



**CITY OF SALINAS  
COUNCIL STAFF REPORT**

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**DATE:** FEBRUARY 19, 2019

**DEPARTMENT:** COMMUNITY DEVELOPMENT DEPARTMENT

**FROM:** MEGAN HUNTER, COMMUNITY DEVELOPMENT DIRECTOR

**BY:** THOMAS WILES, SENIOR PLANNER

**TITLE:** OUTDOOR MARKET LOCATED AT 1040 NORTH MAIN STREET (SALINAS SPORTS COMPLEX - APN: 003-231-002-000) IN THE PS (PUBLIC/SEMIPUBLIC) DISTRICT

RECOMMENDED MOTION:

It is recommended that the City Council approve the attached Resolution allowing the continued operation of an Outdoor Market at 1040 North Main Street (Salinas Sports Complex) on Sundays with revised hours and a maximum of 110 vendors and customized operations on Fridays and find the Outdoor Market exempt from the California Environmental Quality Act (CEQA).

RECOMMENDATION:

Staff recommends that the City Council approve the attached Resolution allowing the continued operation of an Outdoor Market on Sundays and customized operations on Fridays and find the Outdoor Market exempt from the California Environmental Quality Act (CEQA).

BACKGROUND:

Proposal:

El Mercado Popular, Inc. (Applicant) operates an Outdoor Market at the Salinas Sports Complex. 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 non-profit 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.

Background:

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., with 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 reduce 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

would 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. On July 18, 2018, the Planning Commission reviewed and recommended that the City Council allow the continued limited operation of the market on Sundays (see Planning Commission Review below).

On January 24, 2019, the Rodeo Subcommittee met with the Applicant concerning the proposed continued operation of the Outdoor Market, including permitting operations of the Market on Fridays. In response to the Rodeo Subcommittee's request, on January 25, 2019, the Applicant sent the attached e-mail requesting the following:

1. Allow for operations of the Outdoor Market on Fridays;
2. Allow hours of operation for the Outdoor Market on Wednesdays and Fridays to be from 3:00 p.m. to 10:00 p.m. with vendor access limited from 1:00 p.m. to 11:30 p.m.; and
3. Allow hours of operation for the Outdoor Market on Sundays be from 9:00 a.m. to 4:00 p.m. with vendor access from 6:30 a.m. to 6:00 p.m.

The Applicant is requesting earlier Sunday hours of operation to increase customer access and to compete with other nearby Outdoor Markets. To allow for greater flexibility, the Resolution has been drafted to allow the Rodeo Subcommittee authority to change the dates and hours of operation of the Outdoor Market rather than placing the authority with the Planning Commission and/or 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 may be available to patrons of the Outdoor Market to minimize parking impacts to the surrounding neighborhood. Off-street parking for the nearby Sherwood Hall is in the parking lot located south of the Outdoor Market along North Main Street.

Conditions/Operations:

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. 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. Per a June 27, 2018 letter from Republic Services, there is adequate trash and recycling services on-site for the Outdoor Market.

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 inspected the Sunday operation of the Outdoor Market on August 12, 2018 (see attached photos). 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 in the past 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 to the box office area on the western portion of the site adjacent to North Main Street, which includes amplified sound. There is an admission charge for the market, but no charge for on-site parking. Pedestrian and vehicle access are 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.

#### Planning Commission Review:

On July 18, 2018, the Planning Commission recommended City Council approval of continued Sunday operations of the Outdoor Market per attached Planning Commission Resolution 2018-10.

#### DEPARTMENTAL COORDINATION:

Other City departments have reviewed by the operation of the Outdoor Market and have provided feedback such as the providing of adequate emergency access and security.

#### 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).

#### Categorical Exemption:

Prior to taking action, the City Council will need to confirm that the project is exempt from further environmental review by establishing the following finding (supportive evidence is provided below):

***The project has been found to be a Class 4 Categorical Exemption pursuant to Guidelines Section 15304(e) (Minor Alterations to Land) of the Guidelines to the***

***California Environmental Quality Act;***

The proposed project is categorically exempt from further environmental analysis per CEQA Guidelines Section 15304(e) (Minor Alterations to Land), because the project does not include additional development or off-street parking.

**STRATEGIC PLAN INITIATIVE:**

The Outdoor Market at the Salinas Sports Complex assists the City Council's goals of a Safe, Livable Community by creating a safe, family friendly event and providing greater access to fresh and health food.

**FISCAL AND SUSTAINABILITY IMPACT:**

Fiscal impacts to the City are not expected to be significant whether the requested outdoor market is approved or denied.

**CONCLUSION:**

The Outdoor Market as approved by the City Council on April 4, 2017 and March 6, 2018 has operated with minimal issues. The Planning Commission recommended the continued Sunday operation of the Outdoor Market and authorization of market operations on Fridays because it is consistent with the Zoning Code and with the intended use of the Salinas Sports Complex. Staff recommends that the City Council adopt the attached Resolution approving expanded Sunday hours and authorizing market operations on Fridays.

**ATTACHMENTS:**

Draft City Council Resolution  
Vicinity Map for Miscellaneous 2017-003  
City Council Resolution 21346  
City Council Resolution 21144 (Rescinded on March 6, 2018)  
City Council Resolution 18280  
Planning Commission Resolution 2018-10  
Planning Commission Staff Report dated July 18, 2018 without Exhibits  
Official Planning Commission Minutes dated July 18, 2018  
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  
Outdoor Market photos dated August 11, 2018  
E-mailed correspondence from Patricia Rodriguez dated January 25, 2019

**Distribution:**

City Council  
City Manager  
City Attorney  
Chief of Police  
El Mercado Popular, Inc.  
Salinas Sports Complex

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