Salinas Planning Commission

Staff Report

Planning Manager Approval	Agenda Item
	ID#18-360

City of Salinas

Community Development Department
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DATE: July 18, 2018

TO: Planning Commission

FROM: Courtney Grossman, Planning Manager

BY: Thomas Wiles, Senior Planner

SUBJECT: REVIEW OF AN OUTDOOR MARKET ON SUNDAYS LOCATED AT 1040 NORTH MAIN STREET (SALINAS SPORTS COMPLEX - APN: 003-231-002-000) IN THE PS (PUBLIC/SEMIPUBLIC) DISTRICT.

RECOMMENDATION

It is recommended that the Planning Commission adopt the attached Resolution recommending continued operation of an Outdoor Market on Sundays located at 1040 North Main Street at the Salinas Sports Complex in the PS (Public/Semipublic) District.

BACKGROUND

El Mercado Popular, Inc. (Applicant) operates an Outdoor Market in connection with the California Rodeo Association at the Salinas Sports Complex (Rodeo Grounds). El Mercado Popular Inc. has been operating several outdoor markets in Santa Clara, Monterey and Santa Cruz Counties. The purpose of the Outdoor Market is to create a family friendly event that brings together local farmers, food vendors, non-profits and used/new item vendors. To encourage increased access to fresh foods, certified farmers do not pay a fee to sell their produce. In addition, free space is available for government agencies and non-profit community organizations to distribute important community information.

The Salinas Sports Complex property is located in the PS (Public/Semipublic) District and includes the Rodeo Grounds, Municipal Stadium, Municipal Aquatic Center, Community Center, and Sherwood Park. The following provides an overview of the zoning districts and land uses adjacent to the project site:

North:	MX-FG1 (Mixed Use – Laurel Drive at North Main Street Focused Growth Overlay) & PS (Public and Semipublic)/Shopping Center and Recreational fields/facilities.
South:	CR (Commercial Retail), CT (Commercial Transition), R-H-1.8 (Residential – High Density) & R-M-2.9 (Residential – Medium Density)/Commercial and Residential uses
East:	PS (Public & Semipublic), R-H-2.1 (Residential – High Density), & R-L-5.5 (Residential - Low-Density)/Church, Elementary School, High & Low Density Residential uses
West:	CR (Commercial Retail)/Sherwood Gardens Shopping Center & Motels

The Salinas Sports Complex property is owned by the City of Salinas and is leased to the California Rodeo Association, a California corporation. There is no definition of an outdoor market in the Zoning Code; the Zoning Code includes references to swap meets, flea markets, and farmers markets. In addition, Zoning Code Section 37-10.430 defines "Swap Meet" as occasional or periodic retail activities held in an open area or enclosed structure where groups of individual sellers are provided space to display, barter, or sell goods to the public. Per this Zoning Code definition, "Swap Meet" is interchangeable with and applicable to: flea markets, open-air markets, farmers' markets, or similar activities.

In 2011, a similar proposal was presented to City Council, which ultimately was not approved. During the hearing, multiple stakeholders expressed concerns about potential traffic and parking impacts to the adjacent neighborhoods and Sherwood Gardens Shopping Center. Several business owners were concerned about losing business due to the proposed intent to operate on Sunday, the most popular shopping day.

On April 4, 2017, the City Council approved Resolution No. 21144 (attached), which approved the Outdoor Market for limited operations on Wednesdays for a trial period of six months. A maximum of 90 vendors were allowed and approved hours of operation from 4:00 p.m. to 8:00 p.m. Vendor access was limited from 2:00 p.m. to 9:30 p.m. The Outdoor Market is held in the "Midway" generally located on the westerly portion of the Salinas Sports Complex, along the North Main Street frontage, between the box office and the Sports Complex Grandstand. Free off-street parking for the Outdoor Market is provided on-site in the parking lot between the grandstands and the softball complex. The Outdoor Market started operation on April 26, 2017.

Per Condition No. 3.e. of Resolution No. 21144, no sooner than five (5) months from the date of the first outdoor market following City Council approval, the Planning Commission was required to hold a public hearing and determine appropriate actions and conditions for the continued operations of the market. On October 18, 2017, the Planning Commission held a public hearing to consider continued operations of the market. At the hearing, the Applicant requested changes to the hours of operation and that Sundays be added to the schedule. The Commission determined that the Outdoor Market is primarily in compliance with the Conditions of Approval of Resolution No. 21144 and adopted Planning Commission Resolution 2017-07, which extended the Outdoor Market for another six (6) months until April 18, 2018. However, changes to the hours and schedule were not approved. The six-month extension allowed staff to continue to monitor operations at the site and to provide time for the Applicant to submit any request for modifications to the operating conditions of the

Outdoor Market to the City Council for consideration.

On December 15, 2017, the El Mercado Popular, Inc. requested the following (see attached letter):

1. Increase the hours of operations on Wednesdays from 4:00 p.m. to 8:00 p.m. to 3:00 p.m. to 10:00 p.m., all amplified music and sound ending at 8:00 p.m.;
2. Allow the operation on Sundays from 1:00 p.m. to 9:00 p.m., with all amplified music and sound ending at 6:00 p.m.; and
3. Increase the maximum number of vendors from 90 to 110.

Changes in the working hours were requested to allow vendors to arrive and depart at staggered times to avoid traffic congestion. Sunday operations on specific dates were requested to provide another shopping option in Salinas and to help capture some of the retail leakage from other Outdoor Markets located at the Red Barn, Santa Cruz, Watsonville, and San Jose.

On March 6, 2018, the City Council approved Resolution No. 21346 (see attached) to allow the following:

1. Increased Wednesday hours of operation from 3:00 p.m. to 10:00 p.m., and vendor access from 2:00 p.m. to 11:00 p.m.;
2. Increased the maximum number of vendors from 90 to 110; and
3. Approved operations of the Outdoor Market on Sundays for a limited six (6) month initial trial period following the date of City Council approval (March 6, 2018) per the following conditions:
    a. Hours of operation shall be limited from 1:00 pm to 9:00 pm on Sunday.
    b. Vendor access shall be limited from 12:00 pm to 10:00 pm on Sunday.
    c. No more than twenty (20) Sunday outdoor market events shall be held within the six-month period.
    d. Four (4) months from the date of the first Outdoor Market following City Council approval, the Planning Commission will hold a public hearing and determine appropriate actions and conditions for the continued operation of the Outdoor Market on Sunday. Prior to the Planning Commission meeting, the Applicant or successor-in-interest shall submit a report to the Community Development Department providing information regarding economic benefit to the City, vendors including number of local businesses, number of visitors and vehicles, and description of any incidents that have occurred.
    e. To continue operation beyond the six-month trial period, the City Council must adopt a new resolution after conducting a duly held public hearing.

Resolution No. 21346 allows for Sunday operations of the Outdoor Market for a trial six-month period until September 6, 2018 for a maximum of 20-times during this period. Per Condition 5.e. of Resolution No. 21346, in order for Sunday operations to be extended beyond September 6, 2018, the City Council must adopt a new Resolution. Per Condition 5.d. of Resolution No. 21346, the City Council directed that after their approval on March 6, 2018, the Planning Commission review the Sunday operations of the Outdoor Market and determine appropriate actions and conditions to allow for the continued limited operation of

the market on Sundays. Any actions and conditions recommended by the Planning Commission will be forwarded to the City Council.

ANALYSIS

Off-street parking:

Per Zoning Code Section 37-50.360 the minimum number of off-street parking spaces for swap meets (same as outdoor market) is one space for every 1,000 square-feet of lot area used by the Outdoor Market. Staff estimates that the project area of the Outdoor Market is approximately 110,000 square-feet, which would require a minimum of 110 off-street parking spaces, including five (5) accessible spaces. Per Resolution No. 21346 no more than 110 vendors are allowed at the Outdoor Market.

There is an existing 450 space off-street parking lot located to the north of the proposed Outdoor Market site, which will be available to patrons of the outdoor market so as to minimize parking impacts to the surrounding neighborhood. Per a June 27, 2018 from Republic Services, there is adequate trash and recycling services on-site.

Conditions:

Conditions ensure that, when implemented, the proposed use will conform and comply with the provisions of the Salinas Zoning Code such as the requirement to maintain a minimum of 110 off-street parking spaces, including five (5) accessible spaces be allocated to the Outdoor Market to minimize parking and traffic impacts to the surrounding neighborhood. Staff recommends that Outdoor Market operations on Sundays shall be limited to a maximum of 40 events per calendar year (20 Sunday events were previously approved in the six-month trial period). The Applicant has submitted a detailed site plan including the vendor stall size and location, an operation plan, and traffic plan to the City of Salinas to ensure compliance with the conditions in the Resolution No. 21346. The conditions are consistent with Zoning Code Section 37-10.070 and with other types of events held at the Salinas Sports Complex, a location intended for the use and enjoyment by the Salinas community.

Operations:

Three (3) security guards direct traffic and parking. There are seven (7) staff members on-site to check vendors, open the gates, charge admission, supervise the market, and secure operations. Per Condition 5(d) of City Council Resolution 21346, the Applicant provided the attached survey dated April 28, 2018. Per the survey, the vast majority support the Outdoor Market. City staff has previously inspected the operation of the Outdoor Market. Staff observed a variety of goods being offered for sale including, but not limited to, prepared and fresh foods, electronics, clothing, shoes, hats, luggage, furniture, toys, pets, and beauty care products. The market also includes a play area and an animal ride. Staff did not observe alcoholic beverages being sold or consumed on-site, nor the selling of any obscene materials (i.e. pornography). The site includes a live entertainment area adjacent of the box office area on the western portion of the site adjacent to North Main Street, which includes amplified sound. There is an access admission charge, but no charge for on-site parking. Staff has had previous concerns that outside of the primary access gate, all of the other access gates into the Outdoor Market are locked. This could create an exiting problem in case of an

emergency. The Applicant will need to maintain pedestrian and vehicle access, which is required per Conditions 7.o. and 8.b. of Resolution No. 21346. Per the attached site plan, the Outdoor Market has expanded to a portion of the north grass area adjacent to the midway. Staff finds that the Outdoor Market has primarily complied with the Conditions of Approval of Resolution No. 21346 and recommends the Planning Commission recommend to the City Council continued operation of the Outdoor Market at the Salinas Sports Complex on Sundays.

Public Notice:

On July 5, 2018, public notices were sent to all property owners within a 300-foot radius of the site. Public notice was published in The Californian on July 7, 2018. A notice was also sent to SUBA given previous concerns expressed about the impact on businesses in their district.

ENVIRONMENTAL REVIEW:

The environmental impacts of this project were previously analyzed by the City Council in accordance with the California Environmental Quality Act (CEQA) on April 4, 2017 and March 6, 2018 and was found to be exempt from further environmental analysis pursuant to Section 15304(e) (Minor Alterations to Land).

ISSUE:

Does the Planning Commission have any comments or recommendations with regard to the continued operation of an Outdoor Market on Sundays at the Salinas Sports Complex?

FISCAL IMPACT:

Fiscal impacts to the City are not expected to be significant.

TIME CONSIDERATIONS:

Per Condition 5(d) of Resolution No. 21346, Planning Commission will need to determine appropriate actions and conditions within four months from the date of the first Outdoor Market following City Council approval.

ALTERNATIVES/IMPLICATIONS:

The Planning Commission has the following alternatives:

1. Affirm the findings set forth in the attached Resolution and recommend continued Sunday operations of the Outdoor Market with modifications; or

2. Find that continued Sunday operation of the Outdoor Market on Sundays is not appropriate and establish findings to the City Council recommending that the Applicant's request for continued Sunday operation of the Outdoor Market to an extent beyond what is currently permitted by Resolution No. 21346 is not appropriate.

CONCLUSION:

Given that the Outdoor Market as approved by the City Council on April 4, 2017 and March 6, 2018, has operated with minimal issues, staff recommends the continued Sunday operation of the Outdoor Market because it is consistent with the Zoning Code and with the intended use of the Salinas Sports Complex. Staff recommends that the Planning Commission adopt the attached Resolution recommending to the City Council continued Sunday operation of the Outdoor Market.

COURTNEY GROSSMAN
Planning Manager

BY: _____
Thomas Wiles
Senior Planner

Attachments:
- Proposed Planning Commission Resolution
- Vicinity Map for Miscellaneous 2017-003
- Resolution No. 21346
- Resolution No. 21144 (Rescinded on March 6, 2018)
- Resolution No. 18280
- Planning Commission Resolution 2017-07
- Letter from El Mercado Popular, Inc., dated December 15, 2017
  - "Report of Attendance, Traffic, and Staff" dated October 2, 2017 from Patricia Rodriguez, Market Manager
- El Mercado Popular Traffic Control Plan
- El Mercado Popular Operation Plan
- Site Plan for Outdoor Market
- Outdoor Market Survey from Applicant dated April 28, 2018

Cc:
- Jim Slaten, General Manager, Salinas Sports Complex
- Patricia Rodriguez, Market Manager

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