- 1. A detached dependent housing unit, as defined in Section 6.1.190 (Definitions) of this Title, may be temporarily permitted in any single family residential zone district subject to an approved conditional use permit as an accessory use to any permitted single-family residential primary land use, provided, however, that there is only one primary residential land use occupying the site.
- 2. Requirements
 - a. The permittee shall occupy at least one of the dwelling units on the premises.
 - b. Applications for a permit shall be made by a resident owner of the subject property, or his legal agent having power of attorney to make such application, on which the dependent housing unit is to be located.
 - c. The applicant must obtain a temporary occupancy permit, pursuant to the provisions of Section 6.2.100 of this Title.
 - d. Each year, prior to the anniversary of the approval, the applicant shall submit a letter from an attending physician stating that a medically related reason still exists for the dependent housing unit. If no such letter is submitted, or if no reason still exists for medical hardship, the temporary structure, and all appurtenances to it, shall be completely removed from the premises.

- e. The permittee shall submit written notification to the Planning Department of any proposed change of residency in the temporary dependent housing unit.

3. Findings

Prior to acting upon an application for a conditional use permit for a temporary dependent housing unit, the Planning Commission shall find that all of the following are true:

- a. That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, building coverage, setbacks, parking areas and other requirements of this Title are met.
- b. The proposed temporary dependent housing unit is clearly subordinate in size, location and appearance to the principal unit.
- c. Issuance of the permit shall not be significantly detrimental to the public health, safety or welfare or injurious to property or improvements in the general vicinity in which the land use is located.
- d. The temporary dependent housing unit shall be erected, constructed or installed so as to allow for its feasible removal.
- e. The appearance of the temporary dependent housing unit and the method of siting are compatible with the surrounding environment.

4. Conditions

a. Permitted Structural Types

Units constructed to meet the standards of the National Mobilehome and Safety Standards Act of 1974 (Section 18551 of the California Health and Safety Code).

b. Floor Area

The floor area of the dependent (temporary unit) shall not exceed fifty (50) percent of the floor area of the existing principal dwelling unit; however, in no case may the temporary dependent unit exceed eight hundred and fifty (850) square feet in floor area.

c. Design Standards

The appearance of any temporary dependent housing unit erected, constructed or set down in accordance with the provisions of this Section

shall be similar to and compatible with the appearance of the principal residence on the property.

d. Parking

Parking for the temporary dependent housing unit shall be in accordance with the applicable requirements of this Title, unless the resident(s) of the temporary dependent housing unit are incapable of operating a motor vehicle.

e. Location and Occupancy

The temporary depended housing unit shall not extend beyond the principal residence where such principal residence faces a street right-of-way. The existing principal residence on the property shall be occupied by the owner of the property.

f. Lot Area

A temporary dependent housing unit shall not be permitted on any parcel which does not meet the minimum area requirements of the zone district in which it is located.

g. Development Standards

The dependent unit shall comply with the development standards for the zone district in which it is to be located.

h. Removal of Unit

As a condition of permit approval, the permittee shall enter into an agreement with the City, placing responsibility upon the permittee to comply with the provisions of this Section, describing the method of removal of the temporary dependent housing unit when the permit is no longer valid, and acknowledging that the permittee shall bear the cost of removal of such unit.

6.12.150

DRIVE-IN, DRIVE-THROUGH, FAST FOOD, AND TAKE-OUT RESTAURANTS

1. Intent

This Section is intended to ensure that drive-in, drive-through, fast-food, and take-out restaurants do not create adverse impacts on adjacent properties and residents or on surrounding neighborhoods due to customer and employee parking demand, traffic generation, noise, light, and litter.

2. Applicability

- a. The provisions of this Section shall apply to all new drive-in, drive-through, fast food, and take-out restaurants and to the expansion of twenty (20) percent or more of the gross floor area or an increase in the number of seats in any existing restaurant that results in a drive-in or drive-through facility.
- b. Floor area added for the purpose of compliance with state or local health laws or access requirements of the disabled shall not be included in floor area calculations of purposes of determining applicability of this Section.

3. Development Standards

a. Hours of Operation

When located on a site adjacent to or separated by an alley from any residentially zoned property, a drive-in, drive-through, fast-food, or take-out restaurant shall not open prior to 6:00 a.m., nor remain open after 12:00 midnight, unless otherwise approved by the Planning Commission.

b. Driveways

- 1) Drive-in and drive-through restaurants shall have driveways which shall provide for both ingress and egress, in all instances, and these driveways shall provide stacking space adequate for a minimum of six (6) vehicles waiting for service.
- 2) Each drive-through land shall be separated from the area of vehicle circulation necessary for ingress and egress to any parking space. Each drive-through lane shall be striped, marked, or otherwise distinctly delineated.

c. Parking

A parking and vehicular circulation plan encompassing adjoining streets and alleys shall be submitted for review and approval by the City Engineer.

d. Refuse Storage Area

On-site outdoor trash receptacle shall be provided at a rate of one (1) trash receptacle for every ten (10) required parking spaces. One (1)

outdoor trash receptacle shall be provided on-site adjacent to each driveway exit or as otherwise approved by the Planning Director.

6.12.160 **FIREWORKS**

The provisions of Chapter 4.13 (Fireworks), Title IV of the Taft Municipal Code shall apply.

6.12.170 **HOME OCCUPATIONS**

1. Home occupations are intended to provide for commercial uses associated with a residence in those cases where that use will clearly not alter the character or the appearance of the residential environment. Home occupations as defined in Chapter 1 of this Title, shall be permitted in any residential district, subject to the process required within the district and the following regulations of this Section.

2. Conditions

Prior to approving a request for a home occupation, the applicant shall complete and submit a home occupation application to the Planning Department. The Planning Director shall find that the proposed use meets the following conditions prior to approval of any such Home Occupation Permit.

- a. All employees shall be members of the resident family and shall reside on the premises.
- b. There will be no direct sales or products or merchandise.
- c. Pedestrian and vehicular traffic will be limited to that normally associated with residential districts.
- d. The home occupation shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.
- e. Up to twenty-five (25) percent of the living space or two hundred fifty (250) square feet, whichever is greater, of the home may be used for storage of materials and supplies related to the home occupation.
- f. There shall be no outdoor storage of materials or equipment, nor shall merchandise be visible from outside the home.
- g. The home occupation shall be confined within the main building. A garage shall be considered as part of the main building.

the Project Assistance Team that such a fence height is necessary to protect adjacent residential streets, homes or property from possible damage resulting from use of the recreational facility. This provision shall only be applicable in the case of golf courses, driving ranges and baseball/softball playing fields.

- b. Landscaping and screening shall be provided on all boundaries of the parcel which abut public rights-of-way, a residential zone district, or residential land use.
- c. Lighting shall not be permitted after 10:00 p.m. Sunday through Thursday or after 11:00 p.m. on Friday or Saturday.

6.12.190 RECREATIONAL VEHICLE PARKS

1. Intent

This Section is intended to provide regulations for the establishment, maintenance, and operation of Recreational Vehicle Parks within the City, and to ensure that Recreational Vehicle Parks do not adversely impact adjacent properties and the surrounding community.

2. Applicability

The provisions of this Section shall apply to Recreational Vehicle Parks and recreational vehicles within the parks. This Section and its provisions do not apply to Manufactured Housing (Section 6.11.160) or Mobilehome Parks (Section 6.11.170).

3. Conditional Use Permit

A Conditional Use Permit, as provided in Section 6.2.050 of this Title, shall be required for development of a new Recreational Vehicle Park and/or for the modification or expansion of an existing Recreational Vehicle Park. Whenever a difference occurs between the standards of this Section and an underlying zone district, the standards of this Section shall apply.

4. Development Standards

Recreational Vehicle Parks are intended to provide for the accommodation of visitors to the City who travel to the community by recreational vehicle and reside in that vehicle. This use is also intended to create a safe, healthful and beneficial environment for both occupants of the Recreational Vehicle Parks and to protect the character and integrity of the surrounding community.

- a. Permitted Uses. Only recreational vehicles that conform to the definition in Section 6.1.190 (Definitions) shall be allowed on recreational vehicle lots.
- b. Accessory Uses. The following permitted accessory uses shall be operated primarily for the convenience of Recreational Vehicle Park occupants:
 - i. Caretaker units for management and/or staff
 - ii. Retail market
 - iii. Indoor/outdoor recreational facilities
 - iv. Laundry
 - v. Office
 - vi. Personal services including showers and restrooms
- c. Maximum Residency Period. Recreational Vehicle Parks are intended to provide for the accommodation of visitors to Taft who travel to the community by recreational vehicle and reside in that vehicle for a period no to exceed one hundred and eighty (180) days.
- d. Site Area. The minimum site area for a Recreational Vehicle Park shall be two (2) acres.
- e. Lot Size. A minimum of one thousand two hundred fifty (1,250) square feet of lot area shall be provided for each recreational vehicle.
- f. Building Height. That maximum building height for all structures in the recreational park lots is fifteen (15) feet. The maximum building height in all other areas is thirty-five (35) feet.
- g. Setbacks. A Recreational Vehicle Park shall have a landscaped setback of no less than ten (10) feet along all property lines adjacent to streets and residential zoned properties.
- h. Walls and Fences. A six (6) foot masonry wall shall be constructed along all property lines to screen the recreational vehicles from adjacent properties. Walls and other screening along street frontages shall be at the discretion of the Planning Commission and can include, but not limited to, landscape berms, solid walls, wrought iron fencing, or a combination of fencing and landscaping.
- i. Open Space. A Recreational Vehicle Park shall provide two hundred and fifty (250) square feet of usable open space per lot. The open space area shall be distributed throughout the park as private open space and common open spaces areas.

- j. Interior Streets. The design and layout of interior streets in a Recreational Vehicle Park shall be consistent with the parking lot design provisions of Section 6.14.60 (Parking Regulations – Design Standards) of this Title.
- k. Parking. Each recreational vehicle lot shall provide one (1) asphalt paved automobile parking space. Guest and employee parking shall be provided at the rate of one (1) parking space for every five (5) recreational vehicle lots. All spaces shall be a minimum of nine (9) feet wide and nineteen (19) feet deep.
- l. Lighting. Light standards shall be a maximum of twenty (20) feet in height. Lighting shall be indirect, hooded and positioned so as to reflect onto the access roads and away from the recreational vehicle spaces and adjoining property.
- m. Trash/Recycling Facilities. One (1) trash enclosure shall be provided for every twenty (20) recreational vehicle lots.
- n. Electrical Service. Each recreational vehicle space shall be provided with electrical service. All electrical, telephone, and television services within the recreational vehicle park shall be underground.
- o. Water Service. Each recreational vehicle space shall be provided with a fresh water connection.
- p. Sewer Service. Each recreational vehicle space shall be provided with a connection to an approved sanitary sewer system.

6.12.190200**RECYCLING FACILITIES**

1. Intent

This Section is intended to provide the community with regulations controlling the siting of recycling, redemption and processing facilities, and to ensure that recycling facilities do not create adverse impacts on the surrounding community.

2. Applicability

- a. The provisions of this Section shall apply to the following use types, as defined in this Section and Section 6.1.190 (Definitions) of this Title.
 - 1) Reverse Vending Machines
 - 2) Small Recycling Facilities

3) Recycling and Reprocessing Facilities

- b. Such use types shall comply with the provisions of this Section in addition to applicable standards and permit procedures of the zone district in which the use type is located.

3. Development Standards

Reverse Vending Machines shall comply with the following standards:

- a. All machines shall be clean and not dented, bent or otherwise disfigured.
- b. Shall be established in conjunction with a commercial use or public facility which is in compliance with this Title and the building and fire codes of the City;
- c. Shall be located within thirty (30) feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;
- d. Shall not occupy required parking spaces;
- e. Shall occupy no more than fifty (50) square feet of floor area per installation, including any protective enclosure, and shall be no more than eight (8) feet in height;
- f. Shall be constructed and maintained with durable, waterproof, and rustproof material;
- g. Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call for repair and ownership;
- h. Shall have a maximum sign area of four (4) square feet per machine, exclusive of operating instructions;
- i. Shall be maintained in a clean, litter-free condition on a daily basis;
- j. Shall be illuminated to ensure comfortable and safe operation, if operating hours are between dusk and dawn; and

4. Small Collection Facilities

- a. Development Standards

Small Collection Facilities shall comply with the following standards:

- 1) Shall be established in conjunction with an existing commercial use or public facility which is in compliance with this Title and the building and fire code of the City;
- 2) Shall be no larger than five hundred (500) square feet and occupy no more than five (5) parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary land use unless all of the following conditions exist:
 - a) The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation;
 - b) A parking study shows that existing parking capacity is not fully utilized during the time the recycling facility will be on the site;
 - c) The approval will be reconsidered at the end of eighteen (18) months;
 - d) A reduction in available parking spaces in an established parking facility may then be allowed as follows:

Number of Parking Spaces	Maximum Reduction
0-25	0
25-35	1
36-49	2
50-99	3
100+	4

- 3) Shall be set back at least ten (10) feet from any property line and shall not obstruct pedestrian or vehicular circulation;
- 4) Shall accept only glass, metals, plastic containers, papers, and reusable items;
- 5) Shall use no power-driven processing equipment, except for Reverse Vending Machines;
- 6) Shall use containers that are:

- a) Constructed and maintained with durable waterproof and rustproof material;
 - b) Covered when site is not attended and secured from unauthorized entry or removal of material; and
 - c) Of a capacity sufficient to accommodate materials collected in accord with a collection schedule;
- 7) Shall store all recyclable material in containers or in a mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present;
 - 8) Shall be maintained free of litter and any other undesirable materials. Mobile facilities, at which a truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;
 - 9) Shall not exceed noise levels of fifty-five (55) dBA as measured at the property line of residentially zoned or occupied property, otherwise shall not exceed seventy (70) dBA;
 - 10) Shall operate only during the hours between 9:00 a.m. and 7:00 p.m. when located within one hundred (100) feet of property zoned or occupied for residential use;
 - 11) Shall locate containers for the twenty-four (24) hour donation of materials at least one hundred (100) feet from any property zoned or occupied by residential use, unless there is a recognized service corridor and acoustical shielding between the containers and the residential use. All containers shall be painted and shall not be dented, bent or otherwise disfigured; and
 - 12) Shall utilize clearly marked containers which identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, shall display a notice stating that no material shall be left outside the recycling enclosure or containers.
- b. Signs may be provided as follows:
 - 1) Small collection facilities may have a maximum of four (4) identification signs each a maximum of twenty (20) percent per side of the facility or sixteen (16) square feet, whichever is larger.

In the case of a wheeled facility, the side shall be measured from the pavement to the top of the container;

- 2) Directional signs, bearing no advertising message, may be installed to facilitate traffic circulations and/or of the facility is not visible from a public right-of-way; and
 - 3) Authorization by the Planning Director to increase the number and size of signs upon finding that such an increase is compatible with adjacent businesses.
- c. The facility shall not reduce the landscaping areas which may be required by this Title for any concurrent use or under any permit or approval.
- d. Parking
- 1) No additional parking spaces will be required for customers of a Small Collection Facility located in the established parking lot of a commercial use.
 - 2) Mobile Recycling Units shall have an area clearly marked in the parking lot of the commercial use to prohibit other vehicular parking during hours when the Mobile Unit is scheduled to be present or operating.
5. Large Collection Facility

A large collection facility is one which occupies more than five hundred (500) square feet in area or is located on a separate parcel, not associated with an existing commercial use, and may have a permanent structure.

a. Development Standards

Large collection facilities shall comply with the provisions of this Section in addition to the provisions of the zone district in which it is located.

- 1) Facility shall be located an appropriate distance, as determined by the Planning Commission, from the property line of any lot zoned or planned for residential use;
- 2) Facility shall be screened from the public right-of-way by operating in an enclosed building or within an area enclosed by an opaque fence at least six (6) feet in height with landscaping and shall meet all applicable noise standards in this Title;

- 3) Setbacks and landscape requirements shall be those provided for the zone district in which the facility is located;
- 4) Storage
 - a) All exterior storage of material shall be in sturdy containers which are covered, secured, and maintained in good condition.
 - b) Storage containers for flammable material shall be constructed of non-flammable material.
 - c) No storage excluding truck trailers and overseas containers shall be visible above the height of the fencing.
- 5) The site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.
- 6) Space shall be provided on site for six (6) vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials, except where the Planning Director determines that allowing overflow traffic above six (6) vehicles are compatible with the surrounding land uses.
 - a) One (1) parking space shall be provided for each commercial vehicle operated by the recycling facility. Parking requirements shall be as provided for in the zone district in which the facility is located, except that parking requirements for employees may be reduced when it can be shown that parking spaces are not necessary such as when employees are transported in a company vehicle to a work facility;
 - b) Noise levels shall not exceed sixty-five (65) dBA as measured at the property line of residentially zoned property, and shall not exceed seventy (70) dBA at any point on the property.
 - c) If the facility is located within five hundred (500) feet of property zoned, planned or occupied for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m.;
 - d) Any containers or enclosures provided for after-hours donation of recyclable materials shall be at least fifty (50) feet from any property zoned, planned or occupied for residential use, be of sturdy rustproof construction, have

sufficient capacity to accommodate materials collected, and shall be secured from unauthorized entry or removal of materials;

- e) Donation areas shall be kept free of litter and any other undesirable material and the containers shall be clearly marked to identify the type of material that may be deposited; the facility shall display a notice stating that no material shall be left outside the recycling containers;
- f) The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs shall meet the standards of the zone district. Directional signs may be installed with the approval of the Public Works Director, if necessary to facilitate traffic circulation or if the facility is not visible from a public right-of-way;
- g) Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved at the discretion of the Planning Director if noise and other requirements are met.

6. Development Standards for Processing Facilities

Processing facilities, both “Light” and “Heavy” as define in Section 6.1.190 (Definitions) of this Title, when permitted, shall comply with the provisions of this Chapter in addition to the applicable provisions of the zone district in which the facility is located.

- a. The processing facility shall be located a minimum distance, to be determined by the Planning Commission, from property planned, zoned or occupied for residential use. All operations shall take place within a fully enclosed building or within an area enclosed by a solid wood or masonry fence at least six (6) feet in height.
- b. Setbacks from property lines shall be those provided for the zoning district in which the facility is located, but, if the setback is less than twenty-five (25) feet, the facility shall be buffered by a landscape strip at least ten (10) feet wide along each property line;
- c. When located within five hundred (500) feet of property planned, zoned or occupied for residential use, hours of operation shall not

be between 7:00 p.m. and 7:00 a.m. The facility shall be administered by on-site personnel during the hours the facility is open.

- d. Noise levels shall not exceed sixty-five (65) dBA as measured at the property line of residentially zoned or occupied property, and shall not exceed seventy (70) dBA at any point;
- e. Sign criteria shall be those specified in Chapter 14 (Sign Regulations) of this Title. In addition, the facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation;
- f. Any container or enclosures provided for after hours donation of recyclable materials shall be at least fifty (50) feet from any property zoned or occupied for residential use; shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secured from unauthorized entry or removal of materials;
- g. The facility shall be administered by on-site personnel during hours of operation;
- h. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice that no material shall be left outside the recycling containers;
- i. No dust, fumes, smoke, vibration or odor above ambient level may be detectable on neighboring properties;
- j. Power-driven processing shall be permitted, provided all noise level requirements are met. Light processing facilities are limited to bailing, briquetting, crushing, compacting, grinding, shredding and sorting or source-separating recyclable materials, and repairing of reusable materials;
- k. A light processing facility shall be no larger than forty-five thousand (45,000) square feet and shall have no more than an average of two (2) outbound truck shipments of material per day and may not shred, compact or bale ferrous metals other than food and beverage containers;
- l. A processing facility may accept used motor oil for recycling from the generator in accordance with Section 25250.11 of the California Health and Safety Code;

- m. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition or may be baled or placed on pallets. Storage containers for flammable material shall be constructed of non-flammable material. Oil storage shall be in containers approved by the County Director of Environmental Health Services; no storage, excluding truck trailers and overseas containers, shall be visible above the height of the fencing;
- n. Site shall be maintained free of litter and any other undesirable materials, shall be cleaned of loose debris on a daily basis, and shall be secured from unauthorized entry and removal of materials when attendants are not present;
- o. Space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of ten (10) customers except where the Planning Director determines that allowing overflow traffic above six (6) vehicles is compatible with surrounding businesses and public safety;
- p. One (1) parking space shall be provided for each commercial vehicle operated by the processing center. Parking requirements shall otherwise be as mandated by the zone district in which the facility is located.

7. Site Cleanup Required

The operator of any recycling collection or processing facility shall, on a daily basis, remove any and all recyclable materials or solid wastes which have accumulated or are deposited outside the containers, bins, or enclosures intended as receptacles for such materials. Upon failure to remove said materials, the City may deem them to be abandoned and may enter the site to remove the materials. The property owner(s) of the premises and other operator of the facility shall be liable for the full cost of any such cleanup work done by the City.

6.12.200210 SECOND DWELLING UNITS

1. Intent

This Section is intended to ensure that second dwelling units located in residential districts do not adversely impact adjacent residential parcels or the surrounding neighborhood and are developed in a manner which protects the integrity of the residential district, while providing for needed housing opportunities for owners of eligible parcels.

2. Applicability

The provisions of this Section shall apply to all second dwelling units in addition to the provisions of the zone district in which it is located.

3. Development Standards

The following standards shall apply to all second dwelling units.

- a. The lot shall be zoned for single-family residential use;
- b. The lot must contain a primary dwelling unit either existing or proposed to be constructed concurrent with the second dwelling unit;
- c. The maximum allowable General Plan density shall not be exceeded;
- d. The minimum lot size for a parcel to construct a second dwelling unit shall be twelve thousand five hundred (12,500) square feet;
- e. The maximum building height for a second dwelling unit shall be one story, not to exceed sixteen (16) feet. No second dwelling unit shall be higher than the main dwelling on the same parcel;
- f. The second dwelling unit shall be subject to the minimum required front, side, and rear yard setbacks of the zone district in which the property is located;
- g. The second dwelling unit may be attached or detached to the primary residence, but shall be architecturally compatible with the main dwelling and the surrounding neighborhood;
- h. A second unit shall have adequate water supply and sewer service;
- i. Only an owner-occupant of the primary dwelling unit shall be eligible to file an application for a second unit;
- j. The entrance to an attached second unit shall be separate from the entrance to the primary unit; and
- k. Second units shall be subject to all development fees including, but not limited to, public facilities impact fees, park fees and assessment districts, where so permitted.
- l. In the "R-1" and "R-S" Zone Districts where a parcel of land is less than two and one-half (2 ½) acres in size, the total floor area of the secondary residential unit; however, in no case may the total area of the secondary

residential unit exceed nine hundred (900) square feet. In the “RS” Zone District, where the lot size is two and one-half (2 ½) acres or greater, the secondary residential unit shall have no maximum allowable floor area.

- m. Off street parking for a secondary unit shall be provided in conformance with Chapter 6.14 (Parking Requirements) of this Title.

6.12.~~210~~220

SELF STORAGE WAREHOUSES

1. Intent

This Section is intended to ensure that self-storage warehouse operations, commonly known as “mini-warehouses”, do not result in an adverse impact on adjacent properties by reason of parking demand, traffic generation, fire, or safety hazard, or visual blight. The special conditions contained in this Section are intended to differentiate self-service storage warehousing uses from more intensive wholesale or general warehousing uses, especially in regard to the differing parking requirements for these uses.

2. Applicability

The provisions of this Section shall apply to all new self-storage warehouses uses and to all existing facilities at such a time the storage area of an existing business is substantially expanded or modified, as defined in this Title.

3. Development Standards

- a. Access and Parking

- 1) Driveways adjacent to parking lanes shall be twelve (12) feet in width for one-way traffic and twenty four (24) feet in width for two-way traffic.
- 2) Access and circulation shall be designed to eliminate the need to back out of any drive or access.
- 3) One parking space shall be provided for each two hundred (200) square feet of floor area within the office and/or caretakers quarters; however, a minimum of four (4) parking spaces shall be provided.
- 4) The parking standards specified in this Section for this used shall be applicable to this use only.

- b. Outside Storage

No storage of materials outside an enclosed building may be permitted unless expressly designated for such purposes and approved as a part of the conditional use permit for the site.

6.12.~~220~~230 SERVICE STATIONS

1. Intent

This Section is intended to ensure that service stations do not result in adverse impacts on adjacent land uses, especially residential uses. The traffic, glare, and uses associated with service stations, particularly those which are open twenty-four (24) hours a day, may be incompatible with adjacent land uses. To protect the health, safety, and general welfare of the City and its residents, these special regulations shall be imposed on the development and operations of service stations.

2. Applicability

A service station shall comply with the provisions of this Section in addition to the property development standards and the permit procedures for the zone district in which it is to be located. The provisions of this Section and this Title, as applicable, shall apply to all new service stations to all existing service stations at such a time as those existing stations may come before the Project Assistance Team for an expansion of twenty-five (25) percent or greater in floor area, a remodeling, or any other development that would cost more than fifty (50) percent of the value of the improvements on the parcel at the time of remodeling, excluding land value.

3. Minimum Development Standards

a. Minimum Street Frontage

Each parcel shall have a minimum street frontage of one hundred (100) feet on at least on abutting street.

b. Setbacks

No building or structure, except canopies as provided below, shall be located within thirty feet (30) of any right-of-way line, or within twenty (20) feet of any interior parcel line.

c. Canopies

Canopies shall be located no closer than ten (10) feet from any property line.

d. Gasoline Pumps

Gasoline pumps shall be located no closer than twenty (20) feet from any property line.

e. Walls

Service stations shall be separated from adjacent property which is zoned or used for residential purposes, by a decorative masonry wall of not less than six (6) feet in height, as approved by the Project Assistance Team. Materials, textures, colors, and design of all walls shall be compatible with on-site development and adjacent properties. No wall higher than forty (40) inches in height shall be constructed within five (5) feet of a driveway entrance or vehicle access way which opens onto a street or alley. The wall shall be constructed to ensure a clear cross view of pedestrians on the sidewalk, alley, or elsewhere by motorists entering or exiting the parcel.

f. Paving

The site shall be entirely paved, except for buildings and landscaping.

g. Landscaping

The service station site shall be landscaped pursuant to the following standards:

- 1) A minimum of fifteen (15) percent of the site shall be landscaped, which may include a planting strip of at least five (5) feet wide along all interior parcel lines, non-driveway street frontages, and areas adjacent to buildings. Planters shall be surrounded by masonry or concrete curbs and so arranged to preclude motor vehicles from driving across the sidewalk at locations other than access driveways. Permanent opaque landscaping or berming shall be provided and maintained in the planters at a height of not less than three (3) feet above the average adjacent grade.
- 2) A minimum of one hundred fifty (150) square foot landscaped area shall be provided at the intersection of two (2) property lines at a street corner.

h. Access and Circulation

- 1) Driveways shall be located no closer than fifty (50) feet from a street intersection and fifteen (15) feet from a residential property line or alley and shall not interfere with the movement and safety

of vehicular and pedestrian traffic. Locations of all driveways shall be subject to the approval of the Public Works Director.

- 2) All lubrication bays and wash racks shall be located within a fully enclosed building. Access to the service bays and wash racks shall not be located within fifty (50) feet of a residentially zoned property, and shall be oriented, when practical, away from public rights-of-ways.

i. Air and Water

Each service station shall provide air and water to customers at a convenient location during hours when gasoline is dispensed.

j. Restrooms

Each service station shall provide a men's and women's public restroom that is accessible to the general public, including physically disabled persons, during all hours the service station is open to the public. Restrooms shall be identified by placing entrances or signage in a location that is clearly visible from the gasoline service area or cashier station, and shall be maintained on a regular basis.

k. Vending Machines

Coin-operated vending machines may be permitted within or abutting a structure for the purpose of dispensing items commonly found in service stations, such as refreshments and maps.

l. Location of Activities

All repair and service activities and operations shall be conducted entirely within an enclosed service building, except as follows:

- 1) The dispensing of petroleum products, water, and air from pump islands.
- 2) Replacement service activities such as wiper blades, fuses, radiator caps, and lamps.
- 3) The sale of items from vending machines placed next to the main building in a designated area not to exceed thirty-two (32) square feet.
- 4) The display of merchandise offered for customer convenience on each pump island, provided that the aggregate display area on each

island shall not exceed twelve (12) square feet and that the products shall be enclosed in a specially designated case.

- 5) Motor vehicle products displayed along and within three (3) feet of the front of the building. Such display areas shall be limited to five (5) feet in height and not more than ten (10) feet in length.

m. Refuse Storage and Disposal

Trash areas shall be provided and screened on at least three (3) sides from public view by a solid decorative wall not less than five (5) feet in height. Permanent opaque panel gates shall be installed on all openings to the trash area.

- 1) All trash shall be deposited in the trash area and the gates leading thereto shall be maintained in working order and shall remain closed except when in use.
- 2) Refuse bins shall be provided and placed in a location convenient for customers.
- 3) Trash areas shall not be used for storage. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded automotive parts or equipment, or permanently disabled, junked, or wrecked vehicles may be stored outside the main building.

n. Equipment Rental

Rental of equipment such as trailers and trucks may be permitted, provided that:

- 1) The rental equipment does not occupy or reduce the availability of the required parking for the automobile service station.
- 2) The rental equipment storage location does not interfere with access and circulation on and around the site.
- 3) The rental of the equipment is incidental and secondary to the main activity on the site.

o. Operation of Facilities

- 1) The service station shall at all times be operated in a manner which is not detrimental to surrounding properties or residents. Site design and activities shall be conducted to avoid and minimize:
 - a) Damage or nuisances from noise, smoke, odor, dust, or vibration.
 - b) Hazards from explosion, contamination, or fire.
 - 2) Service station hours of operation shall be as conditioned in conditional use permit; a security plan shall be developed by the applicant and approved by the Police Department prior to issuance of a building permit.
4. Abandoned or Converted Service Stations
- a. Where service stations become vacant or cease operation for more than one hundred eighty (180) days, the owner shall be required to remove all underground storage tanks (in a manner acceptable to all applicable permitting/regulatory agencies), remove all gasoline pumps and pump islands, and remove all free-standing canopies.
 - b. To confirm that a use has not been abandoned, the owner shall provide evidence to the Planning with written verification prior to the one hundred eightieth (180th) day that an allocation of gas has been received and operation of the station will commence within thirty (30) days of the date of written correspondence.
 - c. Resumption of service station operations after the one hundred eighty (180) days, specified above, may be permitted upon review and approval, or conditional approval by the Planning Commission.
 - 1) Replanting existing landscape areas;
 - 2) Installing new landscape areas;
 - 3) Painting of structures;
 - 4) Upgrading or installing trash enclosures;
 - 5) Striping parking spaces;
 - 6) Installation of signs in conformance with Chapter 6.15 of this Title;

- 7) Resurfacing vehicle access and parking areas; and
 - 8) Installation of missing street improvements.
5. Converted Service Stations

The conversion of service station structures and sites to another use may require upgrading and remodeling including, but not limited to removal of all gasoline appurtenances, removal of canopies, removal of pump islands, removal of overhead doors, additional landscaping, missing street improvements to conform to access regulations, and exterior remodeling.

| **6.12.230240** **SIDEWALK CAFES**

1. Intent

This Section is intended to regulate the establishment and operation of sidewalk cafes which can enhance the pedestrian ambiance of the City, and to ensure that they do not adversely impact adjacent properties and surrounding neighborhoods.

2. Applicability

A sidewalk café shall comply with the provisions of this Section and the property development standard and procedures for the zone district in which is it located.

3. Minimum Development Requirements

a. Accessory Use

A sidewalk café shall be conducted as an accessory use to a legally established restaurant or other eating and drinking establishment.

b. Enclosure

Awnings or umbrellas may be used in conjunction with a sidewalk café, but there shall be no permanent roof or shelter over the sidewalk café area without written approval from the Director of Public Works. Awnings shall be adequately secured, and shall comply with the provisions of the latest edition of the Uniform Building Code adopted by the City.

c. Fixtures

The furnishings of the sidewalk café shall consist only of movable tables, chairs, and umbrellas. Lighting fixtures may be permanently affixed onto the exterior front of the main building.

d. Refuse Storage Area

No structure or enclosure to accommodate storage of trash or garbage shall be erected or placed on or adjacent to the sidewalk café on either a public sidewalk or public right-of-way. Sidewalk cafes shall remain clear of litter at all times.

e. Hours of Operation

The hours of operation of the sidewalk café shall limited to the hours of operation of the associated restaurants or eating and drinking establishment.

6.12.240250

SURFACE PARKING LOTS

1. Intent

This Section is intended to ensure that commercial parking facilities and surface parking lots located adjacent to residential districts will not adversely effect nearby residents or diminish the integrity of a residential district.

2. Applicability

All commercial parking facilities, including primary commercial parking uses, and accessory parking lots for associated commercial, industrial, institutional, and public uses shall comply with the provisions of Chapter 6.14 of this Title in addition to the applicable provisions of the zone district in which such a use is located.

3. Minimum Development Standards

a. Structures Permitted

A parking guard or attendant shelter may be permitted provided that the shelter does not exceed seventy-five (75) square feet, is not more than twelve (12) feet in height, is not located in any required setback area, and is located at least fifty (50) feet from any adjacent residential parcel.

b. Vehicle Access

Where practical, vehicular access to parking lots from public streets shall be located a minimum of forty (40) feet from any residentially

Zoned parcel.

| **6.12.250260** **SWIMMING POOLS AND RECREATION COURTS (PRIVATE)**

1. Intent

This Section is intended to ensure that the construction of swimming pools and recreational courts within residential districts is consistent with the residential character of the neighborhood.

2. Applicability

The provisions of this Section shall apply to the construction of swimming pools or recreational courts located on individual residential lots as accessory uses to primary residential use of the same lot.

3. Permit Required for Accessory Use

Swimming pools and recreational courts may be permitted as an accessory use to a primary residential use, subject to securing a City building permit.

4. Swimming Pools

- a. Swimming pools shall be set back a minimum of five (5) feet from the rear property line and five (5) feet from the side property lines, excepting that the restrictions of Section 6.12.250.4.b of this Section, as measured perpendicularly to the edge of the swimming pool coping. Encroachment of up to two (2) feet into this setback area may be granted by the Building Official upon review and approval of stamped engineering calculations demonstrating that such encroachment will not compromise the structural integrity of any surrounding buildings or structures.
- b. A swimming pool shall not, in any circumstance, be located within a side yard setback area of the street side of a reverse corner lot, nor shall a swimming pool be located within a front yard setback area.
- c. Swimming pool equipment shall not be located within a street side yard setback area nor in a front yard setback area.
- d. Swimming pools shall not be located closer than ten (10) feet to any building unless stamped engineering calculation, reviewed and approved by the Building Official, demonstrate that placement of a swimming pool closer than ten (10) feet to any building will not compromise the structural integrity of that building and/or that building foundation.

- e. Swimming pools, spas, and hot tubs shall comply with “Special Use and Occupancy” requirements of the latest City adopted addition of the Uniform Building Code.
5. Recreational Courts
- a. The maximum height of fences enclosing recreational courts shall be less than ten (10) feet.
 - b. Recreational courts shall be set back a minimum of ten (10) feet from the side property line, ten (10) feet from the rear property lines, and fifty (50) feet from the front property line.
 - c. A maximum of eight (8) lights may be permitted. Said lights shall not exceed a height of twenty-two (22) feet.
 - d. All lighting shall:
 - 1) Be designed, constructed, mounted, and maintained so that the light source is cut off when viewed from any point above five (5) feet, measured at the lot line; and
 - 2) Be used only between the hours of 7:00 a.m. and 10:00 p.m.
 - e. The surface of a recreational court shall be designated, painted, colored, and/or treated to reduce reflection from any lighting thereon.
 - f. The above listed standards shall be considered minimum standards. The Planning Agency may impose more stringent standards if it is determined that such standards are required to achieve consistency with the intent and purpose of the General Plan and this Title.

6.12.260270 VEHICLE REPAIR FACILITIES

1. Intent

This Section is intended to regulate the establishment and operation of vehicle repair facilities to reduce or eliminate potential noise, fumes, litter, and parking problems associated with motor vehicle repair shops. The provisions of this Section are further intended to ensure that vehicle repair facilities are compatible with adjacent and surrounding land uses.

2. Applicability

Each vehicular repair facility, including those which may be part of and incorporated within a vehicle dealership, shall comply with the provisions of this Section in addition to the development standards and permit procedures of the zone district in which it is to be located and with other applicable provisions of this Title.

3. Minimum Development Standards

a. Paving

The portion of the site devoted to vehicle repair facilities shall be entirely paved, except for buildings and landscaping.

b. Structures

When practical, entrances to individual service bays shall not face public rights-of-way or abutting residential parcels.

c. Repair Activities

All repair activities, operations, and storage of materials shall be conducted entirely within an enclosed building. Outdoor hoists are prohibited.

d. Enclosure

Repair facilities, performing body and fender work, or similar noise-generating activities, shall be conducted within a fully-enclosed structure. All painting shall occur within a fully enclosed booth that meets all requirements of the California Building Code and Section 6.13.30 (Air Quality) of this Title.

e. Litter

The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No new, used, or discarded automotive parts, equipment, or permanently disabled, junked or wrecked vehicles may be stored outside of a building.

f. Storage

Exterior parking area shall be used for employee and customer parking only, and not for the repair or finishing work or long term (over one week) storage of vehicles. No vehicles to be repaired shall be parked or stored on any street or alley.

g. Hazardous Materials

Any handling, treatment, storage, or use of hazardous materials shall be subject to the requirements of Section 6.11.110 (Hazardous Materials Management) of this Title.

Chapter 17.48

TT

TRAVEL TRAILER PARK ZONE

Sections:

- 17.48.010 Generally
- 17.48.020 Definitions
- 17.48.030 Conformity to State law
- 17.48.040 Uses permitted
- 17.48.050 Permit to locate travel trailer park
 - Application - Hearing - Issuance
- 17.48.060 Disposition of moneys collected
- 17.48.070 Minimum requirements
- 17.48.080 Fire protection
- 17.48.090 Setback requirements

17.48.010 GENERALLY.

The regulations set out in this chapter shall apply in the TT (travel trailer park) zone unless otherwise provided.

17.48.020 DEFINITIONS.

For the purpose of this chapter, the general provisions of the Health and Safety Code of the State and the definitions as set forth in Division 13, Parts 2 and 2.1 of said Code and Title 25 of the California Administration Code shall apply to this chapter except that the following special definitions shall apply as set forth hereinafter: "**Enforcement agency**" is the City Building Department, the Health Department of the County and the Department of Housing and Community Development of the State.

17.48.030 CONFORMITY TO STATE LAW.

All travel trailer parks within the City shall conform to construction and operation requirements of the California Health and Safety Code, Division 13, Parts 2 and 2.1, and the applicable provisions of Title 25 of the California Administrative Code.

17.48.040 USES PERMITTED.

The following uses are permitted in a TT (travel trailer park) zone:

- A. Travel trailer parks, recreational vehicle parks and temporary trailer parks as defined in Sections 18220, 18215 and 18217, respectively, of the California Health and Safety Code. No travel trailer park shall be constructed or located within a mobile home park unless such mobile home park, or a portion thereof, is in the TT zone.
- B. The following accessory uses are permitted:
 - 1. Travel trailers, recreational vehicles and tents.
 - 2. Community recreation facilities.
 - 3. Laundry rooms.
 - 4. Toilets, showers, lavatories.
 - 5. One mobile home or a 1-story, permanent office building to be used only for business or for residence of a manager or caretaker. In no event shall a mobile home or permanent structure be located on a designated travel trailer space.
 - 6. Home occupations, as defined in Section 17.04.330 and in compliance with the provisions of Chapter 17.63.

17.48.050 PERMIT TO LOCATE TRAVEL TRAILER PARK APPLICATION - HEARING - ISSUANCE.

- A. No travel trailer park shall be located within the City until the location thereof is approved by the Planning Commission of the City in the manner set forth in this chapter. The person desiring to locate and operate a travel trailer park in the City shall file an application therefor with the Planning Commission.

- B. Such application shall be accompanied with the following:
 - 1. True legal description of the grounds and property upon which the park is to be constructed.
 - 2. Filing fee.
 - 3. Plot plan showing the recreational vehicle sites and parking spaces for other vehicles, location of proposed buildings or structures, complete plans and specifications of the proposed construction and a description of the water supply, ground drainage and method of sewage disposal.
 - 4. Plans showing the location and dimensions of access ways, landscaping, lighting, refuse container locations, connections for use by vehicles of water, sewage and electricity and other improvements required by the Planning Commission.

- C. Upon receipt of the application, the Planning Director shall set the matter for consideration by the Planning Commission at the earliest practicable time.

- D. The Planning Commission shall consider the plans and shall approve or conditionally approve the plans, providing the Commission determines from the evidence presented that all of the following are true:
 - 1. That the land is classified in a TT (travel trailer park) zone;
 - 2. That it appears that the plans, as modified, will comply with all standards and requirements of Division 13, Parts 2 and 2.1 of the Health and Safety Code and all rules and regulations promulgated thereunder and with all applicable provisions of City law, including this chapter.

- E. The Planning Commission shall disapprove the plans and deny the application if, in its determination, adequate evidence has not been shown that the plans will conform in all respects to the said standards and requirements.

- F. In case the applicant is not satisfied with the action of the Planning Commission, he may, within 30 days after the action, appeal in writing to the City. The City shall hold a public hearing on the appeal and shall render its decision thereon within 30 days after the filing thereof.
- G. Upon approval by the Planning Commission or City, the Building Director shall issue the appropriate permits, providing all other requirements of law have been complied with.

17.48.060 DISPOSITION OF MONEYS COLLECTED.

All moneys received under the provisions of this chapter shall be paid into the office of the Finance Director and credited to the City's general fund.

17.48.070 MINIMUM REQUIREMENTS.

Each travel trailer park shall meet the following additional minimum requirements and standards:

- A. Sites or lots shall be of a size and shape which will provide reasonable area for the parking of the recreational vehicles next to the utility connections and for the parking of another vehicle (with motive power) side by side. This requirement may be varied by the Planning Commission to meet the plans of the applicant for parking vehicles other than the recreational vehicles.
- B. Each site or space in the park shall be identified with an individual number in logical sequence and shown on the plot plan for the park.
- C. A 6 foot masonry wall, or approved equivalent fencing, shall be constructed on the side and rear property lines of the park at the discretion of the Planning Commission to protect the existing or future use of the adjacent property.
- D. Each lot in a travel trailer park shall have direct access to an abutting roadway. Such roadways may not have less than 18 feet of clear travel lanes for two-way traffic and 12 feet of clear travel lane for one-way traffic. One-way roadways must originate and terminate at two-way, on-site roadway. A single, isolated lot may have access by a 10 foot width of unobstructed roadway.
- E. Access ways shall not be used for parking of vehicles, excepting that parallel parking shall be permitted on one side of an access way that is constructed to City standards for commercial alleys or in compliance with Section 18612 (a) (b) of the Health and Safety Code of the State.

- F. All travel trailer parks shall have at least two means of ingress or egress leading to a public thoroughfare.
- G. Each travel trailer park shall be landscaped and planted with shade trees in accordance with a landscape plan approved by the Planning Commission. Such landscaping shall include provision for an interior open space common area and to buffer the park from adjacent uses.
- H. Each travel trailer park shall be landscaped and planted with shade trees in accordance with a landscape plan, approved by the Planning Commission.
- I. If such park contains a public address system or loudspeakers they shall be installed, operated and maintained in such a way that they cannot be heard beyond the boundaries of the travel trailer park.
- J. Refuse containers shall be provided in a location meeting the requirements of the Public Works Director.
- K. Lighting shall be provided in accordance with plans approved by the Planning Commission.

17.48.080 FIRE PROTECTION.

- A. There shall be in each travel trailer park a water system with fire hydrants of sufficient size and delivering sufficient pressure and located within a sufficient distance to provide adequate fire protection for each site in the park.
- B. The placement and installation of fire hydrants must be approved by the Chief of the Fire Department.

17.48.090 SETBACK REQUIREMENTS.

- A. Each travel trailer, recreation vehicle or other structure shall meet the minimum setback requirements of Title 25 of the California Administrative Code and all other State regulations.
- B. A travel trailer, recreational vehicle or other structure shall not be located closer than 3 feet from a property line or lot line except that the minimum distance of 3 feet will not be required from a lot line which borders on-site roadway.
- C. All structures located in the TT zone shall have a minimum setback of 15 feet from a public right-of-way, with the exception of public alleys.

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93.23.04 Recreation Vehicle Park. (formerly 94.02.00 (H, 5))

RV parks or resorts are intended to provide for the accommodation of visitors to Palm Springs who travel to the community by recreational vehicle and reside in that vehicle for a period not to exceed one hundred eighty (180) days. This use is also intended to create a safe, healthful and beneficial environment for both occupants of the RV parks and to protect the character and integrity of surrounding uses. No RV use shall be located within any "N" zone.

A. Uses Permitted.

Buildings, structures and land shall be used and building and structures shall hereafter be erected, altered or enlarged only for the following uses. All uses shall be subject to the standards contained herein or approved by the planning commission and city council.

1. Recreational vehicles as defined in Section 91.00.09(A);
2. Incidental uses operated primarily for the convenience of RV park occupants. There shall be no separate sign advertising such uses visible from the street and said use shall be located not less than one hundred (100) feet from any street. Incidental uses permitted shall include only the following:
 - (a) Barber and beauty shops,
 - (b) Dwellings for owner and/or managers and staff,
 - (c) Food markets,
 - (d) Golf courses,
 - (e) Indoor and outdoor recreational facilities,
 - (f) Laundry,
 - (g) Office,
 - (h) Personal services including showers and restrooms,
 - (i) Restaurants, including dancing and alcoholic beverage sales,
 - (j) Sales of items related to maintenance and operation of recreational vehicles;
3. Storage of unoccupied recreational vehicles. Storage areas not to exceed five (5) percent of the gross area of the RV park. Storage areas shall be screened on all sides;
4. Accessory uses customarily incidental to the above uses and located on the same lot therewith.

B. Similar Uses Permitted by Commission Determination.

The commission may, by resolution of record, permit any other uses which it may determine to be similar to those listed above, operated exclusively for the convenience of RV park residents, and not more obnoxious or detrimental to the public health, safety and welfare, or to other uses permitted in the park, as provided in Section 94.01.00. All uses shall be subject to the property development standards contained herein.

C. Uses Prohibited.

All uses and structures not permitted in Section 93.23.04(A) are deemed to be specifically prohibited. The following general classification of uses shall not be permitted in RV parks.

1. Recreational vehicle repair service,
2. Commercial uses except those described in Section 93.23.04(A) and approved by the planning commission on the development plans.

D. Property Development Standards for RV Parks.

The following property development standards shall apply for all RV Zones:

1. Size of RV Park.

No parcel of land containing less than twenty (20) acres may be used for the purposes permitted in the RV zone.

2. Density.

A minimum of two thousand four hundred (2,400) square feet of lot area shall be provided for each recreational vehicle in the RV park. This space ratio shall include access roads, automobile parking, accessory building space and recreational areas. Each RV space shall be equal to one (1) dwelling unit.

3. Building Height.

Buildings and structures erected in this zone shall not exceed fifteen (15) feet at minimum setback requirements, or a three (3) to one (1) setback shall be provided for structures exceeding fifteen (15) feet to a maximum of twenty-four (24) feet.

4. Yards.

(a) General Provisions.

(i) Yards shall be measured perpendicular to the property line or from a future street or highway line, as shown on the general plan or setback ordinance.

(ii) Yard provisions shall apply to both main and accessory structures.

(b) Front Yard.

Each recreational vehicle park shall have a front yard of forty (40) feet extending for the full width of the parcel devoted to such use.

(c) Side and Rear Yards.

Each recreational vehicle park shall have rear and side yards of not less than fifteen (15) feet, except where a side or rear yard abuts a street, the yard shall be not less than forty (40) feet. Where development sides or rears on existing single-family developments (R-1 zones) a one hundred (100) foot setback shall be provided for structures exceeding one story.

E. Walls, Fences and Landscaping.

1. Each recreational vehicle park shall be entirely enclosed at its exterior boundaries as follows:

(a) An eight (8) foot high decorative masonry wall shall be required on the perimeter of each RV park. For front yards, the wall shall be constructed within the forty (40) foot required setback, no closer than twenty-five (25) feet from a property line.

(b) Peripheral landscaping of not less than six (6) feet in height shall be provided adjacent to all walls.

(c) All required yards to be landscaped and maintained.

2. Permitted Fences and Walls.

The provisions of Section 93.02.00 shall apply.

F. Open Space.

A minimum of forty-five (45) percent of the site area shall be developed as usable landscaped open space and outdoor living and recreation area.

G. Signs.

The provisions of Section 93.20.00 shall apply.

H. Access.

The provisions of Section 93.05.00 shall apply. Principal access to a recreational vehicle park shall be from a

secondary or major thoroughfare. Emergency access may be permitted to any street.

I. Off-Street Loading and Trash Areas.

1. The provisions of Section 93.07.00 shall apply.
2. One (1) trash enclosure should be provided for each thirty (30) spaces or as approved by the planning commission.

J. Antennas.

The provisions of Section 93.08.00 shall apply.

K. Property Development Standards within the Recreational Vehicle Park.

1. Size of Space.

The minimum size of each RV space shall be one thousand two hundred fifty (1,250) square feet.

2. Individual Space Improvements.

- (a) Each recreational vehicle space shall be provided with a parking area paved with asphalt concrete (three (3) inches in thickness) or Portland cement concrete (six (6) inches in thickness) for parking of vehicles.
- (b) Each recreational vehicle space shall be provided with a one hundred twenty (120) square feet Portland cement concrete, brick or other decorative paving patio.
- (c) All areas not in hard surface shall be landscaped unless otherwise approved by the planning commission.

3. Distance between Recreational Vehicles and Structures.

- (a) There shall be not less than ten (10) feet between recreational vehicles.
- (b) Where recreational vehicle spaces are located near any permitted building, the minimum space between the recreational vehicle and such building shall be fifteen (15) feet.

4. Electrical Service.

- (a) Each recreational vehicle space shall be provided with electrical service.
- (b) All electrical, telephone and television services within the recreational vehicle park shall be underground.

5. Water Service.

Each recreational vehicle space shall be provided with a fresh water connection.

6. Sewer Service.

Each recreational vehicle space (except tent areas) shall be provided with a connection to an approved sanitary sewer system.

7. Movement of Recreational Vehicles.

Wheels or similar devices shall not be removed from recreational vehicles, nor shall any fixture be added which will prevent the recreational vehicle from being moved under its own power or by a passenger vehicle within a one (1) hour period.

8. Accessory Structures.

No accessory structure shall be constructed as a permanent part of the recreational vehicle.

9. Access Roads.

- (a) All access roads shall be paved with asphalt concrete with a minimum thickness of three (3) inches or Portland cement concrete with a thickness of six (6) inches.
- (b) Access roads within the recreational vehicle park shall be paved to a width of not less than twenty-five (25) feet and, if paved to a width of less than thirty-two (32) feet, shall not be used for

automobile parking at any time.

(c) One-way road systems may reduce the street cross section if approved by the planning commission.

(d) Where access roads are paved to a width of thirty-two (32) feet or more, the off-street parking provisions contained in this section are waived for the number of spaces provided and marked off in the parking lane on the street. Each marked space shall conform to the parking standards defined in this Zoning Code.

(e) Portland cement concrete pavement edge gutters or center gutters shall be installed on all access road(s) pursuant to approved grading and drainage plans.

(f) Each recreational vehicle space shall front on an access road.

10. Lighting.

(a) Lighting shall be indirect, hooded and positioned so as to reflect onto the access roads and away from the recreational vehicle spaces and adjoining property.

(b) Light standards shall be a maximum of eighteen (18) feet in height. The height of all light standards shall be measured from the elevation of the adjoining pavement of the access roads.

11. Drainage.

(a) The park shall be so graded that there will be no depressions in which surface water will accumulate.

(b) The ground shall be sloped to provide storm drainage run-off by means of surface or subsurface drainage structures.

(c) The area beneath the recreational vehicle shall be sloped to provide drainage from beneath the recreational vehicle to an outside surface drainage structure.

12. Off-Street Parking.

(a) Each individual RV space shall provide one (1) parking space in addition to the RV space itself. All parking shall be provided in accordance with Section 93.06.00 (Off-street parking).

(b) One (1) visitor parking space shall be provided for every ten (10) recreational vehicle spaces in addition to parking required in subsection K,12(a) of this section.

(c) Parking for accessory uses shall comply with Section 93.06.00(D).

13. Park and Recreational Space.

There shall be provided a recreational area(s) having a minimum area of two hundred (200) square feet for each recreational vehicle space. Such spaces shall be consolidated into usable areas within minimum dimensions of not less than one hundred (100) feet. Open space, pool areas, game courts, etc., shall be considered recreation area.

14. Management.

(a) A caretaker responsible for the maintenance of the park shall reside on the premises of the park at all times when the park is occupied.

(b) Management Storage.

All storage of supplies, maintenance, materials and equipment shall be provided within a storage area. Such storage area shall be located outside any required yard and completely screened from adjoining properties with a decorative masonry wall and landscape materials ten (10) feet in height.

(c) Length of Occupancy.

The intent of the recreational vehicle park is to allow standards for the transient occupancy of recreational vehicles as defined in this Zoning Code. It is not the intent of the recreational vehicle park to circumvent standards for a residential mobilehome space. The period of time that a recreational vehicle shall occupy a recreational vehicle park as defined by this Zoning Code, shall not exceed one

hundred eighty (180) days.

15. Sanitary Facilities:

(a) One (1) toilet, lavatory and shower for each sex for every twenty-five (25) recreational vehicle spaces or fraction thereof shall be provided within an enclosed building.

(b) Toilets shall be of a water flushing type.

(c) Hot and cold running water shall be provided for lavatories and showers.

(d) Toilet, lavatory and shower facilities shall be located not more than three hundred (300) feet from any recreational vehicle space.

(e) Laundry Facilities.

One (1) washing machine and dryer shall be provided for every fifty (50) recreational vehicle spaces or fraction thereof.

(f) Trailer Sanitation Station.

A sanitation station shall be provided to receive the discharge from sewage holding tanks of self-contained recreational vehicles.

(i) The sanitation station shall be constructed in accordance with specifications set forth in Chapter 5 (Mobilehome Parks, Special Occupancy Trailer Parks and Campgrounds), Title 25 (Housing and Planning & Building), of the California Administrative Code.

(ii) The sanitation station shall be located within the park in such a manner so as not to be obnoxious to the tenants of the park or and shall be set back one hundred (100) feet from adjoining residential development.

(iii) These requirements may be modified by the planning commission should each recreational vehicle space be provided with a sewer connection

16. Recreational Vehicle Storage Yard.

Recreational vehicle storage yards may be provided as an accessory use to a recreational vehicle park, they shall conform to the following standards:

(a) No storage yard shall be located in a required setback area.

(b) The area shall be graded and the surface paved with asphalt concrete with a minimum thickness of three (3) inches or other material approved by the planning commission.

(c) The storage yard shall be enclosed by a six (6) foot high solid masonry wall or a six (6) foot high chain link fence and landscaped to shield the interior of the area and the chain link fence from view on all sides. The wall or fence shall be broken only by a solid gate.

(d) Additional landscaping may be required within the storage yard.

(e) No sewer connection other than a standard trailer sanitation station shall be permitted within the storage yard.

(f) Electrical connections may be provided for maintaining the air conditioners in the recreational vehicles.

(g) RVs in the storage yard shall not be used for living purposes. (Ord. 1799 § 2, 2011)

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ARTICLE XXIII. - TRAVEL TRAILER PARKS

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Sec. 90-761. - Purpose of article; application for conditional use permit.

- (a) The purpose of this article is to provide regulations for the establishment, maintenance and operation of travel trailer parks in the city.
- (b) Applications submitted to the planning commission for consideration of a conditional use permit to allow a travel trailer park shall include seven copies each of the following plans, including an 8½-inch by 11-inch transparency of the site:
 - (1) A site plan depicting all lots, with at least ten percent of all lots occupied with typical recreational vehicles and paving, permanent buildings and structures, trash storage areas, recreational facilities, internal streets, accessways to the park, parking areas, sidewalks, existing vegetation, landscaped area and signs.
 - (2) An elevation and art rendering showing each open accessway to the park, including a

view of at least 50 feet in length on each side of the main entrance. All trees and other required landscaping, permanent buildings and structures, signs, typical recreational vehicles, screening walls or earth berms, and any other objects visible from the intersection of each open accessway and the public street shall be shown.

- (3) Plans and elevations depicting size, materials, lettering and color of all identification signs.
- (4) An elevation showing at least 75 lineal feet of each required screening wall or berm at the rear of each front setback area, depicting materials, colors, texture, landscaping and any permitted openings in the screening wall or berm.

(Ord. No. 621; Ord. No. 634; Code 1984, § 22801)

Sec. 90-762. - Applicability of state law.

The construction and operation of all travel trailer parks in the state is governed by the state Health and Safety Code and the California Administrative Code as may be amended from time to time. These state requirements shall apply, except where ordinances and requirements of the city are more restrictive. The city shall enforce all state travel trailer park requirements in the city.

(Code 1984, § 22802)

Sec. 90-763. - 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:

Berm means an artificial bank or hill of earth used for screening purposes and planted with ground cover, trees or shrubs.

Recreational vehicle means a camp car, motor home, travel trailer or tent trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, and which is identified as a recreational vehicle by the manufacturer.

Travel trailer lot means any portion of a travel trailer park designated or used for the occupancy of one recreational vehicle.

Travel trailer park means any area or tract of land where one or more lots are rented or leased or held out for rent or lease to owners or users of recreational vehicles used for travel or recreational purposes not intended for permanent residence.

(Code 1984, § 22803)

Cross reference— Definitions and rules of construction generally, § 1-2; definitions pertaining to zoning, § 90-17.

Sec. 90-764. - Permitted locations.

Travel trailer parks may be permitted, subject to a conditional use permit, in all zones except R-1, M-1 and M-2.

(Code 1984, § 22804)

Sec. 90-765. - Site development standards generally.

In order to ensure adequate levels of light, air and density of development, to maintain and enhance the locally recognized values of community appearance, and to promote the safe and

efficient circulation of pedestrian and vehicular traffic, the site development standards in this article shall apply to all travel trailer parks.

(Code 1984, § 22805)

Sec. 90-766. - Site area.

The minimum site area for a travel trailer park, measured to the centerline of any adjacent public street, shall be ten acres.

(Code 1984, § 22806)

Sec. 90-767. - Density.

There shall be no maximum permitted density for a travel trailer park, except as may be determined by the requirements of minimum lot size, recreation areas, parking, internal streets, etc., and the desired mix of lot sizes planned to accommodate various types of recreational vehicles.

(Code 1984, § 22807)

Sec. 90-768. - Lot size.

Travel trailer lots in a travel trailer park shall have a minimum area of 1,250 square feet and a minimum frontage of 25 feet. One space a minimum of 3,600 square feet in size may be designated as a permanent mobile home site for the residence of the park manager. Ten percent of the travel trailer park may be designated for motor homes and campers with a minimum of 900 square feet.

(Code 1984, § 22808)

Sec. 90-769. - Lot coverage.

No more than 60 percent of any travel trailer lot in a travel trailer park shall be paved, and all unpaved areas shall be landscaped with live plant materials and permanently maintained by the owner of the travel trailer park.

(Code 1984, § 22809)

Sec. 90-770. - Lot occupancy.

Travel trailer parks shall accommodate recreational vehicles and accompanying boat trailers, dune buggies, etc., only. Occupancy of travel trailer lots is limited to one recreational vehicle or camping party.

(Ord. No. 850; Code 1984, § 22810)

Sec. 90-771. - Building height.

- (a) The maximum building height for all structures in a travel trailer park, other than recreation buildings, shall not exceed 15 feet and shall not exceed one story.
- (b) The maximum building height for recreation buildings shall not exceed 35 feet.

(Code 1984, § 22811)

Sec. 90-772. - Setbacks at park property lines.

- (a) Setbacks for a travel trailer park shall be measured perpendicular to the travel trailer park property line. Property lines include all interior property lines, as well as all ultimate street or highway right-of-way lines as shown on the master street plan.
- (b) Setbacks shall be measured to the recreational vehicle tongue, or any other such appendage or structure, from the park property line.
- (c) The minimum setback from a travel trailer park property line shall be as follows:
 - (1) The minimum setback from a property line abutting an arterial highway shall be based upon a five-foot setback from the required screening wall or earth berm as outlined in [section 90-773](#)
 - (2) The minimum setback from an interior property line which abuts a developed, approved for development, zoned or general plan designated single-family or low density residential use shall be 34 feet, which shall include, beginning from the interior property line wall, a minimum six-foot-wide landscaped planter area, a minimum 25-foot-wide interior street, provided no parking is allowed, and a minimum five-foot front, rear or side yard setback from the interior street.
 - (3) The minimum setback from an interior boundary line which abuts a developed, approved for development, zoned or general plan designated use other than single-family shall be five feet.

(Code 1984, § 22812)

Sec. 90-773. - Screening.

In order to provide a buffer between travel trailer parks and their abutting uses, the standards set forth in this section shall apply:

- (1) *Property lines abutting public streets.*
 - a. A solid wall, fence or earth berm or combination thereof having a minimum height of six feet shall be installed and maintained along the entire front setback area except for the areas required for open vehicular accessways to the park. The centerline of the wall or berm shall be located no closer than 20 feet to the ultimate right-of-way of any arterial highway as designed on the master street plan, and no closer than ten feet to the ultimate right-of-way of any local public street, except as provided in subsection (1)c of this section. The wall or berm height shall be measured from the highest finished grade level of land immediately adjacent to such wall or berm. A wall abutting public streets shall consist of only those materials, surfaces and colors that can be used to create a decorative and aesthetically pleasing buffer for park residents, adjacent uses and passersby. All earth berms shall be fully landscaped.
 - b. Screening walls and earth berms along all street and property lines shall be reduced to a height of not less than three or more than 3½ feet within ten feet of any open vehicular accessway to the park.
 - c. Where a front setback wall or berm exceeds 100 feet in length, the following variations may be approved. Portions of the wall or berm may encroach to within 15 feet from the ultimate right-of-way of any arterial highway and to within seven feet from the ultimate right-of-way of any local street, provided that the average setback of the entire wall or berm is a minimum of 17 feet from arterial highways and eight feet from local streets, and provided that no continuous wall or berm length having the same setback distance exceeds 100 feet, and provided that all adjacent wall or berm sections with varying setbacks shall be connected so that no openings exist in the wall or berm except as outlined in this subsection.

- d. The setback between the screening wall or berm and the right-of-way line shall be landscaped in accordance with the requirements set forth in [section 90-775](#)
- (2) *Interior property lines.* A six-foot-high solid wall shall be provided as a buffer along all interior property lines of travel trailer parks. The wall height shall be measured from the highest finished grade level of land immediately adjacent to the wall.

(Code 1984, § 22813)

Sec. 90-774. - Setbacks at lot lines.

- (a) Setbacks in a travel trailer park shall be measured from the recreational vehicle tongue, or any other such appendage, to the travel trailer lot line.
- (b) Placement of recreational vehicles on the lots to provide setbacks of varying depths is encouraged. The minimum front, rear and side yard setbacks shall be five feet.
- (c) Where recreational vehicles are located near any permitted building within the park, other than another recreational vehicle, the minimum distance between the recreational vehicle and the building shall be ten feet.
- (d) The minimum distance between recreational vehicles shall be ten feet, with the exception of the common utilities area, for which the distance shall be six feet.

(Code 1984, § 22814)

Sec. 90-775. - Landscaping.

Live landscaping, consisting of trees, shrubs, vines or ground covers, or any combination thereof, shall be installed and maintained in a travel trailer park subject to the following standards:

- (1) Landscaping shall be required for the entire setback area between all required screening walls and property lines abutting public streets, except for the area required for accessways to the park. All trees shall be a minimum of eight feet in height at the time of planting, and shall be planted at a maximum of 30-foot intervals within five feet of the required screening wall or berm, between the wall or berm and the public street, so as to create an effective and decorative screen and buffer between the street and residents of the park. Variations in the tree planting requirements in setback areas may be permitted if effective use of existing trees and vegetation will provide an adequate landscaped buffer between the park and adjoining rights-of-way.
- (2) Landscaping along all streets and boundaries shall be limited to a height of not more than 3½ feet within 20 feet of any open vehicular accessway to the park.
- (3) Landscaping shall be required on all open areas within the park. Trees, which shall be a minimum of eight feet in height at the time of planting, shall be provided on the travel trailer lots at the rate of one tree for each lot.
- (4) Trees a minimum of eight feet in height at the time of planting shall be planted within the park at a maximum of 30-foot intervals within five feet of all periphery walls that abut any residential zone or any property upon which a residential zone has been approved. Every effort should be made by the travel trailer park developer to retain all existing trees in required landscaped areas within the park and within the required landscaped setbacks adjacent to public rights-of-way.
- (5) A permanent underground irrigation system shall be provided for all required landscaped areas.
- (6) Required landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and regular watering of all plantings, including

all offsite landscaping.

(Ord. No. 621; Ord. No. 634; Code 1984, § 22815)

Sec. 90-776. - Internal streets.

- (a) No internal street in a travel trailer park shall be less than a minimum of 25 feet in width, provided the corner radius at internal street intersections shall be designed in accordance with a standard detail on file with the public works department.
- (b) No internal street shall be less than 33 feet in width if parallel parking is permitted on one side of a street.
- (c) No internal street shall be less than 40 feet in width if parallel parking is permitted on both sides of a street.
- (d) Each travel trailer lot shall have direct vehicular access to an internal street.
- (e) All internal streets shall be paved and shall be of crown type design with minimum two-foot-wide concrete gutters, or an inverted street section with a four-foot concrete center gutter.
- (f) An internal street divided into separate traffic lanes by a four-foot landscaped median divider shall not be less than 20 feet in clear width on each side of the divider.
- (g) All internal streets and sidewalks shall be provided with light standards at intervals which will ensure adequate lighting in all areas. Minimum illumination at all street and sidewalk levels shall be 0.2 footcandle.

(Code 1984, § 22816)

Sec. 90-777. - Parking.

- (a) Each travel trailer lot shall provide a minimum of one paved automobile parking space per lot.
- (b) Guest and employee parking shall be provided in offstreet parking bays in the vicinity of recreation and laundry facilities at the rate of one parking space for each ten travel trailer lots. The parking spaces shall conform to the requirements of the city's parking lot standard.

(Code 1984, § 22817)

Sec. 90-778. - Vehicular access.

- (a) There shall be provided at least one open vehicular accessway to each travel trailer park. The accessway shall have a minimum right-of-way width of 50 feet and a minimum curb radius of 25 feet. There shall be incorporated in the right-of-way a landscaped median, the width of which shall be ten feet, and the median shall be subject to the requirements of [section 90-775](#). If more than one open vehicular accessway to a park is provided, it shall meet all requirements of this section. No barriers of any kind shall block traffic from any open vehicular accessway.
- (b) There shall be provided at least one secondary or emergency vehicular accessway to each travel trailer park if only one open accessway is provided. The secondary or emergency accessway shall be approved by the police and fire departments.

(Code 1984, § 22818)

Sec. 90-779. - Pedestrian access.

Pedestrian access into a travel trailer park shall be provided by connecting the interior pedestrian pathway network with sidewalks located in the rights-of-way of perimeter streets.

(Code 1984, § 22819)

Sec. 90-780. - Recreation areas.

A minimum of 90 square feet per space of recreation area, exclusive of any travel trailer space, shall be provided within a travel trailer park for outdoor games and activities such as shuffleboard and horseshoes or facilities such as putting greens and swimming pools. The community recreation and service areas, together with the activities planned thereon, shall be shown on the plans and specifications in such detail as shall be required from time to time by the planning commission. The location and size of all facilities indicated in this subsection shall be subject to the approval of the planning commission and the city council. The clubhouse shall have a floor area of not less than 15 square feet for each lot, and shall contain adequate kitchen, restroom, shower and storage facilities therein.

(Code 1984, § 22820)

Sec. 90-781. - Refuse areas.

Central trash collection and storage areas shall be provided and screened in each travel trailer park. Such areas shall be adequately distributed throughout the park, and shall be approved by the public works department.

(Code 1984, § 22821)

Sec. 90-782. - Utilities.

All utility distribution facilities, including television antenna lines, serving individual travel trailer lots shall be placed underground. Individual rooftop or outdoor television antennas shall not be permitted in a travel trailer park, except that one single television antenna for community service may be situated within the park.

(Code 1984, § 22822)

Sec. 90-783. - Dogs and other animals.

An area in a travel trailer park shall be provided and used for a dog run. Dogs and other household pets shall not be permitted to run at large in any travel trailer park. Bird aviaries, poultry and other barnyard or wild animals shall not be permitted in any travel trailer park.

(Code 1984, § 22823)

Sec. 90-784. - Fire protection.

All travel trailer park fire hydrants and accessways shall conform to the city standards and shall be approved by the fire department.

(Code 1984, § 22824)

Sec. 90-785. - Service buildings and facilities.

Service buildings and facilities shall be provided in each travel trailer park, and shall be strategically located in relation to all lots so as to minimize walking distance.

(Code 1984, § 22825)

Sec. 90-786. - Plumbing.

All plumbing provided in a travel trailer park shall be designed so that the travel trailer park will accommodate all recreational vehicles and shall not be restricted to California-approved vehicles only.

(Code 1984, § 22826)

Sec. 90-787. - Signs.

All signs for travel trailer parks shall conform to the requirements of article XXXVI of this chapter.

(Ord. No. 621; Ord. No. 634; Code 1984, § 22827)

Secs. 90-788—90-810. - Reserved.

17.430.250 – Outdoor Storage

This Section provides standards for outdoor storage or work areas, where allowed by Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).

- A. **Enclosure and screening required.** Outdoor storage areas shall be entirely enclosed by a solid wall or fence as approved by the review authority with a minimum height of six feet and a maximum height of eight feet.
- B. **Maximum height of stored materials.** The materials within the storage area shall not be higher than the wall or fence, except where authorized by the permit for the storage area.
- C. **Landscaped setback.** In any case where an outdoor storage area abuts a street right-of-way, the required screening wall or fence shall be set back from the right-of-way as required by the applicable zone, and the setback area shall be landscaped to the approval of the Director, and in compliance with Chapter 17.325 (Landscaping Standards).
- D. **Fencing for outdoor storage of goods and vehicles, keeping of livestock.** A maximum of one foot of vertical barbed wire may be installed on top of fences and walls located in RE, IL, and IH zones with the approval of the Director, provided that the use served includes only the outdoor storage of goods or vehicles or the keeping of livestock.

17.430.260 – Recreational Vehicle Parks

This Section provides standards for the development of recreational vehicle parks and recreational vehicle park subdivisions.

- A. **Dimensional standards for recreational vehicle park subdivisions.** Recreational park subdivisions shall comply with the requirements in Table 4-5:

**Table 4-5
Development Standards for Recreational Vehicle Park Subdivisions**

Development Feature	Dimensional Standard
Site Area	10 acre minimum
Individual Lot Size	1,200 sq ft minimum
Density	One RV unit per each RV lot (1)
Height	
RV Lot	15 ft maximum
RV Park Recreational Area	35 ft maximum
Open Space	
Private	100 sq ft minimum per RV lot (3)
Common	The greater of 200 sq ft per RV lot or 30,000 sq ft
Distance between Structures	10 ft minimum distance between RV structures 6 ft minimum distance between RV and related accessory structures
Setbacks – RV Units	
Front	3 ft
Interior Side	3 ft
Street Side	
Adjacent to exterior street	20 ft minimum from park exterior boundaries
Adjacent to interior street	10 ft minimum from park interior boundaries
Adjacent to single-family zone	10 ft minimum
Rear	3 ft minimum
Setbacks – Accessory Structures (2)	3 ft minimum
Widths of Interior Private Streets	
No parking allowed	25 ft minimum width
Parking on one side allowed	30 ft minimum width
Parking on both sides allowed	35 ft minimum width

Notes:

- (1) The maximum density allowed within an RV park or RV park subdivision shall be indicated by the General Plan land use designation of the property and confirmed by the approved Conditional Use Permit. A density bonus may be granted in compliance with Chapter 17.310 (Affordable Housing Density Bonuses).
- (2) Accessory structures may include cabanas, ramadas, storage cabinets, carports, fences, stairways, ramps, etc.
- (3) Exclusive of required setback areas.

- B. Allowable recreational vehicles.** Only recreational vehicles that conform to the definition in Article 8 (Definitions) shall be allowed on recreational vehicle lots.
- C. Lighting.** Street lighting shall be provided to reasonably light all streets within the development including the installation of marbelite, aluminum, or equivalent poles. All outdoor lighting shall comply with Section 17.300.080 (Outdoor Light and Glare).
- D. Parking.** Parking shall be provided in compliance with Chapter 17.330 (Off-Street Parking and Loading).
- E. Storage.** Outdoor storage shall not be allowed. Storage sheds shall be allowed upon individual lots and shall conform to the setbacks required in this Section. Additional storage facilities may be allowed as part of the project approval process. No storage of construction or flammable materials shall be allowed except as approved by the Fire Department.
- F. Streets.** Streets shall be improved in compliance with the City's Standard Specifications.
- G. Trash/recycling facilities.** Trash enclosures shall be provided in compliance with Chapter 17.305.130 (Solid Waste Storage and Recycling Facilities).
- H. Utilities.** Utility services shall be installed underground with the exception of a utility riser at each lot. All recreational vehicles shall be connected to an approved public sewer system.
- I. Conflict with other applicable laws.** In the event of a perceived conflict between regulations in this Section and other applicable laws, the more restrictive requirements shall control.

17.430.270 – Recycling Facilities

This Section establishes standards and procedures for the siting and operation of various types and sizes of commercial recycling facilities.

- A. Reverse vending machines.** Reverse vending machine(s) shall comply with the following standards:
 - 1. Machines shall be installed as accessory uses and shall not require additional parking;
 - 2. If located inside of a structure, machines shall be within 30 feet of the entrance and shall not obstruct pedestrian circulation;

RESOLUTION NO. 2013-02

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TAFT
RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ZONING
ORDINANCE AMENDMENT NO. 2013-15 AMENDING CHAPTERS 5 AND 12
OF TITLE 6 OF THE CITY OF TAFT ZONING ORDINANCE RELATING TO
RECREATIONAL VEHICLE PARKS**

WHEREAS, the City of Taft is currently deficient in short term residential facilities such as hotels, motels, and recreational vehicle parks, and

WHEREAS, the City of Taft and surrounding areas have sporting events, civic events, college graduations, and other special events providing demand for short term residential facilities, and

WHEREAS, many recreational vehicles traveling from central and eastern Kern County drive through the City of Taft on Highways 33 and 119 to destinations in Ventura, Santa Barbara, and San Luis Obispo counties; and

WHEREAS, the Taft Zoning Ordinance currently limits the development of Recreational Vehicle Parks within the Agricultural (A) Zone District, and

WHEREAS, the Planning Commission reviewed and commented on a draft zoning ordinance amendment at its regular meeting on July 17, 2013; and

WHEREAS, the Planning Commission studied and considered the written findings for approval of Zoning Ordinance Amendment No. 2013-15, City Staff's written and oral reports, and all public testimony before making a decision on this request, and

WHEREAS, the laws and regulations relating to the preparation and adoption of environmental documents, as set forth in the State Guidelines Implementing the California Environmental Quality Act have been adhered to; and

WHEREAS, the Planning Commission has fully considered this request and the potential environmental effects.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY FIND, DETERMINE, RESOLVE, AND RECOMMEND AS FOLLOWS:

1. The proposed amendment is consistent with the goals, objectives, policies, and programs of the General Plan and is necessary and desirable to implement the provision of the General Plan; and
2. The proposed amendment will not adversely affect the public health, safety, and welfare or result in an illogical land use pattern; and

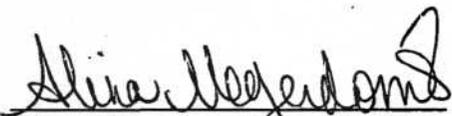
3. The proposed amendment is consistent with the purpose and intent of the remainder of this Zoning Ordinance not under consideration; and
4. The potential environmental impacts of the proposed amendment are insignificant, have been mitigated, or there are overriding considerations that outweigh the potential impacts; and
5. The proposed amendment is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines because the Code Amendment will have no significant effect on the environment.

ATTACHMENTS:

Proposed Chapter 5, Commercial Zone Districts
Proposed Chapter 12, Table of Contents
Section 6.12.190, Recreational Vehicle Parks

PASSED AND ADOPTED on this 7th day of August, 2013.

ATTEST



Alina Megerdom, Recording Secretary

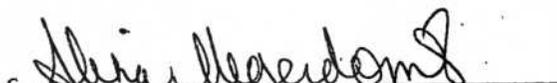


Ron Orrin, Chairman

CERTIFICATION

I, Alina Megerdom, hereby certify that the foregoing resolution was passed and adopted by the Planning Commission of the City of Taft at a regularly scheduled meeting held on the 7th day of August, 2013, by the following vote

AYES:	Hill, Leikam, Orrin, Sutherland, Thompson
NOES:	None
ABSENT:	None
ABSTENTIONS:	None



Alina Megerdom, Recording Secretary

**TAFT CITY COUNCIL/SUCCESSOR AGENCY
MINUTES
AUGUST 20, 2013**

REGULAR MEETING

The August 20, 2013, regular joint meeting of the Taft City Council/Taft Successor Agency, held in the Council Chamber at Taft City Hall, 209 East Kern Street, Taft, CA 93268, was opened by Mayor Linder at [6:02:01 PM](#). The Pledge of Allegiance was led by Council Member Miller, followed by invocation given by Jack Turner, Peace Lutheran Church.

PRESENT: Mayor Paul Linder; Mayor Pro Tem Orchel Krier.
Council Members Dave Noerr, Randy Miller and Ron Waldrop.
City Manager Craig Jones; City Attorney Tom Ebersole;
City Clerk Louise Hudgens.

1. STUDY SESSION – PRESENTATION BY TIFFANY RAU OF HYDROGEN ENERGY OF CALIFORNIA (HECA) ON THE PROPOSED OPERATIONS AND FACILITY IN THE TUPMAN AREA - HYDROGEN ENERGY CALIFORNIA: ENERGY SOLUTIONS FOR CALIFORNIA

Ms. Rau provided handouts and gave a power point presentation outlining the proposed HECA plant to be built near Tupman. She explained that the process would take fossil fuels, (i.e. coal from New Mexico and petroleum coke) and convert to hydrogen to generate electric energy. She also explained that all the by-products of the process would be used and not released into the atmosphere and/or landfills. The plant will generate approximately 2,400 construction jobs and 630 permanent jobs. The location was chosen because of its close proximity to the oil fields and near a non-potable water source. About 2/3 of the permitting process is complete and construction will begin as soon as the remaining permits are finalized. Ms. Rau requested that Council consider passing a resolution in support of HECA.

2. PUBLIC HEARING – ADOPT A RESOLUTION APPROVING A STREET NAME CHANGE FROM EMMONS PARK DRIVE TO COUGAR COURT [6:26:18 PM](#)

The PH was opened to receive testimony from proponents and opponents.

Dena Maloney, Superintendent/President of Taft College, introduced several members of the College Board, Student Body board, staff and students. She explained that with the re-design of the campus it had seemed natural to rename Emmons Park Drive and with input from the entire campus student body and staff, Cougar Court was the finalist. No other testimony was heard and the PH was closed.

Moved by Noerr, seconded by Waldrop, to adopt resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT APPROVING A STREET NAME CHANGE FROM EMMONS PARK DRIVE TO COUGAR COURT. (*Resolution No. 3553-13*)

Krier wanted to know if the name Emmons Park Way could be carried on and it was suggested that the signs be preserved and perhaps used somewhere else. Mayor Linder gave a history of E.C. Emmons, former Mayor and Council Member.

AYES: Krier, Miller, Noerr, Waldrop, Linder

3. ECONOMIC DEVELOPMENT STRATEGIC PLAN [6:37:27 PM](#)

Mike Dozier, Executive Director, Office of Community & Economic Development, Fresno State, gave an overview of the committee members and the various presentations made during the bi-weekly meetings over a 6 month period. The committee members were chosen from a wide range of backgrounds.

Kathy Orrin, Executive Director Taft Chamber of Commerce, provided copies of the final report and thanked a number of people. Ms. Orrin gave a synopsis of the various topics covered in the report and findings of the committee.

Michael Long, President of the Greater Taft Economic Development Authority, explained how the GTEDA could be involved with implementing the plan.

Moved by Noerr, seconded by Miller, to approve the ECONOMIC DEVELOPMENT STRATEGY, AUGUST 2013, TAFT, CALIFORNIA PLAN, as submitted, and incorporate its findings into future plans for the City of Taft.

AYES: Krier, Miller, Noerr, Waldrop, Linder

4. CITIZEN REQUESTS/PUBLIC COMMENTS [7:28:05 PM](#)

Harley Elam, 503 Philippine St., Taft, expressed concerns about proposed development west of Hillard St. and indicated that he would like to see the land left undisturbed in its natural state.

5. TREASURER REPORT [7:33:28 PM](#)

City Treasurer Ben Magnum presented Council with a Finance report updated for the month ended May 31, 2013.

6. COUNCIL STATEMENTS (NON ACTION) [7:34:40 PM](#)

Council Member Krier – voiced dismay that someone had stolen the flag that was recently raised at the Veterans Hall and that the Veterans fought for the freedoms that everyone enjoys. It saddened him that someone would take something that honors the Veterans.

Council Member Noerr – stated that he would purchase a flag for anyone that wants one rather than have them steal it.

Council Member Miller – announced that he would not be in attendance for the September 17 meeting.

Council Member Waldrop – expressed heart break that someone would steal a flag. He indicated that work was being done at the Veterans Hall to make it harder to steal next time.

Mayor Linder – reported that Kiwanis will be placing flags around Taft and they will be flying on Labor Day, September 2.

7. PLANNING COMMISSION REPORT [7:40:33 PM](#)

Robert Thompson, Planning Commission Vice Chairman, gave a report from the August 7 Planning Commission Meeting: Shawn Sutherland seated as Commissioner, passed resolution for Zoning Ordinance amendment regarding a recreational vehicle park in the downtown area and approved Site Plan 2013-17 for Black Gold Court. Commissioners also heard a report on the Kern COG Regional Advisory Planning Committee and Kern LAFCO Municipal Services Review.

8. DEPARTMENT REPORTS [7:41:54 PM](#)

Ed Whiting, Chief of Police, reported he had attended a West Side Recreation and Park District Board Meeting, and that the City and the REC were working toward security needs throughout the District. Common interests will be discussed at a Public Safety Committee meeting to be scheduled soon. Regarding the skate park, Police are giving the kids until Friday, August 23 before enforcing the new Skate Park Ordinance; however, Police have noticed that most of the kids are parking their bikes and not riding them in the park. Due to AB109, Police Department plans on increasing the citizen volunteer program. When ready with the plan they will advertise and train.

9. CITY MANAGER STATEMENTS [7:45:55 PM](#)

Craig Jones, City Manager, reported that there had been a number of minor thefts around town (minor meaning no weapon involved) and a few local businesses broken into. If anyone sees anyone suspicious they should call the police.

10. CITY ATTORNEY STATEMENTS - None.

11. FUTURE AGENDA REQUESTS

Council concurred that a resolution supporting the HECA plant should be on the September 3rd agenda.

CONSENT CALENDAR ITEMS 12 - 21

Moved by Waldrop, seconded by Noerr , to approve consent calendar items 12-21.

AYES: Krier, Miller, Noerr, Waldrop, Linder

12. MINUTES

August 6, 2013 Regular

Recommendation – Approve as submitted.

13. PAYMENT OF BILLS

Warrant # 080213	Check No. 75846	\$ 68.01
Warrant # 081213	Check No. 75847 - 75851	\$ 1,446.00
Warrant # 081613	Check No. 75852 - 75922	\$ 445,544.90
Warrant # 081613A	Check No. 75923 - 75926	\$ 10,259.59

Recommendation – Approve payment of bills.

14. 2013 WEST KERN PETROLEUM SUMMIT SPONSORSHIP

Recommendation – Motion to approve \$2,500 sponsorship for the West Kern Petroleum Summit on October 18, 2013.

15. RESOLUTION OF THE CITY COUNCIL AUTHORIZING BANK CARD SERVICES

Recommendation – Motion to adopt resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT AUTHORIZING BANK CARD SERVICES (*Resolution No. 3554-13*)

16. RATIFY EMERGENCY PURCHASES OF TWO (2) PRINTERS: (ONE FOR ACCOUNTS PAYABLE/PAYROLL AND ONE COLOR PRINTER FOR ALL USERS – LOCATION CITY HALL)

Recommendation –Motion to ratify the purchase of two (2) printers and to appropriate funds from capital reserves in the amount of \$4,899.30.

17. TRANSPORTATION DEVELOPMENT ACT FUNDS ANNUAL AUDIT – 2011-2012

Recommendation – Motion to receive and file the City of Taft Transportation Development Act Funds Annual Audit for the fiscal year 2011-2012.

18. TRIENNIAL PERFORMANCE AUDIT OF CITY OF TAFT TRANSIT SERVICES

Recommendation – Motion to receive and file the Triennial Performance Audit of City of Taft Transit Services.

19. REQUEST FOR QUALIFICATIONS (RFQ) FOR MUNICIPAL ENGINEERING SERVICES FOR FEDERAL AND STATE FUNDED PROJECTS

Recommendation – Direct staff to advertise an RFQ for Municipal Engineering for Federal and State aid projects.

20. CHANGE ORDER TO WALLACE GROUP CONTRACT IN ORDER TO MODIFY THE SCOPE OF WORK, AND REBID THE PROJECT TO COMPLETE THE CHLORINATION/DECHLORINATION SYSTEM FOR THE FEDERAL WASTE WATER TREATMENT PLANT

Recommendation – Motion to approve Contract Amendment #1 for Wallace Group to continue working on the Federal Waste Water Treatment Plant Chlorination/Dechlorination project.

21. RATIFY EXPENDITURES FOR EMERGENCY VALVE REPAIRS AT FEDERAL WASTE WATER TREATMENT PLANT

Recommendation – Motion to ratify expenditures for emergency repair at the Federal Waste Water Treatment Plant.

- Prior to recessing to Closed Session, the annual meetings for Taft Public Financing Authority and Taft Public Improvement Corporation were held. The regular meeting was reopened and recessed to closed session at [7:56:15 PM](#).

CLOSED SESSION

- A. CONFERENCE WITH PROPERTY NEGOTIATOR, CRAIG JONES, CITY MANGER,
Government Code 54956.8 – 400 Hillard St..
- No reportable action.
- B. CONFERENCE WITH LABOR NEGOTIATOR, CRAIG JONES, CITY MANGER,
Government Code 54957.6 – All units.
- No reportable action.

ADJOURNMENT

The meeting adjourned at [8:54: PM](#) with no further business to conduct.

Louise Hudgens, CMC
City Clerk

Paul Linder, Mayor



City of Taft Agenda Report

DATE: SEPTEMBER 3, 2013

TO: MAYOR LINDER AND COUNCIL MEMBERS

AGENDA MATTER:

RESOLUTION ENDORSING THE HYDROGEN ENERGY CALIFORNIA (HECA) PROJECT IN WESTERN KERN COUNTY

SUMMARY STATEMENT:

At the August 20, 2013, Council meeting, Hydrogen Energy California (HECA) made a presentation and requested support from the Taft City Council for their proposed project near Tupman, CA.

Mayor Linder, with concurrence from the full Council directed Staff to bring to Council a resolution endorsing the Hydrogen Energy California (HECA) Project.

RECOMMENDED ACTION:

Motion to approve a resolution entitled **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT ENDORSING THE HYDROGEN ENERGY CALIFORNIA (HECA) PROJECT IN WESTERN KERN COUNTY**

SOURCE OF FUNDING: N/A

ATTACHMENT (Y/N): Resolution

PREPARED BY: Office of the City Manager

REVIEWED BY:

CITY CLERK	FINANCE DIRECTOR	CITY MANAGER

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT ENDORSING THE HYDROGEN ENERGY CALIFORNIA PROJECT IN WESTERN KERN COUNTY

WHEREAS, officials of the City of Taft consider the Hydrogen Energy California project a flagship, leading alternative energy project in western Kern County that will make a difference; and

WHEREAS, officials of the City of Taft consider the Hydrogen Energy California project to provide enormous economic stimulus through new construction, permanent and energy related vendor servicing jobs in Kern County and throughout the City of Taft; and

WHEREAS, officials of the City of Taft believe that the Enhanced Oil Recovery process will further stimulate the economy in the City of Taft and the rest of Kern County by recovering additional oil from nearby oil fields; and

WHEREAS, officials of the City of Taft believe that Kern County's vast agricultural industry will benefit from Hydrogen Energy California's production of over 1 million tons of low-carbon fertilizer products per year, making it easier to purchase in Kern County and reduce transportation impacts and air pollution; and

WHEREAS, officials of the City of Taft feel that it is in the best interest of its citizens to endorse said project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Taft hereby endorses Hydrogen Energy California Project.

PASSED, APPROVED AND ADOPTED on this ____ day of _____, 2013.

Paul Linder, Mayor

ATTEST:

Debra L. Elliott
Deputy City Clerk

STATE OF CALIFORNIA }
COUNTY OF KERN } SS
CITY OF TAFT }

I, Debra L. Elliott, Deputy City Clerk of the City of Taft, do hereby certify that the foregoing Resolution was duly and regularly adopted by the City Council of the City of Taft at a regular meeting thereof held on the ____ day of _____ 2013, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

Debra L. Elliott
Deputy City Clerk



City of Taft Agenda Report

DATE: September 3, 2013
TO: Honorable Mayor and Council Members
FROM: Public Works Department

AGENDA ITEM:

Approve purchase of Spectrophotometer for Federal Waste Water Treatment Plant

SUMMARY STATEMENT:

In order to stay in compliance with State discharge requirements it is necessary for plant staff to be able to analyze discharged effluent for extremely low levels of chlorine. Staff was using a local laboratory to test samples and realized that the test findings were inconsistent. Upon further investigation it was determined that the test equipment used at the lab was incapable of accurately registering chlorine levels at very low detection levels and the data being returned was inaccurate. For staff to be able to stay in compliance and report data accurately it is necessary to purchase an instrument that can properly detect the low required levels of chlorine. Once the Chlorination/Dechlorination project is complete, this same meter will be needed to meet State calibration requirements for the new permanent equipment. The cost of a Spectrophotometer is \$4383 and will come from the plant's Capital Reserves.

RECOMMENDATION:

Motion to approve purchase of Spectrophotometer for the Federal Waste Water Treatment Plant

IMPACT ON BUDGET (Y/N): YES (\$4,383 from Fed-WWTP Reserves)

ATTACHMENT (Y/N): YES (Report from Plant Operator)

PREPARED BY: Office of the City Manager

REVIEWED BY:

CITY CLERK	FINANCE DIRECTOR	CITY MANAGER
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Purchase Request



Ms. Christy Lowe
City of Taft, Administrative Technician

Severn Trent Services
P O. Box 413
1120 East Ash Street
Taft CA 93268
T: +1-661-765-2716
F: +1-661-765-4056
M: +1-661-201-4212
jmhampton@stes.com

Reference: Purchase of HACH 3900 Spectrophotometer for Taft Federal
Prison facility and Regulatory Discharge Compliance

Background:

The Taft Federal Prison Plant received current discharge requirements in May 2009 to provide dechlorination of the discharged effluent to Sandy Creek. The requirements stipulated Interim Dechlorination until the infrastructure could be constructed, but did not relax the standards to be maintained. The Requirement Standard for Dechlorination Discharge is 0.01 mg/L, as a 4-day average and 0.02 mg/L as a 1-hour average. Interim dechlorination was initiated on May 24, 2011.

Current Practice to meet Compliance with Dechlorination Requirement:

To meet the requirements, Midway laboratory was solicited to see if they could provide analysis to the low levels being specified in the Discharge permit, while meeting the 15-minute holding time limitation between sample collection and analysis. Midway Laboratory stated they could reach these low detection levels and provide certificates of analysis to comply with requirements and State Reporting. SWWC staff could not perform this analysis because the Chlorine analyzer that the City provided could not properly detect the low required levels, without the purchase of expensive analysis equipment, which was discussed at the time that the permit was issued. From the beginning of Interim dechlorination, effluent monitoring samples have been taken to Midway Laboratory and the analysis result certificates are being reported to the RWQCB.

A little more than a month ago, Midway Laboratory wanted to determine if samples could be analyzed within the required 15-minute holding time or if field analysis would be preferable. They met staff at Sandy Creek to do a field analysis; it was at this time that staff became aware that Midway Laboratory was using the same instrument that the City had supplied SWWC staff for chlorine monitoring. This is the same instrument that staff had determined was not appropriate for use in low level chlorine analysis required in the discharge permit. Attached is a copy of Instrument Performance page where the (95% precision is 1.00 ± 0.05 mg/L and the Estimated Detection Limit is = 0.02 mg/L). See attachment # 2

Analytical Problems with meeting Compliance Requirements:

There have been numerous problems with meeting the low level compliance requirements of the permit. Staff has been thinking that the noncompliance events were the result of not having automated control of the dechlorination system and that the variables in the makeup of wastewater treatment were the primary factors causing the exceedances. In response to exceedance events, SWWC and STES staff have changed chemical dosages, and have altered sample collection time periods to try to eliminate exceedance events. Lately the RWQCB has become threatening toward staff over the exceedance events and has threatened to levy fines for noncompliance.



Please refer to the attached Analysis Data Sheet which shows just some of the recent exceedance events. Please notice that the analysis at M2 and R2 form a pattern which has been present from the very start of the interim dechlorination, and that is that R2 has a higher elevated analysis than M2, yet M2 is the discharge pipe to Sandy Creek and R2 is 100-feet below the discharge pipe, in Sandy Creek streambed. The higher analytical levels for Chlorine at R2 could not be explained before the knowledge of the type of Chlorine analyzer being used for analysis by Midway Laboratory; the analyzer is not accurate at these low levels and the results are false values and causing reported exceedances which are potential fine events. See Attachment # 3

As you will see on Attachment # 2, the Chlorine analyzer being used by Midway Laboratory has a 95% precision level between 1.05 and 0.95 mg/L and an estimated detection level is 0.02 mg/L; all are at or above discharge violation levels; estimated detection doesn't meet analytical requirements.

Since the June 13 exceedance events, STS staff are taking repeat samples when the analysis exceeds discharge requirements to meet the 1-hour limitation for analysis over 0.02 mg/L, in an effort to keep the RWQCB from leveling fines for non-compliance.

Solution for meeting Discharge Requirements:

After Severn Trent Services took over the contract from SouthWest Water, Severn Trent Services started looking into this non-compliance issue. The STS Compliance Monitoring team took the problem to the Analytical team; with in-depth investigation, and many discussions, it was determined that for the remainder of the Interim Dechlorination, into the completion of the Dechlorination Facility, and to provide for the calibration requirements of the new online instrumentation, a Spectrophotometer would provide for every need and requirement; allow staff to accurately monitor and report Interim Sample analysis and then provide for On-Line Analyzer Calibration checks.

The next discussion was to determine which available spectrophotometer would fulfill current and future requirements at the Taft Federal Prison facility, at the lowest possible cost, provide documentable accuracy in analysis, and be staff friendly to learn and operate.

Request for Purchase:

The HACH 3900 Spectrophotometer has been the instrument selected to meet current and future requirements, at the least possible cost. Severn Trent Services is requesting that the City purchase the Capital items on the attached list, while Severn Trent Services will purchase expendable chemicals and materials. This is not unlike the current practice where the City owns all the analytical instrumentation and the contract operator purchases expendable materials. See attachment # 1

To assist the City, Severn Trent Services offers to purchase the Capital equipment at their vender discount and then bill the City for that purchase with no markup. The prices on the list already reflect Severn Trent's discounted costs from the vender.

Severn Trent Services will also provide all staff with training to operate the new analytical instrument and provide all the forms and documents to allow staff to report the analytical results to the State, for Reporting Requirements; at no additional cost to the City.

Thank you for your consideration

James M. Hampton, Severn Trent Services

California Projects		* List provided by STS Analytical Department for all equipment and supplies required							City	STS
Vendor	Catalog #	Cost/unit	Qty	Total Cost	In Stock	Purchase	Purchase	Purchase	Purchase	
Hach DR3900 Spectrophotometer	LPV440.99.00012	\$3,487.50	1	\$3,487.50	no ¹	\$3,487.50	\$3,487.50			
Flow-through cells (for ultra low range Cl ₂)	LZV899	\$207.90	1	\$207.90	y	\$207.90	\$207.90			
OrFlo™ Filter Apparatus	2595600	\$129.60	1	\$129.60	y	\$129.60	\$129.60			
Membrane filters (pk of 25)	2594025	\$24.16	2	\$48.32	y	\$48.32	\$48.32		\$48.32	
Total chlorine reagent set (ultra low range)	2563000	\$40.99	3	\$122.97	y	\$122.97	\$122.97		\$122.97	
Blanking reagent for ultra low range chlorine	2493023	\$10.16	1	\$10.16	y	\$10.16	\$10.16		\$10.16	
Ampoule breaker	2484600	\$11.40	1	\$11.40	y	\$11.40	\$11.40			
50ml Class A graduated mixing cylinders	2636341	\$78.74	2	\$157.48	y	\$157.48	\$157.48			
1L Class A volumetric flask	2636653	\$77.17	2	\$154.34	y	\$154.34	\$154.34			
Pipette bulb	1465100	\$29.20	1	\$29.20	y	\$29.20	\$29.20		\$29.20	
Deionized water (4L)	27256	\$21.86	5	\$109.30	y	\$109.30	\$109.30		\$109.30	
Tensette pipette	1970001	\$234.00	1	\$234.00	y	\$234.00	\$234.00		\$44.80	
Tensette pipete tips	2185696	\$11.20	4	\$44.80	y	\$44.80	\$44.80		\$11.42	
250ml beakers	50046H	\$5.71	2	\$11.42	y	\$11.42	\$11.42		\$9.31	
Forceps	1453700	\$9.31	1	\$9.31	y	\$9.31	\$9.31		\$62.42	
1ml Class A volumetric pipette	Fisher Sci. 13-660-5A	\$62.42	1	\$62.42	y	\$62.42	\$62.42		\$21.53	
Wash bottles	Fisher Sci. 03-409-10E	\$21.53	1	\$21.53	y	\$21.53	\$21.53		\$100.00	
Ultra Low level TRC verification standard	NSI Solutions QCI-118	\$50.00	2	\$100.00	y	\$100.00	\$100.00		\$200.00	
Low level Cl ₂ QC sample (75-250ppb)	Phenova QC-CLLL-WP	\$50.00	4	\$200.00	y	\$200.00	\$200.00		\$240.00	
Low level Cl ₂ PT sample (75-250ppb)	Phenova RR-CLLL-WP	\$60.00	4	\$240.00	y	\$240.00	\$240.00		\$4,382.22	
no ¹ ; there is a 1-2 week lead time from the day we place the order, we can pay \$174 extra shipping and have one sent second-day air from Iowa										
Alternative QC/PT samples										
Low level Cl ₂ QC sample (50-200ppb)	NSI QCI-096	\$48.00	4	\$192.00		\$192.00	\$192.00		\$192.00	
Low level Cl ₂ PT sample (50-200ppb)	NSI PEI-096	\$55.00	4	\$220.00		\$220.00	\$220.00		\$220.00	
Low level Cl ₂ PT Express sample (50-200ppb)	NSI QCI-096B	\$90.00	4	\$360.00		\$360.00	\$360.00		\$360.00	
Question: These units are made in Europe and there is up to a two-week shipping time, or HACH has one in Iowa that can be sent out 2-day for an additional \$ 174. Do you want to do this or not?										
Please advise one way or the other.										
All other items are in stock.										
									Attachment # 1	

Chlorine, Free and Total, LR, continued

Interfering Substance	Interference Levels and Treatments
Manganese, Oxidized (Mn ⁴⁺ , Mn ⁷⁺) or Chromium, Oxidized (Cr ⁶⁺)	<ol style="list-style-type: none"> 1. Adjust sample pH to 6-7. 2. Add 3 drops Potassium Iodide (30-g/L) (Cat. No. 343-32) to a 10-mL sample. 3. Mix and wait one minute. 4. Add 3 drops Sodium Arsenite (5-g/L) (Cat. No. 1047-32) and mix. 5. Analyze 10 mL of the treated sample as described in the procedure. 6. Subtract the result from this test from the original analysis to obtain the correct chlorine concentration.
Monochloramine, LR method	Causes a gradual drift to higher readings. When read within 1 minute after reagent addition, 3 mg/L monochloramine causes less than a 0.1 mg/L increase in the reading.
Ozone	Interferes at all levels.

Method Performance

Estimated Detection Limit (EDL) = 0.02 mg/L

Typical precision (95% confidence interval) = 1.00 ± 0.05 mg/L

1-30

Sandy Creek Dechlorinated Effluent Residuals

Month	Discharge Pipe Sample Point M2	Sandy Creek Sample Point R2
June-2013		
	6/3/2013	0.01 0.02
	6/5/2013	0.01 0.01
	6/10/2013	0.04 0.04
	6/11/2013	0.04 0.04
	6/11/2013	< 0.01 0.01
	6/13/2013	0.01 0.01
	6/17/2013	< 0.01 0.01
	6/18/2013	Discharge to Emergency Holding Basin
July-2013		
	-	-
	-	-
	7/24/2013	Discharge to Emergency Holding Basin
	7/25/2013	< 0.01 0.01
	7/29/2013	< 0.01 0.01
Aug-2013		
	8/1/2013	< 0.01 0.02
	8/1/2013	0.01
	8/5/2013	0.01 0.02
	8/5/2013	< 0.01
	8/7/2013	0.01 0.01
	8/12/2013	< 0.01 0.01
	8/14/2013	< 0.01 0.01
	8/19/2013	0.01 0.01

* Higher Recorded value 100-feet downstream from the discharge pipe.



City of Taft Agenda Report

DATE: September 3, 2013

TO: MAYOR LINDER AND COUNCIL MEMBERS

AGENDA MATTER:

CONTRACT EXTENSION FOR INTERIM DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES

SUMMARY STATEMENT:

The City has been contracting with MIG Hogel-Ireland to serve as the Interim Director of Planning and Development Services. Staff recommends extending the contract with MIG Hogle-Ireland to continue providing these services on an interim basis. It is requested to contract for a total not to exceed \$75,000 to ensure continuity of services.

RECOMMENDED ACTION:

Motion to approve contract extension with MIG Hogle-Ireland for Interim Director of Planning and Development Services through December 31, 2013

IMPACT ON BUDGET (Y/N): The recommended budget for this contract is a maximum not to exceed \$75,000 2013/2014 fiscal year.

ATTACHMENT (Y/N): Yes: Proposed Contract

PREPARED BY: Lonn Boyer, Director of Human Resources/Asst. City Manager

REVIEWED BY:

CITY CLERK	FINANCE DIRECTOR	CITY MANAGER
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**CONTRACT
BETWEEN THE CITY OF TAFT
AND
Moore Iacofano Goltsman, Inc
(MIG Hogle-Ireland)**

This Contract, by and between the City of Taft, hereinafter referred to as the “City” and MIG Hogle-Ireland hereinafter referred to as the “Contractor,” is for the provision of Consulting Services as Interim Director of Planning and Development Services as further defined in the “SCOPE OF SERVICE.”

The Contractor is a California corporation.

A. SCOPE OF SERVICES:

1. The Contractor shall provide all service and deliverables as required, described, and detailed herein and shall meet all service and delivery timelines as specified by this Contract.
2. The Contractor will provide consulting services as Interim Director of Planning and Development Services to perform the following:

Management and administration of the Planning and Development Services Department. Supervise and personally perform a variety of professional and technical level work involving programs, projects, and activities related to City’s Planning, Economic Development, Housing programs, Enterprise Zone and allied functions, which includes but is not limited to:

Accepts and assists in processing various planning application and permits; assists city staff in the enforcement of local ordinances and interpreting city codes and master plans.

Serve as staff liaison and provide expert professional assistance and recommendations to the City Council, Planning Commission, City management staff, various public and private organizations, and the public on planning and economic development, community-wide housing, and Enterprise Zone related matters.

B. CONTRACT PERIOD:

This Contract shall be an extension of the contract for the period beginning July 1, 2013, and with a termination date of December 31, 2013. The Contractor hereby acknowledges and affirms that the City shall have no obligation for services rendered by the Contract which were not performed within this specified contract period.

C. PAYMENT TERMS AND CONDITIONS:

1. Maximum Liability. In no event shall the maximum liability of the City under this Contract exceed Seventy-Five Thousand Dollars (\$75,000). The payment rates in sections C.3 shall constitute the entire compensation due the Contractor for all service and Contractor obligations hereunder regardless of the difficulty, materials or equipment required. The payment rates include, but are not limited to, all applicable taxes, fees, overheads, and all other direct and indirect costs incurred or to be incurred by the Contractor.

The Contractor is not entitled to be paid the maximum liability for any period under the Contract or any extensions of the Contract for work not requested by the City. The maximum liability represents available funds for payment to the Contractor and does not guarantee payment of any such funds to the Contractor under this Contract unless the City requests work and the Contractor performs said work. In which case, the Contract shall be paid in accordance with the payment rates detailed in Section C.3. The City is under no obligation to request work from the Contractor in any specific dollar amounts or to request any work at all from the Contractor during any period of this Contract.

2. Compensation Form. The payment rates and the maximum liability of the City under this Contract are firm for the duration of the Contract and are not subject to escalation for any reason unless amended.
3. Payment Methodology. The Contractor shall be compensated at the rate of \$115 per hour of service authorized by the City in a total amount not to exceed the Contract Maximum Liability established in section C.1.
4. Travel Compensation. The Contractor shall be compensated or reimbursed for lodging and meals at the GSA per-diem rate for Kern County (Currently \$86 per night for lodging and \$51 per day for meals) Mileage shall be compensated at the IRS rate of 56.5 cents per mile.
5. Invoice Requirements. The Contractor shall invoice the City only for completed increments of service and for the amount stipulated in Section C.3 above, and present said invoices no more than bi-monthly, with all necessary supporting documentation, to:

Lonn Boyer
Director of Human Resources/Assistant City Manager
209 E. Kern Street
Taft, California 93268
661-763-1222 Ext. 25
661-765-2480 Fax
lboyer@cityoftaft.org

- a. Each invoice shall clearly and accurately detail all hours worked with a brief description of work performed.

- b. The Contractor understands and agrees that an invoice under this Contract shall:
 - (1) include only charges for service described in Contract Section A and in accordance with payment terms and conditions set forth in Contract Section C;
 - (2) only be submitted for completed service and shall not include any charge for future work; and
 - (3) not include sales tax or shipping charges.
6. Payment of Invoice. A payment by the City shall not prejudice the City's right to object to or question any payment, invoice, or matter in relation thereto. A payment by the City shall not be construed as acceptance of any part of the work or service provided or as approval of any amount invoiced.
7. Invoice Reductions. The Contractor's invoice shall be subject to reduction for amounts included in any invoice or payment theretofore made which are determined by the City on the basis of audits conducted in accordance with the terms of this Contract, not to constitute property remuneration for compensation services.

D. STANDARD TERMS AND CONDITIONS:

1. Required Approvals. The City is not bound by this Contract until it is signed by the Mayor, City Manager and Contractor.
2. Modification and Amendment. This Contract may be modified only by a written amendment signed by all parties hereto and approved by both the officials who approved the base contract.
3. Termination for Convenience. The City may terminate this Contract without cause for any reason. Said termination shall not be deemed a breach of contract by the City. The City shall give the Contractor at least thirty (30) days written notice before the effective termination date. The Contractor shall be entitled to compensation for satisfactory, authorized service completed as of the termination date, but in no event shall the City be liable to the Contractor for compensation for any service which has not been rendered. Upon such termination, the Contractor shall have no right to any actual general, special, incidental, consequential, or any other damages whatsoever of any description or amount.
4. Termination for Cause. If the Contractor fails to properly perform its obligations under this Contract in a timely or proper manner, or if the Contractor violates any terms of this Contract, the City shall have the right to immediately terminate the Contract and withhold payments in excess of fair compensation for completed services. Notwithstanding the above, the Contractor shall not be

relieved of liability to the City for damages sustained by virtue of any breach of this Contract by the Contractor.

5. Subcontracting. The Contractor shall not assign this Contract or enter into a subcontract for any of the services performed under this Contract without obtaining the prior written approval of the City. If such subcontracts are approved by the City, each shall contain, at a minimum, sections of this Contract below pertaining to “Conflicts of Interest,” “Nondiscrimination,” and “Records” (as identified by the section headings). Notwithstanding any use of approved subcontractors, the Contractor shall be the prime contractor and shall be responsible for all work performed.
6. Conflicts of Interest. The Contractor warrants that no part of the total Contract Amount shall be paid directly or indirectly to an employee or official of the City as wages, compensation, or gifts in exchange for acting as an officer, agent, employee, subcontractor, or consultant to the Contractor in connection with any work contemplated or performed relative to this Contract.
7. Nondiscrimination. The Contractor hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits or, or be otherwise subjected to discrimination in the performance of this Contract or in the employment practices of the Contractor on the grounds of handicap or disability, age, race, color, religion, sex, national origin, or any other classification proceed by Federal California State Constitutional, or statutory law. The Contractor shall, upon request show proof of such nondiscrimination.
8. Records. The Contractor shall maintain documentation for all charges under this Contract. The books, records and documents of the Contractor, insofar as they relate to work performed or money received under this Contract, shall be maintained for a period of three (3) full years from the date of the Final payment and shall be subject to audit at any reasonable time and upon reasonable notice by the City, or their duly appointed representatives. The financial statements shall be prepared in accordance with generally accepted accounting principles.
9. Monitoring. The Contractor’s activities conducted and records maintained pursuant to this Contract shall be subject to monitoring and evaluation by the City.
10. Strict Performance. Failure by any party to this Contract to insist in any one or more cases upon the strict performance of any of the terms, covenants, conditions, or provisions of this Contract shall not be construed as a waiver or relinquishment of any such term, covenant, condition, or provision. No term or condition of this Contract shall be held to be waived, modified, or deleted except by a written amendment signed by the parties hereto.

11. Independent Contractor. The parties hereto, in the performance of this Contract, shall not act as employees, partners, joint venturers, or associates of one another. It is expressly acknowledged by the parties hereto that such parties are independent contracting entities and that nothing in this Contract shall be construed to create an employer/employee relationship or to allow either to exercise control or direction over the manner or method by which the other transacts its business affairs or provides its usual services. The employees or agents of one party shall not be deemed or construed to be the employees or agents of the other party for any purpose whatsoever.

The Contractor, being an independent contractor and not an employee of the City, agrees to carry adequate forms of insurance, may contract with other private and public agencies for similar services and perform services under this Contract as the Contractor deems appropriate. City reserves the right to monitor and evaluate the results of paid works.

12. Force Majeure. The obligations of the parties to this Contract are subject to prevention by causes beyond the parties' control that could not be avoided by the exercise of due care including, but not limited to, natural disasters, riots, wars, epidemics, or any other similar cause.
13. State and Federal Compliance. The Contractor shall comply with all applicable State and Federal laws and regulations in the performance of this Contract.
14. Governing Law. This Contract shall be governed by and construed in accordance with the laws of the State of California. The Contractor agrees that it will be subject to the exclusive jurisdiction of the court of the State of California in actions that may arise under this Contract. The Contractor acknowledges and agrees that any rights or claims against the City or its employees hereunder, and any remedies arising therefrom, shall be subject to and limited to those rights and remedies, if any, available under state law.
15. Completeness. This Contract is complete and contains the entire understanding between the parties relating to the subject matter contained herein, including all the terms and conditions of the parties' agreement. This Contract supersedes any and all prior understandings, representations, negotiations, and agreements between the parties relating hereto, whether written or oral.
16. Severability. If any terms and conditions of this Contract are held to be invalid or unenforceable as a matter of law, the other terms and conditions hereof shall not be affected thereby and shall remain in full force and effect. To this end, the terms and conditions of this Contract are declared severable.
17. Headings. Section headings of this Contract are for reference purposes only and shall not be construed as part of this Contract.

E. SPECIAL TERMS AND CONDITIONS:

1. Conflicting Terms and Conditions. Should any of these special terms and conditions conflict with any other terms and conditions of this Contract, these special terms and conditions shall control.
2. Communications and Contacts. All instructions, notices, consents, demands, or other communications required or contemplated by this Contract shall be in writing and shall be made by certified, first class mail, return receipt requested and postage prepaid, by overnight courier service with an asset tracking system, or by email or facsimile transmission with receipt confirmation. Any such communications, regardless of method transmission, shall be addressed to the respective party at the appropriate mailing address, facsimile number, or email address as set forth below or to that of such other party or address, as may be hereafter specified by written notice.

The City:

Lonn Boyer
Director of Human Resources/Assistant City Manager
209 E. Kern Street
Taft, California 93268
661-763-1222 Ext. 25
661-765-2480 Fax
lboyer@cityoftaft.org

The Contractor:

Pamela Steele, Principal
Moore Iacofano & Goltsman, Inc. (MIG Hogle-Ireland)
1500 Iowa Avenue, Suite 110
Riverside, CA 92507
951-787-9222
pams@migcom.com

3. Subject to Funds Availability. The Contract is subject to the appropriation and availability of City funds. In the event that the funds are not appropriated or are otherwise unavailable, the City reserves the right to terminate the Contract upon written notice to the Contractor. Said termination shall not be deemed a breach of Contract by the City. Upon receipt of the written notice, the Contractor shall cease all work associated with the Contract. Should such an event occur, the Contractor shall be entitled to compensation for all satisfactory and authorized services completed as of the termination date. Upon such termination, the Contractor shall have no right to recover from the City any actual, general, special, incidental, consequential, or any other damages whatsoever of any description or amount.
4. Insurance. The Contractor shall carry adequate liability and other appropriate forms of insurance.

a. The Contractor shall maintain, at minimum, the insurance coverage as follows:

(1) Automobile Coverage (including owned, leased, hired, and non-owned vehicles) with a bodily injury/property damage combined single limit not less than one million dollars (\$1,000,000) per occurrence.

b. At any time City may require the Contractor to provide a valid Certificate of Insurance detailing Coverage Description; Insurance Company & Policy Number; Exceptions and Exclusions; Policy Effective Date; Policy Expiration Date; Limit(s) of Liability; and Name and Address of Insured. Failure to provide required evidence of insurance coverage shall be a material breach of this Contract.

5. Limitation of Liability. The parties agree that the Contractor's liability under this Contract shall be limited to an amount equal to Two (2) times the Maximum Liability amount detailed in section C.1. and may be amended, PROVIDED THAT in no event shall this section limit the liability of the Contractor for intentional torts, criminal acts, or fraudulent conduct.

Dated: _____, 2013

Dated: _____, 2013

Contractor:

City of Taft:

MIG Hogle Ireland

By: _____
Paul Linder, Mayor

Dated: _____, 2013

City of Taft:

By: _____
Craig Jones, City Manager



City of Taft Agenda Report

DATE: SEPTEMBER 3, 2013

TO: MAYOR LINDER AND COUNCIL MEMBERS

AGENDA MATTER:

FUNDING TO THE TAFT CHAMBER OF COMMERCE FOR THE QUARTER OF JANUARY 2013 TO MARCH 2013.

SUMMARY STATEMENT:

The City of Taft and the Taft Chamber of Commerce (“Chamber”) entered into an agreement on September 16, 2008 where the City Council recognized the best interest of the City to financially support the Chamber. The City Council agreed to fund the Chamber in the amount of 25% of the actual Transient Occupancy Tax (“TOT”) received and paid quarterly to the Chamber.

The total amount of TOT received by the April 30, 2013 deadline for the quarter of January 2013 through March 2013 were \$10,878.88 and the amount to be allocated to the Chamber will be \$2,719.72.

RECOMMENDED ACTION:

Motion to approve THE 25% ALLOCATION OF THE TRANSIENT OCCUPANCY TAX TO THE TAFT CHAMBER OF COMMERCE FOR THE QUARTER OF JANUARY 2013 THROUGH MARCH 2013.

IMPACT ON BUDGET (Y/N): Yes

ATTACHMENT (Y/N): No

PREPARED BY: *Teresa Binkley, Finance Director*

REVIEWED BY:

CITY CLERK	FINANCE DIRECTOR <i>Teresa Binkley</i>	CITY MANAGER
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City of Taft Agenda Report

DATE: SEPTEMBER 3, 2013

TO: MAYOR LINDER AND COUNCIL MEMBERS

AGENDA MATTER:

FUNDING TO THE TAFT CHAMBER OF COMMERCE FOR THE QUARTER OF APRIL 2013 TO JUNE 2013.

SUMMARY STATEMENT:

The City of Taft and the Taft Chamber of Commerce (“Chamber”) entered into an agreement on September 16, 2008 where the City Council recognized the best interest of the City to financially support the Chamber. The City Council agreed to fund the Chamber in the amount of 25% of the actual Transient Occupancy Tax (“TOT”) received and paid quarterly to the Chamber.

The total amount of TOT received by the July 31, 2013 deadline for the quarter of April 2013 through June 2013 were \$9,062.45 and the amount to be allocated to the Chamber will be \$2,265.61.

RECOMMENDED ACTION:

Motion to approve THE 25% ALLOCATION OF THE TRANSIENT OCCUPANCY TAX TO THE TAFT CHAMBER OF COMMERCE FOR THE QUARTER OF APRIL 2013 THROUGH JUNE 2013.

IMPACT ON BUDGET (Y/N): Yes

ATTACHMENT (Y/N): No

PREPARED BY: *Teresa Binkley, Finance Director*

REVIEWED BY:

CITY CLERK	FINANCE DIRECTOR <i>Teresa Binkley</i>	CITY MANAGER
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City of Taft Agenda Report

DATE: SEPTEMBER 3, 2013

TO: MAYOR LINDER AND COUNCIL MEMBERS

AGENDA MATTER:

Proposals received from RFP for Transient Occupancy Tax Audit

SUMMARY STATEMENT:

The City of Taft posted an RFP for TOT Audit Services on our website and on the website of the California Society of Municipal Finance Officers. Along with these posting the city had 7 requests by phone or email requesting a copy of the RFP.

The deadline for receiving the proposals was August 21, 2013. The city received 4 proposals and one letter declining to bid. These proposals are being presented to the full council for discussion and city staff is recommending to contract with Tax Compliance Services.

The 4 firms that submitted are:

- Tax Compliance Services
- Mayer Hoffman McCann
- MuniServices
- Larry Bain, CPA (An Accounting Corp.)

RECOMMENDED ACTION:

- 1).Discuss the proposals that were received; and
- 2) Motion to authorize Mayor to execute an **Agreement with Tax Compliance Services.**

IMPACT ON BUDGET (Y/N): Yes

ATTACHMENT (Y/N): Yes

PREPARED BY: *Teresa Binkley, Finance Director*

REVIEWED BY:

CITY CLERK	FINANCE DIRECTOR <i>Teresa Binkley</i>	CITY MANAGER
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Company	Fee for Services	Expenses	Discovery/Recovery Services See RFP	Scope of Services	Educate Hotel Owners /Mangers to be in compliance with TOT ordinance	Revise the City's TOT Ordinance
Tax Compliance Services	\$4,900.00	Included		Page 6	Included	Included
Mayer Hoffman McCann	\$9,750.00	Included		Beginning on Page 4	Included	Included
MuniServices	\$8,000.00	\$2,500 plus \$50 per hour "Travel Cost"	Contingency fee of 40%, actually received by the City	Beginning on Page 5	Included	Included
Larry Bain, CPA An Accounting Corp	\$16,500.00	Included		Page 2	Included	Included
Brown Armstrong	Declined to bid - Received Letter					

TCS
TAX COMPLIANCE SERVICES
"THE LOCAL TAX EXPERTS"



August 15, 2013

City of Taft
Attn: Louise Hudgens, City Clerk
209 E. Kern Street
Taft, CA 93268

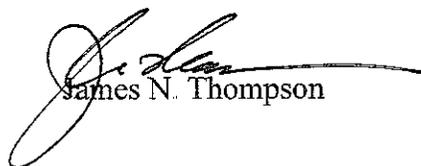
Re: **Transient Occupancy Tax Review Request for Proposal**

Dear Louise:

Tax Compliance Services (TCS) is pleased to provide you with a new proposal to assist in the City's compliance management of transient occupancy tax. This concept includes an educational program for hotel/motel operators that will solve problems arising out of errors in applying the City's tax per the requirements of the ordinance. The attached proposal is designed as a fixed fee service for 5 hotel/motels, to have a complete field review.

If you have any questions or require any additional information, please contact me at your convenience.

Sincerely,


James N. Thompson

**Transient Occupancy Tax
Consulting and Compliance Services Proposal**

Presented to:

The City of Taft

August 15, 2013

**Tax Compliance Services
Thousand Oaks, California**

Transient Occupancy Tax Proposal

Purpose:

To provide a proposal to the City of Taft a partnering with Tax Compliance Services (TCS) in the management of compliance with the City's transient occupancy tax ordinance.

General:

The City has approximately 5 hotel/motel operators collecting and remitting in excess of \$60,000 annually. If there were to be only a 5% error in those applications and collections the City would be losing \$3,000 in revenues each year. The average review conducted by TCS staff during the past 15 years has produced findings of 10% to 20%. The pricing in our proposal is driven by the number of hotels, the estimated revenues available to the City and the time value of money to the City for receiving the revenues on time. The enhancement of the entire TOT program, within the City and the improved relationships with the hotel/motel operators are extremely valuable in the minimization of staff time solving problems.

TCS has developed and implemented in other client cities, a program of educating the hotel/motel operators to maximize their ability to comply with the City's transient occupancy tax ordinance.

Scope of Services:

Transient Occupancy Tax Compliance Services:

The attached procedures (Exhibit 1) provide a detailed analysis of this service on a single fixed fee basis for a complete field review of each hotel. TCS recommends a field review within a three year to protect the City from any statute of limitation issues.

TCS will assist the City in resolving any outstanding TOT liability issues that may arise related to the field reviews by acting as a communication link to clarify the taxes owed the City.

Method of Performing Services:

TCS in partnership with the City will determine the method, details and means of performing the above-described services. The general procedures used by TCS are attached as Exhibit 1 to this proposal.

Employment of Assistants:

TCS may at its own expense, employ such assistants as TCS deems necessary to perform the services required by this agreement. TCS assumes full and sole responsibility for the payment of all compensation and expenses of these assistants and for all state and federal income tax unemployment insurance, Social Security, disability insurance and other applicable withholdings.

Place of Work:

TCS shall perform the services required by this agreement at any place or location and at such times as TCS shall determine. TCS shall assume all costs related to such workspace.

Compensation:

In consideration for the services to be performed by TCS, the City agrees to pay TCS the sum of \$4,900 for those services rendered. TCS will invoice the City after the field compliance review work has been completed for each hotel/motel in the period and the reports of findings have been provided to the City. The City agrees TCS shall be paid within 30 days of submission of invoice.

Expenses:

TCS shall be responsible for all costs incidental to the performance of services for the City, including but not limited to, all costs of equipment provided by TCS, all fees, fines, licenses, bonds or taxes required of or imposed against TCS and all other costs of doing business.

Workers' Compensation:

TCS agrees to provide workers' compensation insurance for employees and agents and agrees to hold harmless and indemnify the City for any and all claims arising out of any injury, disability, or death of any of TCS' employees or agents.

Indemnification of Liability:

TCS will not be liable to the City, or to anyone who may claim any right due to a relationship with the City, for any acts or omissions in the performance of services under the terms of this Agreement or on the part of employees or agents of TCS, unless such acts or omissions are due to willful misconduct. The City will hold TCS free and harmless from any obligations, costs, claims, judgments, attorneys' fees and attachments arising from, growing out of, or in any way connected with the services rendered to TCS under the terms of this Agreement, unless TCS is judged by a court of competent jurisdiction to be guilty of willful misconduct.

Assignment:

Neither this agreement nor any duties or obligations under this agreement may be assigned by TCS without the prior written consent of the City.

State and Federal Taxes:

As TCS is not the City's employee, TCS is responsible for paying all required state and federal taxes. In particular:

- The City will not withhold FICA (Social Security) from TCS' payments;
- The City will not make state or federal unemployment insurance contributions in TCS' behalf;
- The City will not withhold state or federal income tax payment to TCS;
- The City will not make disability insurance contributions on behalf of TCS;
- The City will not obtain workers' compensation insurance on behalf of TCS.

Termination of Agreement:

This agreement may be terminated by a 60 day written notification to the other party. The City may request a suspension of compliance review procedures at any time with written notice to TCS.

Entire Agreement of the Parties:

This agreement supersedes any and all agreements, either oral or written, between the parties hereto with respect to the rendering of services by TCS for the City and contains all the covenants and agreements between the parties with respect to the rendering of such services in any manner whatsoever. Each party to this agreement acknowledges that no representations, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement, statement, or promise not contained in this agreement shall be valid or binding. Any modification of this agreement will be effective only if it is in writing and signed by both parties.

References: Since ICS was formed nearly 15 years ago, each of the following reference Cities are among those completed by TCS Staff.

City of Victorville	Ms. Eulema Kuhlman	(760)955-5099
City of Milpitas	Ms. Jane Corpus	(408)586-3125
City of San Jose	Mr. Dat Vu	(408)535-7006
City of MountainView	Ms. Susan Niederhofer	(650)903-6024
City of Sunnyvale	Ms. Therese Balbo	(408)730-7604

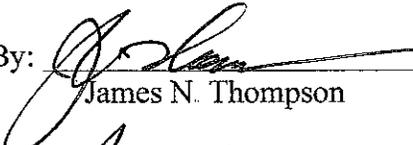
Governing Law:

This agreement will be governed by and construed in accordance with the laws of the State of California.

Executed at Taft, California:

Tax Compliance Services:

City of Taft:

By: .
James N. Thompson

By: _____.

Date: August 15, 2013.

Date: _____.

EXHIBIT 1

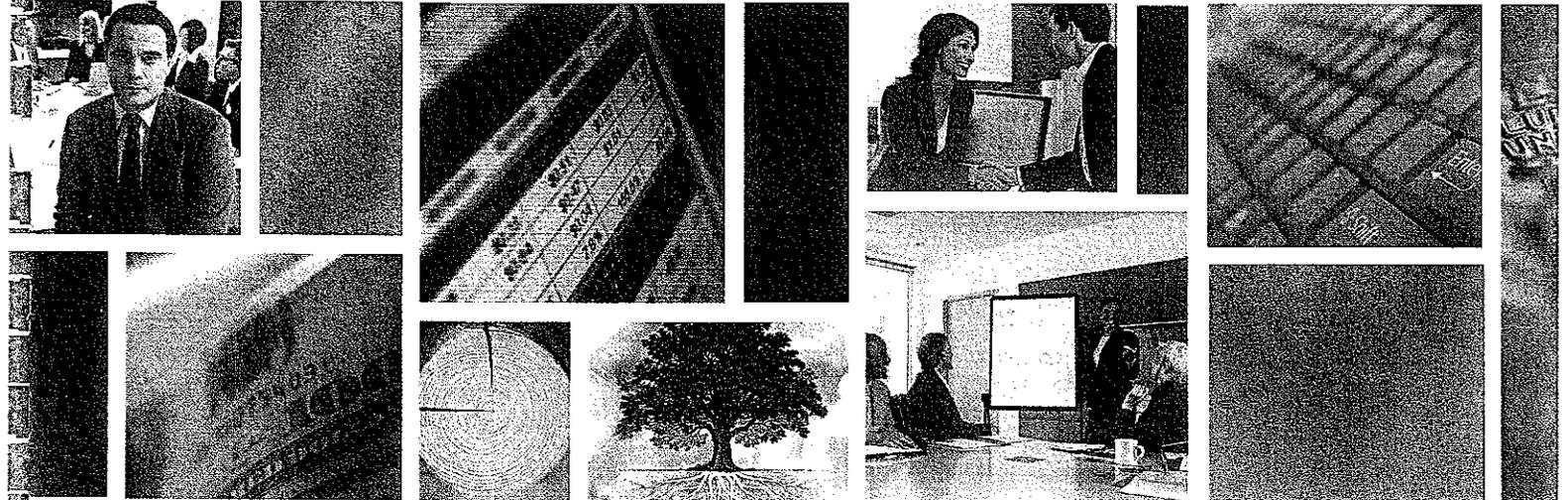
Compliance Review Procedures

Proposed to the City of Taft

1. Notify each hotel/motel within the City of the upcoming review. Include the listing of the data that must be made available at the time of the site visit. An authorization letter executed by the City, introducing ICS as a representative and explaining the confidentiality of any data used as a part of this process will also be enclosed. The operator is advised that TCS will contact them within 30 days to set an appointment for the site review.
2. The TCS representative will provide the hotel/motel operator with a current copy of the City's transient occupancy tax ordinance. A review of the requirements for record keeping and exemption qualifications within the ordinance will be conducted with the appropriate hotel/motel staff.
3. During the site visit, the TCS representative will test daily, monthly and annual revenue records for consistency with the filed returns with the City. Individual guest records will be tested to ensure that procedures are in place that support complete reporting of all revenues received by the hotel/motel.
4. The TCS representative will test the exempted revenues for accuracy and complete documentation as required by the City's ordinance. Individual guest records will be reviewed to test for proper qualification of those exempted revenues.
5. When available, the bank deposits history of the hotel/motel will be reviewed and tested for consistency with filed TOI returns with the City.
6. When available, the federal tax filing for the hotel/motel will be reviewed for consistency with the filed TOI returns with the City.
7. ICS will prepare reports documenting the findings of the field review. Within those reports any tax, interest and penalties will be so stated. A draft letter to the hotel/motel operator will also be included.
8. ICS will continue to support the City in any collection efforts related to the findings in the review. ICS will interface with the hotel/motels to explain any questions related to the review and its procedures.



our roots
run deep



Prepared exclusively for:

CITY OF TAFT

Taft, California

***PROPOSAL OF INDEPENDENT AUDIT SERVICES
TO THE
CITY OF TAFT, CALIFORNIA
FOR
TRANSIENT OCCUPANCY TAX
AUDIT SERVICES***

Submitted by:

**MAYER HOFFMAN McCANN P.C.
2301 DUPONT DR., SUITE 200
IRVINE, CALIFORNIA 92612**

August 15, 2013

CONTACT PERSON – JENNIFER FARR, SHAREHOLDER
PHONE NO: (949) 474-2020, EXT. 301
FACSIMILE NO: (949) 263-5520
EMAIL: jfarr@cbiz.com
WEBSITE: www.mhm-pc.com

MAYER HOFFMAN McCANN P.C.
CALIFORNIA LICENSE NO. CORP 5091

MAYER HOFFMAN McCANN P.C.
FEDERAL IDENTIFICATION NO. 43-1947695

**PROPOSAL FOR THE
CITY OF TAFT
TRANSIENT OCCUPANCY TAX
AUDIT SERVICES**

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APPENDIX

Mayer Hoffman McCann P.C. Peer Review Report

Accounting Today Top 100 CPA firms



Mayer Hoffman McCann P.C.
An Independent CPA Firm

5060 California Avenue Suite #800
Bakersfield, CA 93309
PH 661 325 7500
FAX 661 325 7004

August 15, 2013

City of Taft
Teresa Binkley, Finance Director
209 E Kern Street
Taft, CA 93268

Mayer Hoffman McCann P.C. is pleased to respond to your request to perform Agreed-Upon-Procedures for Transient Occupancy Tax Audit Services for the City of Taft for the calendar years 2010-2012. We are aware that while the City of Taft has solicited numerous proposals, Mayer Hoffman McCann P.C. (MHM) would be your best selection for the following reasons which are set forth in greater detail in our proposal:

- The Irvine office of Mayer Hoffman McCann P.C. performed over 120 Transient Occupancy Tax (TOT) compliance audits in the last three years and have been successful in finding unreported revenues for our clients on a majority of the audits.
- Our philosophy when performing compliance audits is using a strict interpretation of the City's Ordinance when determining compliance and placing the burden of proof on the business owner.
- We conduct exit meetings with management of each hotel and have management sign an acknowledgement of the findings discussed at the exit meeting. This process makes the collection of unpaid taxes easier.

Mayer Hoffman McCann P.C. thanks you for the opportunity to present our proposal qualifications and for the opportunity to be appointed as your independent auditors for Transient Occupancy Tax Audit Services. The fees noted in this proposal are valid for a period of 180 days. I look forward to you contacting me so that I may answer further any questions which you may have. You may contact me at (949) 783-1740

Very truly yours,

Jennifer Farr, C.P.A.

PROFILE OF MAYER HOFFMAN MCCANN P.C.

Mayer Hoffman McCann P.C. is a National CPA Firm. The firm is independently owned and operated through its 270 shareholders. The firm began in Kansas City, Missouri in 1954. After years of steady growth the Firm expanded into a National Practice. Mayer Hoffman McCann P.C. currently operates from 35 offices throughout the United States and is licensed in all 50 States. Mayer Hoffman McCann P.C. is closely aligned with CBIZ (NYSE:CBZ). The 270 shareholders in 35 Mayer Hoffman McCann P.C. offices direct the resources of approximately 2000 Accounting and Audit professionals who services the attest clients of Mayer Hoffman McCann P.C.

The Western Region Office of Mayer Hoffman McCann P.C. work closely together in servicing clients and sharing professional resources among offices. Those offices locations are as follows:

- San Diego, California
- Irvine, California (Government services headquarters)
- Irvine, California (SEC services headquarters)
- Los Angeles, California
- Bakersfield, California
- Oxnard, California
- San Jose, California
- Salt Lake City, Utah
- Phoenix, Arizona

The Western Region offices have more than 425 professional accounting and audit personnel available to the 56 shareholders of Mayer Hoffman McCann P.C. in the Western Region offices.

MHM plans to provide the audit services to the City of Taft from full-time staff located in our Bakersfield office.

Mayer Hoffman McCann P.C. is a member of the American Institute of Certified Public Accountants' Center for Public Company Audits, successor to the SEC Practice Section, and is registered with the Public Company Accounting Oversight Board (PCAOB). This means several things. First, we must meet the more stringent quality standards required of CPA firms auditing publicly held companies. Second, we are subject to the inspection program of the PCAOB and must undergo a peer review in which an independent firm audits our policies and standards to assure our training, supervision of work and continuing education result in an effective quality control system. Our most recent PCAOB report is dated December 22, 2008 and is located at <http://pcaobus.org> under inspections reports. To date, we have received clean opinions on all peer reviews. Our most recent peer review report is dated August 12, 2011 and has been included in the Appendix to our proposal.

In addition, all aspects of the firm's quality control practices have been reviewed, including the firm's commitment to extensive training programs. In every member firm, each member of the professional staff must enroll in continuous professional education courses. Each is required to take at least 120 hours of classes over a three-year period.

TRANSIENT OCCUPANCY TAX AUDIT EXPERIENCE

We have extensive experience performing Transient Occupancy Tax Audits for California cities and Counties. We have performed over 120 Transient Occupancy Tax (TOT) compliance audits in the last three years and have been successful in finding unreported revenues for our clients on a majority of the audits. The following is a listing of certain contracts awarded or performed in the last three years.

County of San Diego

In 2012, we were awarded a contract with the County of San Diego to perform 10 Transient Occupancy Tax audits a year for three years. In our first year, we found exceptions in 8 of the 10 audits which more than paid for the cost of the audit services for all three years combined.

City of Huntington Beach

We are currently being recommended for a contract with the City of Huntington Beach to perform 22 Transient Occupancy Tax audit and 27 Concessionaire audits for the next three years.

City of Commerce

We were recently engaged to perform TOT audits for two hotels. Our fieldwork is scheduled to being in July 2013.

City of Inglewood

In 2010 we performed 45 Transient Occupancy Tax audits for the City of Inglewood. Procedures included review of internal controls, the verification of gross revenues, testing the accuracy of TOT tax remitted, allowance of exemptions, review of Operators total revenues to ensure all taxable revenues are included in the gross revenues reported, and the determination of any amounts due to or from the City.

City of Dana Point

We were engaged in 2010 to perform thirteen Transient Occupancy Tax audits for the City of Dana Point for the years 2007, 2008, and 2009. Procedures included review of internal controls, the verification of gross revenues, testing the accuracy of TOT tax remitted, allowance of exemptions, review of Operators total revenues to ensure all taxable revenues are included in the gross revenues reported, and the determination of any amounts due to or from the City. Our findings exceeded \$1 million.

City of Indian Wells

We were engaged in 2010 and previous years to perform Transient Occupancy Tax audits of the City's four hotels. We also performed agreed-upon-procedures on the tennis stadium and golf course operating agreements.

City of Rancho Mirage

For the years 1991 through 2010, we performed certain audits and agreed-upon procedures in regard to Hotel/Motel Operators' compliance with the City's Transient Occupancy Tax Ordinances. The engagement covered 8-14 agreed upon procedures engagements per year. Procedures included review of internal controls, the verification of gross revenues, testing the accuracy of TOT tax remitted, allowance of exemptions, review of Operators total revenues to

ensure all taxable revenues are included in the gross revenues reported, and the determination of any amounts due to or from the City.

City of Culver City

We were engaged in 2009 to perform Transient Occupancy Tax Audits for the City of Culver City. We audited 18 hotels in the City and completed our procedures within the required timeframe. We found errors in 14 of the 18 hotels amounting to over \$160,000

Additionally, we have performed transient occupancy tax audits for the following Cities:

- City of West Covina
- City of Lake Forest
- City of Whittier
- City of Carlsbad
- City of Laguna Hills
- City of Orange
- City of Aliso Viejo

BACKGROUND, PROJECT SUMMARY, AND METHODOLOGY

Our philosophy when performing compliance audits is using a strict interpretation of the City's municipal code when determining compliance and placing the burden of proof on the hotel owner. Our understanding of the work to be performed and the methodology is as follows:

We plan to audit five hotels for the calendar years 2010, 2011, and 2012. The following suggested procedures would be performed:

Prior to the start of audit fieldwork, we will perform the following procedures:

1. Review the City's municipal code for Transient Occupancy Taxes
2. Provide the City with a form letter to notify the hotel of the upcoming audit.
3. Call hotel to schedule the audit. We typically provide a few optional dates for the audit and work with the hotels to find a mutually agreeable audit start date.
4. Send the Hotel an audit request list at least a week prior to the audit start date.
5. Review the results of prior audits for the Hotel to determine if there are areas that require follow up
6. Discuss any specific concerns the City has with the Hotel

Our fieldwork procedures at each Hotel include the following procedures:

7. We will obtain all reports provided by the hotel owner to the City for the period under audit
8. We will interview the appropriate individuals responsible for recording revenues reported to the City. We will document and walkthrough a typical transaction from billing to collection to recording to deposit, if any. During the process, we will gain an understanding of the specific system reports used to generate reporting to the City and determine what adjustments are made to any system reports or files.
9. We will trace information from the reports provided to the City to hotel reports supporting the amounts reported. We will select a sample of transactions to drill down from the hotel reports to ensure amounts are supported by adequate source documents.
10. We will review the Hotel's reports and financial statements to identify revenues that are not included as taxable for calculation of the tax. We will evaluate the reasonableness of the exclusion.
11. We will select a sample of monthly revenues reported to the City and trace revenues to detailed reports by customer (daily reports). From these detailed reports, we will select a sample of customer folio's to verify that all amounts collected from the customers are reflected in the system reports.
12. We will evaluate the hotel owner's adherence to charging Transient Occupancy Taxes through review of folios. For any exemptions noted, we will review evidence that the exemption was allowable (e.g. government employee, stay longer than 30 days, etc.)

13. We will calculate the amount due to the City based on the applicable tax rate. We will recalculate any credits for TOT earned in the Taft Redevelopment Project Area, as applicable.
14. We will ensure reports were submitted to the City on time or penalties were properly calculated if TOT returns were late.
15. We will conduct an exit meeting with the hotel management company summarizing our findings to ensure we answer any questions they have about our findings.
16. We will issued an agreed-upon-procedures report in accordance with the standards established by the American Institute of Certified Public Accountants. The report will identify the agreed upon procedures performed, results reached and recommendations.
17. We will provide the draft report to the City for review and finalize within 5 days of the City's review.
18. We will provide a letter of recommendations to the City for possible improvements to the City's TOT ordinance.

Quality Assurance Plan

Because of our extensive experience on these types of audits, our audit teams have an organized and consistent process for managing the audits. Jeff Ball, Supervising Senior, will be responsible for scheduling all audits and communicating scheduling status with Jennifer Farr, Shareholder/Partner. Mr. Ball will also be responsible for sending out audit request lists and fielding any calls from hotel owners regarding questions about the requests or scheduling changes.

We utilize Caseware electronic working papers to document our audit procedures and organize the audit. We will provide training to the Senior assigned to the engagement and schedule time for them to adequately plan for the audit fieldwork. Jennifer Farr and Jeff Ball will supervise the work of the Senior, communicate internal deadlines, and review audit documentation to ensure high quality audit work.

Our internal audit quality process is designed to ensure attestation standards are followed, audit quality is ensured, and a high quality product is delivered to our clients. MHM requires that all audit workpapers be reviewed by at least one Manager or Shareholder/Partner. The audit reports are reviewed by an Associate Auditor for clerical accuracy. The audit reports and audit workpapers are reviewed by an independent quality control Shareholder/Partner. The engagement Shareholder/Partner will also be responsible for reviewing audit workpapers and reports.

Schedule

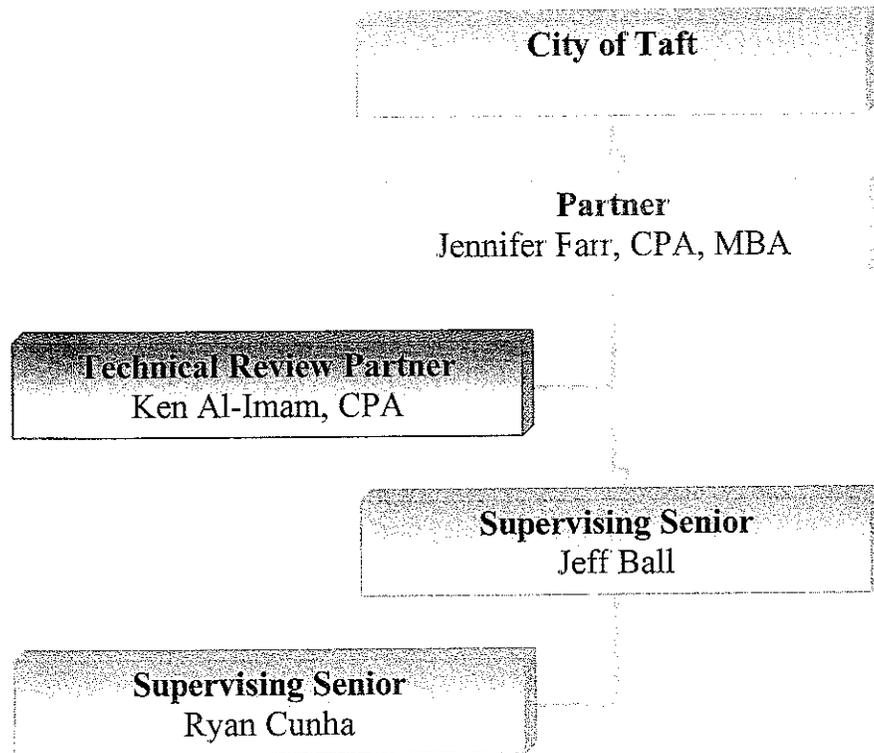
Subject to the City's review and approval, we plan to perform the audits as follows:

Approval of Contract	End of August
Notification letters sent out by City	September 2013
Scheduling and request lists sent by MHM	September 2013
Audit Fieldwork	September - October 2013
Draft reports provided to City	within a week of completing each audit
Finalize all report	upon City review and approval

EXPERIENCE, PROPOSED ORGANIZATION, MANAGEMENT AND STAFFING

The successful outcome of any audit requires personnel with the managerial and technical skills to perform the work required. The engagement team who will serve the City of Taft have served together as a team of professionals on numerous audit.

We believe that efficient administrative management and supervision of the audits is an extremely critical factor in achieving the desired results for the City of Taft. In that regard, our proposal organizational structure for providing independent auditing services is as follows:



**JENNIFER FARR, CPA, MBA
ENGAGEMENT SHAREHOLDER**

California CPA Certificate No. 76292, October 1998

ROLE ON PROJECT

Ms. Farr will serve as the Engagement Shareholder on this project. She will oversee the project to ensure all required deadlines are met, provide technical assistance to the audit teams, and review the final reports before they are released. Ms. Farr is a Certified Public Accountant with over 16 years experience in local government auditing. Ms. Farr has been a speaker on matters pertaining to technical issues and new GASB pronouncements. Ms. Farr is also responsible for the firm-wide training for the Government Services Division of MHM in the area of local governmental accounting and auditing.



PROFESSIONAL EXPERIENCE

- 16 years - Mayer Hoffman McCann P.C. (formerly Conrad and Associates, LLP)
- 1 ½ Years - Ronald Blue and Co.

EDUCATION

- Bachelor of Arts - Business Administration/Accounting (California State University, Fullerton)
- Bachelor of Arts - English (California State University, Fullerton)
- Masters of Business Administration (California State University, Fullerton)

TRANSIENT OCCUPANCY TAX AUDITS

Ms. Farr has performed hotel audits for the following governments:

City of Dana Point
City of Culver City
City of Indian Wells
City of Rosemead
City of West Covina
City of Walnut Creek
County of San Diego

Mr. Al-Imam will serve as the **Technical Review Partner** on the engagement. Mr. Al-Imam is an active member and past president of CCMA (California Committee on Municipal Accounting). He has made presentations in public hearings before the Governmental Accounting Standards Board (GASB) and has been part of the committee contributing to the past two GASB implementation guides. Mr. Al-Imam has a degree in Business Administration – Accounting from California State University Fullerton. Mr. Al-Imam's California CPA license number is 32377E.

Mr. Jeff Ball is a **Supervising Senior**. Mr. Ball has been with the firm for over five years and has in-charged and worked on numerous local government and nonprofit audits. He has also

performed a number Transient Occupancy Tax audits and Revenue Compliance audits for various municipalities over the past year, including such Cities as the City of West Covina, Rancho Mirage, Dana Point, Culver City, and Carlsbad. Mr. Ball has a degree in Accounting from University of California, Santa Barbara

Mr. Ryan Cunha is a **Supervising Senior** in the Bakersfield office and is responsible for leading a variety of compilation, review, audit and compliance engagements. He joined the firm in December 2010 and has experience with cities, tribal governments, school districts, and non-profit entities. Ryan serves as our Bakersfield Technology Champion and assists with developing and implementing policies and procedures. Ryan has a Bachelor of Science degree in Business Administration, Accounting from California State University, Fresno.

REFERENCES

For your convenience, we have listed below references for some of the recent audits we have preformed that are similar in scope

<u>Name of Client/Contact</u>	<u>Type of Audit</u>	<u>Approximate Fee</u>
County of San Diego Sharyl Hunt (619) 531-5265 Sharyl.hunt@sdcounty.ca.gov	Transient Occupancy Tax audits	\$60,000
City of Commerce Josh Brooks Assistant Finance Director (562) 431-3538 x 222 jbrooks@cityoflosalamos.org	Financial & Compliance Audits	\$50,000
City of Inglewood Sharon Koike Acting Finance Director (310) 412-8724 skoike@cityofinglewood.org	Transient Occupancy Tax audits	\$50,000



**Clifton
Gunderson LLP**
Certified Public Accountants & Consultants

System Review Report

To the Shareholders of Mayer Hoffman McCann P.C.
and the AICPA National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of Mayer Hoffman McCann P.C. (the Firm) applicable to non-SEC issuers in effect for the year ended April 30, 2011. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The Firm is responsible for designing a system of quality control and complying with it to provide the Firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the Firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards*; audits of employee benefit plans, and audits performed under FDICIA.

In our opinion, the system of quality control for the accounting and auditing practice of Mayer Hoffman McCann P.C. applicable to non-SEC issuers in effect for the year April 30, 2011, has been suitably designed and complied with to provide the Firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Mayer Hoffman McCann P.C. has received a peer review rating of *pass*.

Clifton Gunderson LLP

August 12, 2011

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Milwaukee, Wisconsin 53226
tel: 414.476.1880
fax: 414.476.7286

www.cliftoncpa.com

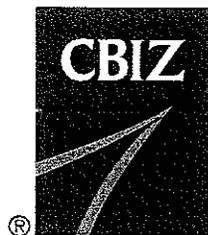


THE 2012 accountingTODAY TOP 100 FIRMS

RANK	2012 Firm	Headquarters	Chief executive	Year end	REVENUE		PERSONNEL			FEE SPLIT (in percent)			
					\$ mn.	Off-ices	Part-ners	Profes-sionals	Total emps.	A&A	Tax	MAS	Other
1	Deloitte §	New York City	Joe Echevarria	Dec	11,939.00	100	2,886	38,301	51,262	32	20	44	4
2	PwC §	New York City	Robert Moritz	June	8,844.00	73	2,290	25,237	32,993	48	29	23	0
3	Ernst & Young §	New York City	Steve Howe	June	7,500.00	78	2,400	19,400	26,500	40	31	23	6
4	KPMG §¹	New York City	John Veihmeyer	Sept	5,361.00	88	1,744	15,664	22,278	43	26	31	0
5	McGladrey & Pullen²	Bloomington, Minn.	Joe Adams	April	1,370.42	85	708	4,843	7,046	43	36	20	1
6	Grant Thornton	Chicago	Stephen Chipman	Dec	1,146.12	56	549	4,048	5,847	45	29	26	0
7	CBIZ / Mayer Hoffman McCann³	Cleveland	D Sibits/B Hancock	Dec	597.50	150	415	1,692	4,023	23	27	50	0
8	BDO USA	Chicago	Jack Weisbaum	June	572.00	41	260	1,734	2,566	61	28	11	0
9	Crowe Horwath⁴	Oak Brook Terrace, Ill.	Charles Allen	March	529.71	28	247	1,579	2,420	45	23	18	14
10	BKD	Springfield Mo	Neal Spencer	May	391.20	30	244	1,223	1,844	50	32	18	0
11	Moss Adams	Seattle	Rick Anderson	Dec	323.00	19	230	1,081	1,741	51	35	14	0
12	Plante Moran⁵	Southfield, Mich	Gordon Krater	June	304.35	16	217	975	1,518	52	32	16	0
13	Dixon Hughes Goodman	Charlotte, N.C.	Ken Hughes	Dec	295.00	30	174	1,108	1,616	41	36	23	0
14	LarsonAllen⁶	Minneapolis	Gordy Viere	Oct	285.00	26	141	1,245	1,734	46	34	17	3
15	Marcum	New York City	Jeffrey Weiner	Dec	274.20	18	138	549	904	45	30	10	15
16	Clifton Gunderson⁶	Milwaukee	Krista McMasters	May	254.65	47	211	1,305	1,671	48	26	26	0
17	EisnerAmper	New York City	Charles Weinstein	Jan	254.60	8	164	822	986	55	28	17	0
18	J.H. Cohn*	Roseland N J	Thomas Marino	Jan	243.00	15	174	657	1,101	54	30	2	14
19	Baker Tilly Virchow Krause	Chicago	Timothy Christen	May	242.00	11	101	1,081	1,300	38	34	25	3
20	Reznick Group	Bethesda Md	Kenneth Baggett	Sept	202.50	10	106	652	967	57	29	13	1
21	UHY Advisors⁷	Chicago	R. Stein/A. Frabotta	Dec	186.03	15	111	585	954	33	43	21	3
22	Rothstein, Kass & Co.	Roseland N J	S Kass/H Altman	Dec	179.50	8	71	677	857	61	36	2	1
23	ParenteBeard	Philadelphia	Robert Ciaruffoli	Dec	170.00	20	140	672	1,036	54	28	18	0
24	Eide Bailly	Fargo, N D	Jerry Topp	April	151.60	19	97	881	1,251	44	30	19	7
25	Wipflr	Milwaukee	Rick Dreher	May	142.17	20	132	705	1,035	35	30	35	0

Key and notes:

* Firm estimate or projection † Accounting Today estimate § Gross revenue NC No change NA Not available/applicable NR Not ranked
 1 Office figure represents business offices, not every physical location 2 McGladrey & Pullen LLP and RSM McGladrey Inc operated in an alternative practice structure in the periods reported In November 2011 M&P acquired RSM 3 CBIZ and Mayer Hoffman McCann PC are associated through an alternative practice structure Office figures are for CBIZ; MHM has 36 offices nationwide 4 Firm's year-end is March; figures given are for calendar 2011 5 Changed name from Plante & Moran 6 As of Jan 1, 2012 Clifton Gunderson and LarsonAllen have combined to form CliftonLarsonAllen The two together would have ranked No. 9, with app. \$540 million in 2011 revenue 7 UHY Advisors and UHY LLP are affiliated through an alternative practice structure



Mayer
Hoffman
McCann P.C.
An Independent CPA Firm



The City of Taft

Transient Occupancy Tax (TOT) Audit Services

August 21, 2013

Bret Harmon

Client Services Manager

MuniServices, LLC

7625 N. Palm Ave., Ste. 108

Fresno, CA 93711

559.271.6876

Bret.Harmon@muniservices.com



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Introductory Letter

August 21, 2013

City of Taft
Attn: Louise Hudgens, City Clerk
209 E. Kern Street
Taft, CA 93268

Re: Proposal for Transient Occupancy Tax Audit Services

Dear Ms. Hudgens:

MuniServices, LLC is pleased to provide the City of Taft with this proposal for Transient Occupancy Tax Auditing Services outlining the key features that distinguish our expertise in conducting these types of audits for our municipal partners.

MuniServices' TOT Compliance Program is designed to assist the City in realizing the TOT revenue to which it is entitled, and to educate third party collectors and remitters of TOT to ensure maximum future compliance with the City's related codes and ordinances. Our TOT findings and recommendations have been validated and accepted by third parties, including the federal and state courts, state revenue agencies, county assessors, and hotel/motel associations.

We are proposing a cost-effective, innovative approach to achieve the City's goals. We have two options to choose from. The first is our two-phased compliance process, which includes Discovery & Analysis and Compliance Review. Based on the results of the Discovery & Analysis Phase, we may recommend certain lodging properties have a more detailed Compliance Review. This innovative, unique approach not only investigates common issues with traditional and online reservations, but also is more cost effective and makes it possible for the City to recover the revenue to which it is entitled without reviewing all providers. The second option is our Discovery & Recovery Services, which focus on identifying entities that are not properly registered or otherwise not reporting lodging taxes to the City.

The entire MuniServices team is sensitive to the increased pressure on our municipal clients to fund vital services and programs to their residents and business community. We are well positioned and have the experience to partner with the City to reduce the gap between the revenue that should be received and what is either underreported or misallocated.

We believe local governments will continue to face financial challenges. Local governments today face the challenge of finding the best way to secure and protect the vital revenues necessary to fund general fund expenses. MuniServices continually finds new ways to close the gap between the revenues the City should receive and what you do receive.

Our offerings are complemented with a dedicated Government Relations team that provides federal, state and local government advocacy, policy, regulatory and legislative consulting support; their efforts have surfaced and successfully resolved numerous major issues that have preserved and expanded the tax base for its clients. The team is led by our Vice President of Government Relations, and includes staff that is dedicated to research and tracking, and analyzing issues on behalf of clients, as well as a registered liaison that represents matters before the Legislature.



For over 35 years, MuniServices has provided over 900 municipalities nationally with revenue enhancement, administration, information and consulting services. We are one of the few firms in the United States that provides revenue enhancement and information services that encompass all general fund revenue and fee types. We have recovered over \$2.4 billion in new tax revenue for our local jurisdiction clients. Clients located in the States of Alabama, California, Florida, Georgia, Kentucky, Louisiana, Michigan, Nevada, North Carolina, Pennsylvania, Texas, Washington and the District of Columbia utilize our discovery audit and compliance audit services.

MuniServices only provides its services to government agencies. Our exclusive government focus allows us to avoid real or perceived conflicts of interests with taxpayers. Our approach qualifies us to review taxpayer information and other confidential data while other specialty consulting firms could be barred access due to a conflict of interest. Most public accounting firms maintain clients in the private sector and may find themselves faced with a conflict of interest situation; either in their work for a taxpayer or for a government entity.

We are confident that MuniServices offers the City the greatest opportunity for success and look forward to the opportunity to providing these services to the City of Taft.

Client Services Manager Bret Harmon will serve as the City's primary contact for this project. Mr. Harmon may be reached by email at Bret.Harmon@MuniServices.com, or by phone at 800 800.8181 ext. 6876.

As MuniServices' Senior Vice President of Client Services, I am duly authorized to commit MuniServices to a contract and represent the firm in all oral presentations and negotiations. The proposed services and prices contained here are valid for a period of 90 calendar days. We look forward to working with the City and speaking with you soon.

Respectfully submitted,

Doug Jensen, Senior Vice President Client Services
 MuniServices, LLC
 Phone: 800-800-8181 ext 5012
 Email: Doug.Jensen@muniservices.com



Transient Occupancy Tax Compliance Services Project Approach

MuniServices' approach is to conduct its compliance reviews in a cooperative and informative manner. The focus of the program is two-fold: first, to ensure TOT is being properly collected, returned and paid to the City; and second, to inform the lodging provider of accurate and correct application of the local tax and appropriate recordkeeping to prevent future underreporting.

As a more effective approach to performing a detailed audit of each lodging provider, MuniServices provides a cost-effective and innovative approach to achieve the City's goals. This unique approach to TOT compliance balances the resources of all parties involved and makes the process as unobtrusive as possible on the lodging providers.

We have structured a two-phase process that includes (1) Discovery & Analysis and (2) Comprehensive Review. Based on the results of the Discovery & Analysis Phase, MuniServices may recommend that certain lodging properties have a more detailed Compliance Review. Thus, it is possible the City will recover the revenue to which it is entitled without having to disturb all of its lodging providers with a more obtrusive Compliance Review. This approach will make the program more cost-efficient to the City while satisfying Equal Protection requirements. And, as MuniServices works only for government, there can be neither perceived nor actual conflict of interest.

Scope of Work

MuniServices TOT Compliance Program is designed to assist the City in realizing TOT revenue to which it is entitled, and to educate collectors and remitters of TOT to assist in future compliance with the City's ordinances.

As authorized by the City, MuniServices will conduct an on-site examination of the records of the lodging properties. In order to conduct the examination we will provide the City with a detailed list of all the records required to be made available by lodging providers for the further reviews, together with a draft engagement announcement letter to be sent to each lodging provider requiring examination.

We pride ourselves in being as unobtrusive as possible in scheduling and conducting the reviews at the property locations of those providers identified and authorized for examination. In the course of the audit we will verify accuracy of filed lodging tax returns with daily and monthly activity summaries, review a random sample of the daily and monthly summaries to determine if the daily summaries reconcile to the monthly summaries, review bank statements to verify that deposits reconcile with the reported revenue on the lodging tax returns, review exempted revenue for proper qualifying documentation, review a random sample of exempted guest revenue and trace registration and/or other source documents to verify compliance with the City ordinance, and for each error/omission identified and confirmed, submit substantiating documentation to the City in order to facilitate collection of revenue due from lodging providers.

Where possible, we will compare the State and federal tax filings with the lodging tax returns. We will also meet with the City, as necessary, to review findings and recommendations provide assistance in reviewing any matters submitted in extenuation and mitigation by lodging providers in contesting a deficiency determination; and prepare and document any changes to the review findings and provide revised tax, interest or penalty amounts due the City.



Listed below are the descriptions of what each phase is comprised of.

Phase I: Discovery & Analysis

MuniServices will perform its Discovery and Analysis Services designed to gather pertinent information, analyze that information, and provide the City with a report of its findings, and with recommendations as to which lodging providers may require a Compliance Review. MuniServices will do the following:

1. Establish a comprehensive inventory of all lodging properties subject to taxation by the City and the database elements (public and private databases) needed to facilitate further analysis;
2. Upon reviewing the City's Transient Occupancy Tax Ordinance, analyze lodging provider return information from the most recent 48 months (or less, if the City so desires), in order to identify unusual or suspicious reporting and/or activities that warrant further review;
3. Conduct unobtrusive collection of information on each property, including number of rooms, occupancy rate, property's condition, business dynamics;
4. Provide a detailed analysis report to the City identifying lodging providers who might require additional investigation or review to determine their compliance with the City's TOT ordinance;
5. Coordinate with City official(s) as necessary to review the analysis report; and
6. Develop with the designated City staff a list of lodging providers to be subject to a compliance review of lodging and tax records.

Phase II: Compliance Review

MuniServices will conduct a compliance review of the lodging providers approved by the City for further review. Typically the Compliance Review procedures will consist of the following:

1. Provide City staff with a detailed list of all records required from the lodging providers for the reviews, together with a draft engagement announcement letter to be sent to each lodging provider;
2. Examine records pertaining to TOT for each lodging provider selected for a compliance review;
3. Verify accuracy of filed TOT returns with daily and monthly activity summaries;
4. Review a random sample of the daily and monthly summaries to determine if the daily summaries reconcile to the monthly summaries;
5. If MuniServices believes such a review is necessary, review secondary and tertiary documentation such as bank statements to verify that deposits reconcile with the reported revenue on the TOT returns or other tax filings;
6. Review exempted revenue for proper supporting documentation;
7. Submit to designated City staff a compliance review report that includes MuniServices' findings; documentation that MuniServices believes is necessary to facilitate recovery of revenue due from lodging providers for prior periods for each error/omission identified and confirmed; and draft notices of deficiency determination, commendation and warning letters as applicable, and recommendations.
8. Coordinate with designated City official(s) to review compliance review report;



9. Provide assistance to the City in reviewing any matters submitted in extenuation and mitigation by lodging providers in contesting a deficiency determination; and
- 10 Prepare and document any changes to the compliance review findings and provide revised tax, interest or penalty amounts due the City.

Reports to be Issued and Proposed Project Timetable

Phase I: Discovery and Analysis

MuniServices will send out project instructions upon contract execution. The analysis report will be issued 90 days following full provision of returns and information detailed in the instructions. An interactive review of the analysis report will be held soon thereafter if desired.

Phase II: Compliance Review

MuniServices will schedule compliance reviews within three (3) weeks after the City agrees to the terms in the audit announcement letters. Draft Notices of Deficiency Determination, Commendation Letters and Warning Letters to Lodging Providers will be made available to the City within two to four weeks of Audit Conduct completion. The completion of the audit is dependent upon lodging providers' cooperation and full disclosure of requested information.

City Obligations

For MuniServices to conduct the requested audits, the City(s) will need to assist MuniServices by providing necessary information and assistance to include, but not be limited to, the following:

- 1 Send Audit Announcement Letter to each lodging provider to be examined with a copy to MuniServices.
- 2 Inform MuniServices of any circumstances concerning existing payees.
3. Inform MuniServices of the development of new lodging properties no later than a Certificate of Occupancy being granted.

Data

The City will need to provide copies of returns submitted by all domiciled lodging providers for the most recent forty-eight (48) months (or less if the City so desires) to MuniServices prior to the start of Phase I. If the City has the full return data digitized, submitting such in electronic format would be preferable.



Transient Occupancy Tax Discovery/Recovery Project Approach

Scope of Work

Discovery/Recovery Services are designed to provide a full service solution to the City's lodging tax enforcement procedures. It does not replace current functions, but provides a focused and fulltime solution to the identification of entities subject to taxation by the City, which are not properly registered, or otherwise not reporting lodging taxes to the City. In performing the Discovery Services, MuniServices will:

- a. Establish a comprehensive inventory of the entities subject to taxation by the City and the database elements needed to facilitate a comprehensive comparative analysis with the City's records of those entities that are properly registered;
- b. Compare MuniServices' database of business records with the City's records to identify potential non-reporting and non-registered entities subject to taxation;
- c. For unregistered or non-reporting entities identified and confirmed, assist the entities, as necessary, to complete the City's applicable registration forms;
- d. Invoice entities (including supporting documentation) on behalf of the City for the amount of identified deficiencies, with payment to be remitted to MuniServices;
- e. Exhaust all reasonable efforts to work with the taxpayer in submitting registration forms correctly;
- f. Forward all completed registration forms and associated payments to the City in batches at the frequency directed by the City. Applications will be forwarded with copies of the payments and payments deposited into an account designated by the City;
- g. Collect the amount of identified deficiencies, together with supporting documentation, and remit payment received to the City as agreed upon in the workplan. (MuniServices shall follow the City's business rules in collecting partial payments or the tax in full at the City's direction.);
- h. Establish a call center open during normal business hours to assist entities with questions concerning application of the City's taxes, and reporting and remittance requirements;
- i. Educate entities regarding the City's reporting requirements to prevent recurring deficiencies in future years;

City Obligations

In order for MuniServices to conduct the Analysis, we will request assistance from the City in the following areas:

- a. Prior to the start of the work to be performed, provide MuniServices with (1) the most recent registration to collect the tax and (2) returns for the time period requested as needed to compile a historical database for the period of the statute of limitations;
- b. Inform MuniServices of any circumstances concerning current existing payees;
Inform MuniServices of the development of new lodging properties no later than the Certificate of Occupancy being granted;
- c. Cooperate in the transition by reviewing proposed processing and materials, offering comments and suggestions and providing timely approvals;
- d. Undergo training in the use of online applications.



Proposed Compensation

Phase I: Discovery and Analysis

The City will pay MuniServices a fixed fee of \$650 per lodging property. This fee applies to all lodging properties located in the City limits, including lodging properties located via discovery. MuniServices will invoice this fixed fee fifty-percent (50%) upon execution of the contract and the remaining fifty-percent (50%) upon delivery of the analysis report

Phase II: Compliance Review

The City will pay MuniServices a fixed fee of \$950 per lodging property reviewed. MuniServices will invoice this fixed fee fifty-percent (50%) upon approval of the list of lodging providers to be subject to a compliance review of lodging and tax records and fifty-percent (50%) upon delivery of the compliance review report. If the City does not approve the list of lodging providers to be subject to a compliance review of lodging and tax records (under last bullet point of the Analysis' scope of services above), within 90-days after the completion of MuniServices' analysis report, City will pay \$1,100 per lodging property reviewed.

Based on our experiences, as a result of the Discovery and Analysis Phase (Phase I), only 30% of the lodging providers are generally recommended for the Phase II Compliance Review.

Discovery/Recovery

The Discovery/Recovery Services will be provided for a contingency fee of forty percent (40%) of the additional revenue received by the City for the services. The 40% shall apply to the current tax year, all eligible prior period revenues collected, and any applicable penalties, interest, and late charges. The contingency fee only applies to revenue actually received by the City. The term "current tax year" shall mean the most recent tax year for which local taxes are due and payable to the City, and in which MuniServices has identified deficiencies.

Out-of-Pocket Expenses

MuniServices will also charge the City out-of-pocket expenses for travel costs related to the performance of the audits. These out-of-pocket expenses will not exceed \$2,500. If we expect to spend more than \$2,500 we will get prior approval from the City(s) for any amounts over the allotted \$2,500. The out-of-pocket expenses will be invoiced to the City(s) upon delivery of the final report to the City(s).

The City will reimburse MuniServices for approved out-of-pocket expenses and travel costs. ("Travel Costs" include but are not limited to the costs of car rental, gasoline, and traveling time at a reduced hourly rate of \$50 per hour.) MuniServices will invoice these out-of-pocket expense and Travel Costs immediately upon delivery of the compliance review report.



Additional Consulting

The City may request that MuniServices provide additional consulting services at any time during the term of the Agreement. If MuniServices and the City agree on the scope of additional consulting services requested, then MuniServices will provide the additional consulting services on a Time and Materials basis. Depending on the personnel assigned to perform the work, MuniServices standard hourly rates range from \$75 per hour to \$300 per hour.

The following are sample hourly rates based on the job classification:

- Principal: \$300 per hour
- Client Services: \$250 per hour
- Information Technology (IT) support: \$200 per hour
- Operational Support:
 - Director: \$175 per hour
 - Manager: \$150 per hour
 - Senior Analyst: \$125 per hour
 - Analyst: \$100 per hour
 - Administrative: \$75 per hour

These additional consulting services will be invoiced no less frequently than monthly based on actual time and expenses incurred.



References

Palm Springs (Since 2010)

3200 E. Tahquitz Canyon Way
 Palm Springs, CA 92262
 Contact: Geoffrey Kiehl, Finance Director
 Email: geoffrey.kiehl@palmsprings-ca.gov
 Phone: 760.323.8221

City of Angels Camp (Since 2008)

584 S. Main Street
 Angels Camp CA 95222
 Contact: Tim Sherear, City Manager
 Email: timsherear@cityofangels.org
 Contact: Melissa Ralston, Finance Director
 Email: melissaralston@cityofangels.org
 Phone: 209.736.2181

City of Belmont (Since 2005)

1365 Fifth Avenue
 Belmont, CA 94002
 Contact: Tomas Fil, Finance Director
 Email: tfil@belmont.ca.us
 Phone: 650.595.7436

City of Roseville (2007-2008)

311 Vernon Street
 Roseville, CA 95678
 Contact: Andrea Blomquist, Customer Services Manager
 Email: abloomquist@roseville.ca.us
 Phone: 916.774.5200

City of Manteca (Since 2008)

1001 W. Center Street
 Manteca, CA 95337
 Contact: Suzanne Mallory, Finance Director
 Email: smallory@ci.manteca.ca.us
 Phone: 209.456.8730



Summary of Firm's Organization

History

MuniServices, LLC, a Delaware Limited Liability Company, was founded in 1978 as Municipal Resource Consultants (MRC). The firm flourished throughout California and quickly branched out into other regions. In 1998, MRC was acquired and combined with other local government-focused businesses forming what is known today as MuniServices, LLC. Over the years, MuniServices expanded its services and strengthened its client base, and has established a track record of impressive results. In 2008, MuniServices became a wholly owned subsidiary of Portfolio Recovery Associates, Inc. (NASDAQ:PRAA). PRA is headquartered in Norfolk, Virginia. PRA began operations in 1996 and has been a public company, traded on the NASDAQ as PRAA, since 2002. PRAA has over 3,000 employees and its complete Annual Reports, as well as other SEC filings, are publicly available at www.portfoliorecovery.com

Experience and Capability

In 1978, MuniServices pioneered the concept of revenue enhancement and administration services and has an established track record of providing its clients with consistent and quantifiable results. MuniServices, and its staff of over 200, has partnered with jurisdictions of varying types and sizes in terms of population, business base, tax structures and geographical regions, including Alabama, Arizona, California, Florida, Georgia, Kentucky, Louisiana, Michigan, Nevada, North Carolina, Pennsylvania, Texas, Washington, and the District of Columbia. MuniServices currently provides services to 900 jurisdictions nationally and has partnered with a diverse array of counties, cities and governmental agencies; including the Cities of Redmond, Beverly Hills, Birmingham, Detroit, Houston, Jacksonville, Los Angeles, New Orleans, Orlando, Philadelphia, San Diego, San Francisco, Washington, D.C. and the Counties of Los Angeles, Sacramento and Orange in California and Fulton in Georgia.

MuniServices earned our solid reputation as the premiere revenue enhancement partner to the public sector through our revenue recovery, forecasting, information services, and reporting tools. These information assets allow local governments to make informed business decisions and create sound policies. We have an established track record of providing our clients with consistent and quantifiable results recovering over \$24 billion in combined new tax revenue from our local jurisdiction clients. We believe that the depth and quality of our revenue enhancement programs is unmatched. Our experience working with local government, coupled with our high quality of data management, tax investigation techniques and the tenure of our highly experienced staff are all contributing factors to our ability to excel in the area of revenue enhancement, administration, information and consulting.

Executive Summary

Since 1990, the Transient Occupancy Tax Compliance and Consulting Services ("TOT") that MuniServices has provided to its client cities nationwide have helped our clients to realize additional lodging tax revenues. We have reviewed more than 8,000 lodging providers and identified more than \$20 million in unreported, underreported and otherwise delinquent tax revenue for clients in the past five years. We have tailored our lodging tax services in order to 1) provide a



much more cost-effective and innovative approach to achieve our client's goals of TOT compliance; 2) focus resources on compliance and provide an equal playing field for all lodging providers; and 3) conduct the TOT services in a highly professional manner and to be as unobtrusive to lodging providers as possible

Our services have evolved from reviews and audits of lodging providers to include a cooperative, educational and informative exchange offering suggestions of experience that are designed to help lodging providers stay in compliance with City ordinances. The intent of the increased offering of service is to enhance the collection of the City's Lodging Tax ordinance.

The collection of TOT revenues is often critical to the economic health of a City. It is not uncommon for a City to have lodging providers misreport the TOT monies they should be paying. Our Transient Occupancy Tax Programs are intended to assist cities in maximizing the generation of lodging tax revenue and the allocation of that revenue to the promotion of visitation and other lawful purpose, conducting annual analyses of returns and, when warranted, on-site examinations of records of lodging providers; identifying providers who should be subjected to field auditing or other scrutiny; providing draft notices to collect tax deficiencies and other correspondence to assist cities in collecting from or commending, warning or crediting the lodging providers examined; providing annual reports reflecting and projecting revenue trends; offering ordinance and administrative enhancements and other advice as needed; and educating lodging providers to ensure future appropriate collection and timely remittance of lodging taxes.

We have specialized in providing revenue enhancement and tax administration services to local and state governments nationwide for over 35 years. We are the only firm in California, and throughout the United States, offering proprietary revenue enhancement audit services that encompass all general sources of municipal tax revenue including Hotel Lodging Tax, Sales and Use Tax, Property Tax, Business License Tax, Utility Users Tax, Income Tax and Franchise Fees, and we provide Transaction and Use Tax Audits for Transportation Districts.

We are the premier provider of revenue enhancement products and services for state and local governments throughout the United States. We have offices strategically located throughout the country and employ approximately professional managers and staff who are dedicated to the success of each jurisdiction that we serve and have helped us earn a solid, trust-based reputation as a reliable revenue expert and partner for government agencies, especially local government. We work exclusively in the public sector, eliminating a perceived conflict of interest dealing with confidential taxpayer information. Services provided to our government clients include:

- Misallocation: Identify misallocated local sales/use, district, or property taxes
- Revenue Administration: Outsourced administration of local tax revenues.
- Discovery/Recovery: Identify, notify, and collect taxes from non-compliant businesses
- Auditing: Examine taxpayer records for accuracy of tax filings.
- Additional Consulting and Revenue Information Services.

Our true market advantage comes from the unique ability to integrate our processes and data from each of our proprietary services with those of our clients. This enables MuniServices to make recommendations that are based on input from all of our services and the complete view of our clients' tax administration ecosystem. This also allows managers of cities, counties and states to make more informed decisions regarding current and future revenue streams and compliance efforts.



Benefits of Partnering with MuniServices

Unique Attributes

Broad Perspective

As a national provider of lodging tax services we have a perspective that no other company can offer.

Experience and Expertise

We have more experience with the lodging taxes in California and nationally than any other firm. We have performed successful engagements from Pasadena, CA to Pasadena, TX. The expertise of our TOT Compliance Program team has never been successfully challenged in court; and attempts have been made in state and federal courts. This expertise has been relied upon in the drafting of state statutes and local ordinances, and the collection of tens of millions of dollars in deficiencies.

Hospitality Industry and Political Sensitivity

Our broad knowledge of and experience with the companies and ethnicities involved in lodging provision combined with our audit targeting, and cooperative and educational approach militates against adverse reaction to auditing and collection of any deficiencies determined. Our clients are more likely to hear praise from the jurisdiction's hospitality industry than criticism.

Innovative Performance

We permit lodging providers to elect the conduct of audits interactively via the Internet or by mail in most circumstances. This facilitates the conduct of audits. In many instances, certain requisite records-keeping is done off-site. An interactive audit permits all sites to participate simultaneously. Our national orientation permits audits to be conducted at the corporate offices nationwide and not just properties owned or managed in California.

Education

Our lodging tax team interacts with lodging providers in a professional manner with emphasis on educating the taxpayer on the City's ordinance, policies and reporting procedures for the purpose of tax compliance.

Legislative Experience

The years of experience our TOT Compliance Program team has worked on the issues before the industry has allowed MuniServices to gain extensive knowledge in successfully working with local, state and national laws that govern lodging tax. As part of our complete TOT Compliance Program, we provide consultative assistance to its clients including reviewing lodging tax ordinances and providing recommendations on potential enhancements, as well as conducting seminars for City Staff and lodging providers on applicable state and federal laws.

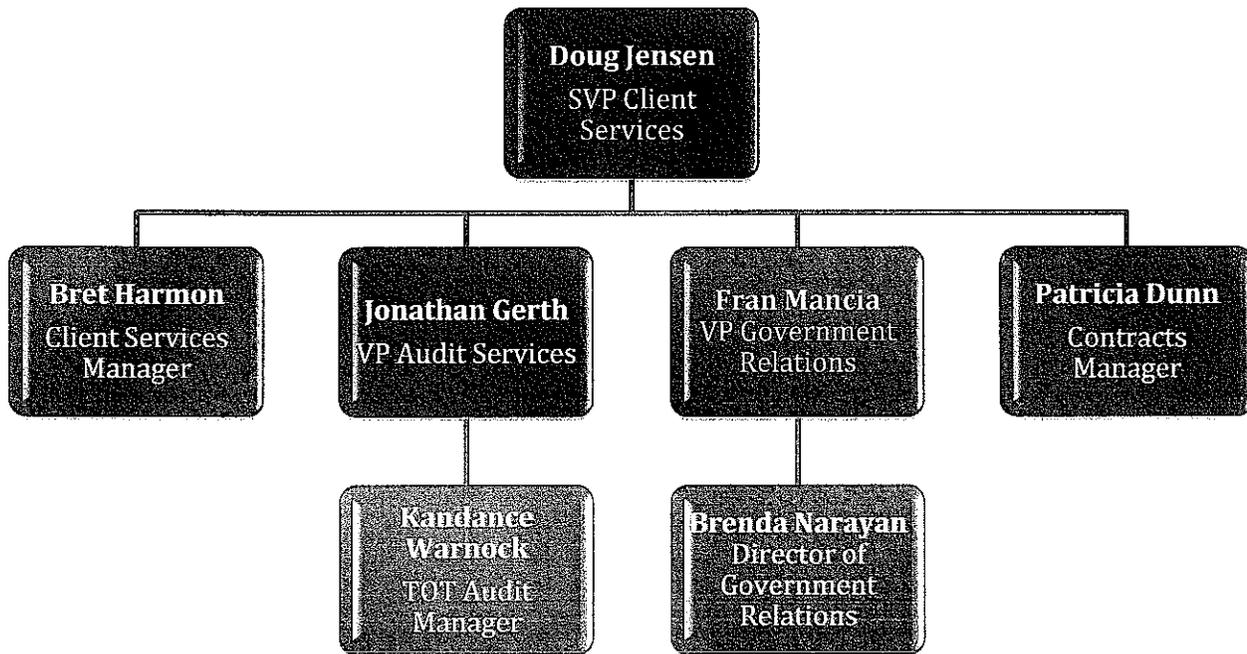


Key Personnel

MuniServices will dedicate the necessary resources and experienced staff, to ensure that work performed on behalf of the City meets requirements. Our assigned Project Team is comprised of a dedicated group of employees chosen based on their experience working in partnership with the public sector, including Town staff and stakeholders, and in the implementation of successful programs. The respective audit managers and key team members assigned to the project have years of experience in providing specialized services to municipal clients. Each team member has working knowledge of related laws, administrative procedures and taxpayer reporting procedures.

Our headquarters are in Fresno, California and have other California offices in Sacramento, El Dorado Hills, San Ramon, and Westlake Village. Additional offices nationally are located in Norfolk, Virginia; Birmingham, Alabama; Washington, DC; Woodbury, New Jersey; Raleigh, North Carolina; and Houston, Texas. The majority of the work on the City's projects will be conducted out of our Westlake Village and Fresno offices.

Organizational Chart of Key Personnel





Executive Management

Name/ Title	Qualifications/Education/Credentials
<p>Doug Jensen SVP Client Services (Since 1991)</p>	<p>Doug is an expert in the field of municipal revenue enhancement management and local government revenue consulting and ensures the delivery of audit, information, and consulting services Doug supervises a staff of 17 professionals with breadth and depth of knowledge and experience in local government focused on customer care Doug has nearly 20 years of expertise in tax policy, municipal finance, and economic development and consulting He is an associate member of numerous local government associations such as CSMFO and CMRIA. Education: BA in Accounting, California State University, Fresno.</p>
<p>Jonathan Gerth VP Audit (Since 2010)</p>	<p>Jonathan has vast professional experience in legal, business and accounting environments, including federal and local governmental functions and tax compliance. Jonathan began his career as a tax attorney for the Internal Revenue Service's Division of Chief Counsel and Compliance in Dallas, Texas He later worked for a local private tax firm in Birmingham before joining our sister company RDS in April 2010 Jonathan has held a wide variety of legal roles in our audit department consisting of legal support and analysis on compliance audits, regulatory compliance initiatives and reforms in audit, assessment and collection practices, and external litigation support. He has also served as the administrative law judge presiding over tax appeals for all RDS represented jurisdictions throughout Alabama Education He obtained an advanced degree in tax accounting from Spring Hill College in 2002, and a law degree with a concentration in taxation and corporate law from Thomas Goode Jones School of Law in 2006.</p>

Primary Contact and Project Management

Name/ Title	Qualifications/Education/Credentials
<p>Bret Harmon Client Services Manager (Since 2003)</p>	<p>Bret is the Account Manager for this project and will be the dedicated client Services Manager. He joined MuniServices in 2003 following time in city management Bret will partner with and assist the County's staff in developing and implementing strategies to preserve and enhance the County's tax revenue Before working in city management, Bret worked domestically in business operations and internationally in non-profit services Since joining MuniServices, Bret has overseen many of our product innovations and sales tax tools development. His work as the past Client Relations Manager gives him an intimate knowledge of the City's sales tax information. His experience as a Client Services Manager gives him an understanding of the City's perspective, challenges and potential Education: He earned an MPA in Local Government Management with high honors and BS in Business Management from Brigham Young University. He is a past member of ICMA and current associate member of CSMFO and MMANC He is a repeat presenter at CSMFO chapter events.</p>



Audit Team

Name/Title	Qualifications/Education/Credentials
<p>Kandance Warnock IOT Manager (Since 2007)</p>	<p>Kandi has been in the accounting industry for 12 years, 7 of which was in the hospitality industry She worked for a hotel management company as the Accounting Manager for 2 years and was quickly promoted to Operations Manager where she trained all hotel staff members and kept all properties up to date on QA Inspections, internal audits, performance and overall growth Kandi has the insider prospective that gives our clients the edge on lodgings tax revenue enhancement Education: BA in Accounting, George Mason University, Fairfax, VA.</p>
<p>Gennaro DiMassa Sr. Auditor (Since 2006)</p>	<p>Gennaro, a Certified Public Accountant, inactive, is responsible for MuniServices CATV Compliance program and is a senior auditor in the UUI, FF and IOT group He is responsible for the audit and analysis of the Transient Occupancy Tax paid by hotels for compliance with City ordinances Additionally, he is responsible for conducting Cable TV Company audits for compliance with City agreements He has ten years of audit experience with a major recovery audit firm and practiced seven years as a CPA with a major CPA firm in the Los Angeles area Education: BA in Business Administration from California State University, Long Beach.</p>
<p>Tim Olson Auditor (Since 2005)</p>	<p>Tim is responsible for monitoring, detection and documentation of noncompliance errors/omissions resulting from MuniServices' utility users tax compliance reviews with the Telecommunications Industry He interfaces with the telecomm service providers and individual end users to determine whether there is non-compliance with local utility users' tax ordinances In addition to monitoring the Telecommunications Industry, Tim also conducts Transient Occupancy Tax audits. Tim has over twenty years of finance and audit related experience Education: BA in Business Administration, California State University San Bernardino.</p>
<p>Tami Nguyen Auditor (Since 2007)</p>	<p>Tami is responsible for the coordination of all data collection, administration, and analysis for Transient Occupancy Tax She conducts on site audits and helps prepare management reports for our client contacts Prior to joining MuniServices, she worked for a major home builder as a Treasury Analyst. Education: BA from Rutgers University.</p>
<p>Jennifer Disko Discovery Recovery Department Manager (Since 2004)</p>	<p>Jennifer has supervised the implementation of hundreds of revenue discovery projects for government clients of all sizes, as well as other new projects and services Responsibilities include researching and coordinating all new projects, attending new client kickoff meetings, assigning Discovery Specialists to each project, monitoring daily project activities and scheduling resources for these activities. Depending on the volume of discovery targets to be reviewed at any given time, Jennifer will assign appropriate Discovery Specialists to complete a detailed review of potentially non-compliant taxpayers, generate appropriate reports for the City, and initiate contact with taxpayers upon receipt of approval from the City Discovery Specialists are also responsible for providing customer service for all inbound and outbound telephone calls and are expected to coordinate timely responses to all taxpayer and Client requests. Discovery Specialists have an average of 2-3 years of direct experience with discovery projects undertaken on behalf of our clients.</p>



<p>Compliance Auditors [to be assigned]</p>	<p>Based on the volume and schedule for audits to be undertaken for the City, Andrea will assign qualified auditors as needed from among the 70 auditors MuniServices available. All MuniServices auditors are well-prepared through education, experience, and company-provided training to uphold the highest professional standards throughout the course of complete, detailed, transaction tax examinations. We emphasize and maintain a formal review process by Audit Division supervisors which is designed to ensure the accuracy of final correspondence prepared by individual auditors. All staff auditors undergo an intensive four to six month training period under the direct supervision of a manager or supervisor. Multiple layers of management supervision, mentoring, and review of finished work products support the work of each of our field auditors, and ensure that all of our processes, findings, and documentation are both accurate and in compliance with the highest professional standards.</p>
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Government Relations

Name/Title	Qualifications /Education/Credentials
<p>Francesco Mancia, MBA VP of Government Relations and Business Development (Since 1995)</p>	<p>Fran is responsible for overseeing company Legislative, Regulatory, and Government Relations work including business development in the western region of the country. Fran has a strong working knowledge of local government general fund tax laws and state and federal regulatory and legislative issues that impact local governments. He monitors, analyzes and leads company lobbying efforts related to legislation, state mandates, and regulatory changes and policies that affect client revenue streams with a primary focus and working knowledge of all general fund tax areas. Fran has served as a member of the League of California Cities Revenue and Taxation Policy Committee and was the 2007 and 2008 President of the League's Partner Program and currently serves as Advisor and Chairman of the California Contract Cities Association, Associate Members Program. Education: Fran graduated from the University of California, Santa Barbara and earned a Bachelor of Arts degree in Communications, and attended the University of San Francisco where he earned a Masters degree in Business Administration.</p>
<p>Brenda Narayan Director Government Relations (Since 1997)</p>	<p>Brenda will monitor and research legislation that may have a potential impact to public agency clients. She is responsible for writing letters to elected officials and developing policy positions (and recommendations) on legislation. She is the primary author of MuniServices Policy, Regulatory and Legislative updates. Bringing over 20 years of experience working in a leadership office in the State Capitol, Brenda coordinates the Company's day-to-day legislative and regulatory activity. She researches, identifies and tracks key legislation for MuniServices on behalf of clients. As with each legislative session, in 2012 Brenda meets regularly with industry representatives to discuss, review and analyze legislation issues impacting local government revenues. Brenda was also reappointed in 2012 to serve as a League partner for the Leagues of California Cities Revenue and Taxation Committee. Education: BA in Humanities, California State Sacramento. Certificate in Leadership and Management from UC Berkeley Extension.</p>



Support Team

Name/Title	Qualifications /Education/Credentials
<p>Michael Martinez Network Administrator (Since 2013)</p>	<p>Michael is a veteran in IT industry with over 11 years of experience providing advanced multiplatform system administration, specializing in networking and security. In March 2013 Michael joined MuniServices as the Network Administrator. Michael brings a wide variety of expertise to MuniServices, including Cisco Systems network design and implementation, Microsoft Windows Active Directory administration, and Cisco Systems VoIP administration and management. Prior to joining MuniServices Michael was a Senior Network Engineer for Pelco by Schneider Electric. In this role Michael provided top tier system and network support for large scale network based enterprise surveillance systems. Professional Certifications: Cisco Certified Design Associate, Cisco Certified Network Associate, Network+, A+ Education: Michael holds a Bachelor of Science Degree in Information Technology from American Intercontinental University.</p>
<p>Scott Eckman Manager Database Control Services (1990)</p>	<p>Scott joined MuniServices in 1990 as a GIS Technician. From 1993 to 1999, Scott served as the Supervisor of the Address Error Detection department. From 1999 to 2012 he served as the Lead Data Analyst in the Data Control Services department and is now the Manager of Database Control Services. Scott's background in data analysis, designing procedures and programs to process data and communicating with external entities regarding data issues has helped MuniServices compile the vast amount of data that is imperative to its' product base Education: Scott earned a Bachelor of Arts degree in Geography emphasizing in Technology from California State University at Fresno.</p>
<p>Cheri Bivings Data Control Services (Since 1994)</p>	<p>Cheri is responsible for analyses of data requirements in order to deliver business solutions to MuniServices public sector clients and internal respective business units. With over 18 years of experience in business accounting Cheri specializes in establishment of processes for research and development of data; development of standards to test structure and format of data and documentation and of data anomalies. Cheri will work with the City's staff to obtain the necessary data. She is also responsible for acquiring and formatting 3rd-party data sources. Education: Cheri is certified in Microsoft Excel and she holds an Associates of Arts degree in Business Accounting from Heald 4C's College.</p>
<p>Patricia Dunn Contracts Compliance Manager (Since 2006)</p>	<p>Patricia will oversee the contract preparation and compliance. She joined MuniServices in 2006 as the Contracts Administrator and was appointed Contracts Compliance Manager in 2008 and Client Services-Operations Manager in 2010. She is presently responsible for the reviewing, drafting, and negotiating client and vendor contracts, and provides administrative and technical support to client services managers and senior and executive management. She is also responsible for issuing and maintaining compliance-related documents including insurance certificates, local business licenses, and corporate filings. She has been an instructor for the company in the areas of Sexual Harassment Prevention and Injury and Illness Prevention Program and also serves as the Safety Coordinator. She has over 20 years of paralegal experience. Education: Patricia graduated magna cum laude with a BA in Organizational Leadership from Fresno Pacific University and summa cum laude with a MS in Human Resources Management from Chapman University.</p>