RESOLUTION NO. _____ (N.C.S.)

A RESOLUTION ALLOWING OPERATION OF AN OUTDOOR MARKET ON WEDNESDAY, FRIDAY, AND SUNDAY AT THE SALINAS SPORTS COMPLEX (M 2017-003)

WHEREAS, the City of Salinas (City) owns that certain real property located on North Main Street on which sit the facilities and the improvements known as the "Salinas Sports Complex"; and

WHEREAS, the City and the California Rodeo Association (Rodeo Association) have entered into a lease agreement pursuant to which the Rodeo Association operates the Salinas Sports Complex and hosts events and activities for the community; and

WHEREAS, on June 17, 2003, the Salinas City Council adopted Resolution No. 18280 which established an exemption for the Salinas Sports Complex from the City's Temporary Use of Land Requirements for certain types and numbers of events; and

WHEREAS, Resolution No. 18280 established the maximum number of "Flea Markets" which may be held at the Salinas Sports Complex each year at five (5) for a maximum of five (5) days each year; and

WHEREAS, on March 21, 2017, with the support of the Rodeo Association, El Mercado Popular, Inc. submitted a request to operate an "Outdoor Market" at the Salinas Sports Complex every Wednesday from 4:00 pm to 8:00 pm; and

WHEREAS, on April 4, 2017, the Salinas City Council held a duly noticed public hearing to consider an "Outdoor Market" at the Salinas Sports Complex on Wednesdays and Council adopted Resolution No. 21144 which allowed operation of an Outdoor Market at the Salinas Sports Complex on Wednesdays, commencing operation on April 26, 2017; and

WHEREAS, per Condition 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 held a public hearing and determine appropriate actions and conditions for the continued operation of the market; and

WHEREAS, the Salinas City Council previously found the operation of an Outdoor Market at the Salinas Sports Complex exempt from the California Environmental Quality Act (CEQA); and

WHEREAS, the Salinas City Council further found that the operation of an Outdoor Market at the Salinas Sports Complex is consistent with Salinas Zoning Code Section 37-10.070 as proper and in the public interest; and

WHEREAS, on October 18, 2017, the Planning Commission held a duly noticed public hearing per Condition 3.e. of Resolution No. 21144 to determine appropriate actions and conditions for the continued operation of the market. Accordingly, the Planning Commission adopted

Resolution No. 2017-07 to continue operation of the Outdoor Market on Wednesdays for a maximum period of six (6) months from the date of Planning Commission approval; and

WHEREAS, on March 6, 2018, the Salinas City Council held a duly noticed public hearing per Condition 4. of Planning Commission Resolution No. 2017-07 to determine appropriate actions and conditions for the operation of an Outdoor Market on Wednesdays and Sundays with a maximum of 110 vendors. Accordingly, the City Council adopted Resolution No. 21346 to allow for continued operation of an Outdoor Market on Wednesdays, expand the number of vendors, and allow for operations on Sundays; and

WHEREAS, on July 18, 2018, the Salinas Planning Commission held a duly noticed public hearing per Condition 5.d. of Resolution No. 21346 to recommend appropriate actions and conditions for the continued operation of an Outdoor Market on Sundays to the Salinas City Council. Accordingly, the Planning Commission adopted Resolution No. 2018-10 to recommend that the City Council approve continued operation of an Outdoor Market on Sundays; and

WHEREAS, on January 24, 2019, the Rodeo Subcommittee recommended approval of the continued operation of an Outdoor Market on Sundays and initiate operations on Fridays; and

WHEREAS, on February 19, 2019, the Salinas City Council held a duly noticed public hearing per Condition 5.d. of Resolution No. 21346 to determine appropriate actions and conditions for the continued operation of an Outdoor Market at the Salinas Sports Complex on Sundays and to authorize operations on Fridays; and

WHEREAS, the Salinas City Council considered the evidence presented to it, including public testimony, and hereby found that the operation of an Outdoor Market at the Salinas Sports Complex, subject to certain limitations and conditions, is consistent with the lease agreement entered into between the City and the Rodeo Association; and

WHEREAS, the Salinas City Council found the operation of an Outdoor Market at the Salinas Sports Complex exempt from the California Environmental Quality Act (CEQA); and

WHEREAS, the Salinas City Council further found that the operation of an Outdoor Market at the Salinas Sports Complex is consistent with Salinas Zoning Code Section 37-10.070 as proper and in the public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE SALINAS CITY COUNCIL as follows:

1. The proposed Outdoor Market 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.

2. Resolution No. 21346 passed and adopted by the Salinas City Council on March 6, 2018, is hereby rescinded.

3. The section for Resolution No. 18280 that established the maximum number of "Flea Markets" which may be held at the Salinas Sports Complex each year at five (5) for a maximum of five (5) days each year, is hereby rescinded.

4. The Outdoor Market may operate on Wednesdays and Fridays and shall comply with the following conditions:

    a. Hours of operation shall be limited from 3:00 p.m. to 10:00 p.m.

    b. Vendor access shall be limited from 1:00 p.m. to 11:30 p.m.

5. The Outdoor Market may operate on Sundays and shall comply with the following conditions:

    a. Hours of operation shall be limited from 9:00 a.m. to 4:00 p.m.

    b. Vendor access shall be limited from 6:30 a.m. to 6:00 p.m.

6. Amplified sound may be permitted on Wednesday and Friday from 3:00 p.m. to 8:00 p.m. and on Sunday from 1:00 p.m. to 6:00 p.m., but shall not exceed the maximum noise standards at any adjacent property line as stated in Zoning Code Section 37-50.180(a), Table 37-50.50.

7. The Rodeo Subcommittee shall have the authority to approve changes to the hours and dates of operation of the Outdoor Market as specified above with an affirmative vote of the Subcommittee.

8. If the Outdoor Market ceases operation for a continuous period of six (6) months or more, then it shall become null and void, and not be re-established without City Council approval.

9. The Applicant or successor-in-interest shall comply with the following additional Conditions of Approval:

    a. The applicant(s) shall defend, indemnify, and hold harmless the City of Salinas or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commissions, agents, officers, or

employees to attack, set aside, void, or annul, any of the approvals of this project/use. The City shall promptly notify the applicant(s) of any such claim, action, or proceeding. The City shall cooperate in the defense. Nothing contained in this condition shall prohibit the City from participation in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.

b. The Outdoor Market shall comply with the "Salinas Sports Complex Lease Agreement".

c. Upon termination of the Lease Agreement between the City of Salinas and the California Rodeo Association, or their Successor-in-interest, the City may request that the Outdoor Market be removed. The California Rodeo Association, or their Successor-in-interest, shall be responsible for all removal costs including any improvements required to restore the site back to the original condition predating the Outdoor Market.

d. The City may conduct a review of the Outdoor Market at any time, to determine if the Applicant or successor in interest is in compliance with the conditions established in this resolution. If it is determined that the Applicant or successor in interest has not complied with these conditions, the Planning Manager may schedule a review by the Salinas Planning Commission, at a public hearing, and the Commission may require additional modifications. The Applicant shall reimburse the City of Salinas for all costs and expenses required to prepare for and conduct a hearing before the Planning Commission.

e. Operation of the Outdoor Market shall be limited in size to 110 vendors.

f. The Outdoor Market shall occur only in the Midway between the Box Office and Grandstand.

g. Alcoholic beverages shall not be sold or consumed at the Outdoor Market.

h. Mobile vendors shall not be permitted to vend within the Outdoor Market.

i. Notwithstanding what may otherwise be permissible under Salinas Zoning Code §37-50.020(b), the sale or the offering for sale of films, books, magazines or other periodicals, or other products which are devoted to "specified sexual activities" or "specified anatomical areas"-as those terms are defined in Salinas Zoning Code §37-

50.020(b), as the same may be amended or renumbered from time to time-shall be entirely prohibited and no portion of the Outdoor Market shall include the sale or the offering for sale of such materials or products.

j. The Applicant, or successor in interest, shall grant first right of refusal to food vendors that are either non-profit organizations which have a principal place of business in the City of Salinas and which provide direct and regular community services and benefits to the residents of the City of Salinas, or are restaurants currently located in the City of Salinas.

k. The Applicant, or successor-in-interest, shall ensure that all vendors participating in the Outdoor Market shall be fully licensed and permitted by all regulatory agencies, as appropriate, and shall obtain, at a minimum, a business license from the City of Salinas and a Health Permit from the Monterey County Health Department, if applicable.

l. The Applicant, or successor-in-interest, shall provide a minimum of three (3) security guards and seven (7) staff members for the operation of the Outdoor Market.

m. The Applicant, or successor-in-interest, shall provide on-site restroom facilities of both customers and vendors of the Outdoor Market.

n. No permanent structures shall be built or erected for the Outdoor Market. Any structures or facilities, which are used to support the Outdoor Market, shall be wholly temporary in nature and shall be taken down at the end of each Outdoor Market event.

o. The Applicant, or successor-in-interest, shall provide sufficient vendor/pedestrian control on the Outdoor Market and the adjoining parking lots to ensure the public sidewalk is kept clear of waiting shopper's and vendors during Outdoor Market operational hours. Barricades, cones, delineators with warning tape and signs are acceptable measures. All accesses shall remain clear and usable and emergency access shall remain unhindered.

p. Trailered equipment such as portable light standards (if used during dark hours of operation being a year-round use) shall be secured during the hours of operation to prevent vandalism and removed from the site or into a secured area.

q. Trash cans shall be provided for each event and shall be collected/emptied out after each event prior to the last Outdoor Market manager/assistant leaving the site. Trash cans shall have adequate lids or other devices to prevent airborne trash. Trash cans shall be emptied if filled during the hours of operation and shall not be left in an overflow condition in order to conform to City of Salinas NPDES permit requirements as provided in for in the Plan of Operation provided for this review. While the intent of these conditions and the Plan of Operation is to keep all garbage and debris on site, garbage/debris originating from the Market site and deposited onto adjacent streets and properties shall be properly collected and disposed of should it occur.

r. The Applicant, or successor-in-interest, shall conform with solid waste collection and recycling provisions. All storage provided for equipment and appurtenances utilized for the Outdoor Market shall be properly stored/secured on or offsite.

s. Paved areas, adjoining sidewalks, and site facilities, shall be adequately maintained during the hours of operation to prevent windborne trash and shall be swept/cleaned after each Outdoor Market event and resulting sweeping/debris disposed of properly to conform to the City of Salinas NPDES permit requirements. Washing of areas and directing the cleaning fluid to the storm system is expressly prohibited. Use of leaf blowers for this purpose is prohibited. All food cooking materials, food and food byproducts shall be disposed of properly.

t. The Applicant, or successor-in-interest, shall provide emergency ingress and egress in conformance with Fire Department requirements.

u. All applicable requirements of the Salinas Fire Department including those items identified in Titles 19, 24, and 25 of the California Administrative Code must be met and may include, but not be limited to, provisions for fire alarm systems, fire extinguishers, and emergency vehicle access. Vendors using open flame for food production shall obtain an Open Flame permit and conform to the requirements for that permit. Vendors using hazardous processes, torches, grinders or welders to manufacture items will not be permitted in the market.

v. The Applicant, or successor-in-interest, shall comply with the Americans with Disabilities Act (ADA) and with Title 24 requirements as determined by the Permit Center.

w. The Applicant, or successor-in-interest, shall maintain minimum required sight distances at driveways and intersections at all times.

x. A minimum of 110 on-site parking spaces shall be allocated to the Outdoor Market including five (5) on-site parking space designated for people with disabilities in accordance with *Article V, Division 2: Parking, Loading, and Outdoor Lighting*. Bicycle parking (rack) shall be provided in accordance with Zoning Code Section 37-50.400.

y. All off-street parking and loading areas shall be graded, paved, drained, landscaped, striped, and maintained in accordance with *Article V, Division 2: Parking, Loading, and Outdoor Lighting* of the Salinas City Code.

z. To encourage use of off-street parking, no parking fee for customers or vendors of the Outdoor Market shall be permitted.

aa. Individual vendors may have an unlimited number of signs on their vendor booths. All vendor signs shall be directed into the Outdoor Market area and shall not be visible from any public right of way.

bb. One (1) fabric banner (maximum of 3' high x 20' wide) may be displayed at the entrance to the Outdoor Market and shall only be present during the authorized hours of operation.

cc. Not withstanding above, no canvas signs, banners, pennants, flags, streamers, balloons or other temporary or wind signs; no mobile, A-frame, or portable signs; no roof or canopy signs extending above a building roof; no signs that resemble any official marker erected by the city, state or any governmental agency, or that by reason of position, shape, color or illumination would conflict with the proper functioning of any traffic sign or signal or would be a hazard to vehicular or pedestrian traffic; no signs which produce odor, sound, smoke, fire or other such emissions; and no animated, flashing, moving or rotating signs shall be permitted unless permitted in accordance with *Article 5, Division 3: Signs* of the Salinas Zoning Code.

dd. All parking areas, driveways, other paved surfaces, accessways and grounds shall be regularly maintained and kept free of weeds, litter, and debris. All traffic signs and pavement markings shall be clear and legible at all times. All landscaped areas shall be maintained free of weeds, trash, and debris, and all plant material shall be

continuously maintained in a healthy, growing condition. All exterior building and wall surfaces shall be regularly maintained, and any damage caused by weathering, vandalism, or other factors shall be repaired in conformance with the terms and conditions herein.

ee. The Applicant or successor-in-interest, shall not be relieved of any requirement to obtain permits or licensing from any county, regional, state or federal agencies.

ff. The Applicant or successor-in-interest, shall also operate the Outdoor Market on the above-described property in accordance with the attached exhibits incorporated herein by reference and made a part of this approval.

10. The Applicant, or successor-in-interest, shall provide annual updates concerning the following to the Community Development Department for review and approval:

    a. Updates to site plan showing the boundaries of the Midway, including the size and location of vendor stalls to the City of Salinas.

    b. Any updates to the Traffic Control Plan that separates the Outdoor Market and the adjoining parking areas to ensure vehicles do not access the Outdoor Market area during operational hours, provides safe and adequate pedestrian access, and minimizes vehicular traffic congestion into the Outdoor Market. Barricades, cones, and signs (to indicate no vehicle access) are acceptable measures.

    c. Any updates to the Operation Plans for the Outdoor Market. The Operation Plan shall govern the operation and maintenance of the Outdoor Market from set-up through final clean-up of the site and it shall be considered as included as part of the conditions and necessary part of the proper operation and clean-up of the site.

PASSED AND APPROVED this 19th day of February 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

_____

Joseph Gunter, Mayor

ATTEST:

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Patricia M. Barajas, City Clerk

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