

City of Salinas

200 Lincoln Ave., Salinas, CA 93901

www.cityofsalinas.org



Meeting Agenda - Final

Wednesday, June 9, 2021

3:30 PM

Teleconference in accordance with
State of California Executive Order No.N-29-20 and N-35-20

SPECIAL MEETING

Planning Commission

Commissioners:

Dennis Donohue, Mayor's Appointee

Rosa Gonzalez, District 1 - John Meeks, District 2

Lorisa McKelvey Daye, District 3 - Andrea Manzo, District 4

Brad Griffin, District 5 - Aidee Farias, District 6

Megan Hunter, Community Development Director

Courtney Grossman, Planning Manager

Christopher A. Callihan, City Attorney

Community Development Department Office: (831) 758-7206

PUBLIC NOTICE

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic. In accordance with Executive Order N-29-20, the public may only view the meeting on television and/or online and not in the Council Chamber. City meetings may be observed live at <https://salinas.legistar.com/Calendar.aspx>, on The Salinas Channel on YouTube at <https://www.youtube.com/user/thesalinaschannel> or on Comcast Channel 25.

ZOOM WEBINAR PARTICIPATION**JOIN THE ZOOM WEBINAR TO PARTICIPATE LIVE AT:**

<https://zoom.us/j/95094784778>

To participate telephonically, call any number below:

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Webinar ID: 950 9478 4778

If prompted to enter a participant ID, press #.

SUBMISSION OF PUBLIC COMMENT PROCEDURES

Public comments are restricted to items on the special meeting agenda pursuant to California Government Code section § 54954.3(b).

If you wish to make a comment on the agenda item, please join the Zoom Webinar or submit your written comment, limited to 250 words or less via email by 1:30 P.M. on the day of the meeting to the Planning Commission Secretary at PublicCommentCD-P@ci.salinas.ca.us

Reading of Public Comments: The secretary shall read all email comments, provided that the reading shall not exceed two (2) minutes and shall become part of the record. Every effort will be made to read your comment into the record, but some comments may not be read due to time limitations.

PLEDGE OF ALLEGIANCE**ROLL CALL****PUBLIC COMMENT TIME RESTRICTIONS**

Public comments generally are limited to two minutes per speaker; the Chair may further limit the time for public comments depending on the agenda schedule.

PUBLIC HEARING

[ID#21-259](#)

An Ordinance amending Chapter 37 of the Salinas Municipal Code (Zoning Code) to allow consideration of food trucks operating on private property subject to a Conditional Use Permit (CUP) (ZCA 2021-004)

Recommendation: Adopt a Resolution recommending that the City Council: 1) find the project categorically exempt from CEQA pursuant to Sections 15305 and 15061(b)(3); and 2) introduce and then adopt an Ordinance amending the Zoning Code to allow consideration of Food Trucks operating on private property subject to a CUP.

ADJOURNMENT

Confirmation of attendance at next meeting prior to adjournment.

Maira Flores, Administrative Aide

AGENDA MATERIAL / ADDENDUM

Any addendums will be posted within 72 hours of regular meetings or 24 hours of special meetings and in accordance with Californian Government Code Section 54954.2, unless otherwise allowed under the Brown Act. City Commission/Board/Committee agenda item reports may be viewed at the Salinas City Clerk's Office, 200 Lincoln Avenue, Salinas, and are posted on the City's website at www.cityofsalinas.org via the hyperlinks provided on the agenda. The Commission/Board/Committee may take action that is different than the proposed action reflected on the agenda.

Disability-related modification or accommodation, including auxiliary aids or services, may be requested by any person with a disability who requires a modification or accommodation in order to participate in the meeting. Requests should be referred to the City Clerk's Office At 200 Lincoln Avenue, Salinas, 758-7381, as soon as possible but by no later than 5 p.m. of the last business day prior to the meeting. Hearing impaired or TTY/TDD text telephone users may contact the city by dialing 711 for the California Relay Service (CRS) or by telephoning any other service providers' CRS telephone number.

PUBLIC NOTIFICATION

This agenda was posted on Friday, June 4, 2021 at the City Clerk's Office and in the Salinas Rotunda.

Meetings are streamed live at <https://salinas.legistar.com/Calendar.aspx> and televised live on Channel 25 on the date of the regularly scheduled meeting and will be broadcast throughout week following the meeting. For the most up-to-the-minute Broadcast Schedule for The Salinas Channel on Comcast 25, please visit or subscribe to our Google Calendar located at <http://tinyurl.com/salinas25>. Recent City Council meetings may also be viewed on the Salinas Channel on YouTube at <http://www.youtube.com/thesalinaschannel>.



City of Salinas

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CA 93901
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Legislation Text

File #: ID#21-259, **Version:** 1

An Ordinance amending Chapter 37 of the Salinas Municipal Code (Zoning Code) to allow consideration of food trucks operating on private property subject to a Conditional Use Permit (CUP) (ZCA 2021-004)

Adopt a Resolution recommending that the City Council: 1) find the project categorically exempt from CEQA pursuant to Sections 15305 and 15061(b)(3); and 2) introduce and then adopt an Ordinance amending the Zoning Code to allow consideration of Food Trucks operating on private property subject to a CUP.



CITY OF SALINAS PLANNING COMMISSION REPORT

DATE: JUNE 9, 2021

TO: PLANNING COMMISSION

FROM: COURTNEY GROSSMAN, PLANNING MANAGER
LISA BRINTON, PLANNING MANAGER

BY: OSCAR RESENDIZ, ASSOCIATE PLANNER

TITLE: AN ORDINANCE AMENDING CHAPTER 37 OF THE SALINAS MUNICIPAL CODE (ZONING CODE) TO ALLOW CONSIDERATION OF FOOD TRUCKS OPERATING ON PRIVATE PROPERTY SUBJECT TO A CONDITIONAL USE PERMIT (CUP) (ZCA 2021-004)

RECOMMENDED MOTION:

Motion to adopt a resolution recommending that the City Council: 1) find the project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15305 and 15061(b)(3); and 2) introduce and then adopt an Ordinance amending Chapter 37 of the Salinas Municipal Code (Zoning Code) to allow consideration of Food Trucks operating on private property subject to a Conditional Use Permit (CUP).

RECOMMENDATION:

Adopt a resolution recommending that the City Council: 1) find the project categorically exempt from CEQA pursuant to Sections 15305 and 15061(b)(3); and 2) introduce and then adopt an Ordinance amending the Zoning Code to allow consideration of Food Trucks operating on private property subject to a CUP.

EXECUTIVE SUMMARY:

Over the past several years, City and County Health Department staff convened a Vendor Ordinance Taskforce to review the current ordinance in Chapter 20 – Motor Vehicles and Traffic, Article XVI Catering Vehicles, Nonmotorized Pushcarts and Street Vendors – Stopping, Standing, and Parking (“Vendor Ordinance”). During the development of the Alisal Vibrancy Plan (AVP; 2019), members of the Economic Development Working Group and other community stakeholders provided additional feedback on mobile vending, wanting to increase opportunities for these uses

while balancing community safety and livability. One recommendation to achieve this goal was allowing food trucks to operate on private property. Recognizing both the economic benefits and potential neighborhood impacts, staff drafted the proposed Zoning Code Amendment that would allow Food Trucks to operate on private property with a Conditional Use Permit. The Public Works Department is also proposing amendments to the Vendor Ordinance to be presented to the Traffic and Transportation and Library and Community Services Commissions. Both ordinance amendments are scheduled to be considered by City Council on June 22, 2021.

BACKGROUND:

As a result of extensive engagement with community stakeholders, multiple amendments to the Vendor Ordinance were identified to: 1) address the long vendor permit wait list of 300+ small business owners, 2) strengthen enforcement and modify regulations to reduce ambiguities, and 3) provide business opportunities. Public Works Development Engineering staff is leading the proposed update of the Vendor Ordinance. Recommended ordinance changes will be presented to the Traffic and Transportation Commission and Library and Community Services Commission for consideration.

In addition to changes to the Vendor Ordinance, community stakeholders expressed interest in creating opportunities for Food Trucks on private property to expand business development while improving safety by encouraging operation away from busy streets. In developing the proposed Zoning Code Amendment (ZCA) for Food Trucks, staff also researched surrounding and similar jurisdictions that allow for vending on private property including Monterey, San Jose and Santa Cruz. Private property vending in most of these jurisdictions is limited to commercial properties through a Conditional Use Permit process. Based on this research and discussions with the Current Planning and Code Enforcement Divisions and food truck vendors, staff developed the proposed ZCA for Food Trucks, which is attached to this report.

A public hearing notice for the Special Planning Commission meeting on June 9, 2021 regarding the proposed Amendment was published in the Monterey County Herald on May 27, 2021.

DISCUSSION:

Given the current pandemic and economic crisis, it is now even more important to provide and support entrepreneurial opportunities, especially in our low-income, disadvantaged communities. The proposed ZCA would foster economic development by expanding locations for Food Trucks to include private property.

As proposed, a new use category “Food Trucks” would be created in the Zoning Code to allow for and regulate this use in certain commercial, mixed use and industrial districts through the Conditional Use Permit process. The ZCA establishes regulations for food truck operations to minimize any potential neighborhood impacts. Food truck operations that comply with these regulations are eligible for the administrative CUP process. Parking reductions up to 30% and alternative means of compliance for landscaping consistent with existing code provisions also

would be subject to an administrative CUP process. Relief from any other Food Truck regulation would be subject to the non-administrative CUP process and require that the Planning Commission conduct a public hearing.

Findings:

Allowing Food Trucks on private property would address all three of the identified objectives of the Taskforce:

- 1) Reduce the number of small business owners on the waitlist by increasing opportunities to operate on private property.
- 2) Improve enforcement by creating clearly defined standards through the Conditional Use Permit process.
- 3) Encourage additional opportunities for small business enterprise.

The ZCA is consistent with the Salinas General Plan and other plans and policies adopted by the Salinas City Council and would not result in inconsistent land uses. The proposed ZCA would allow Food Truck operations through a Conditional Use Permit (CUP) process and ensure that the peace, enjoyment, and character of commercial and residential neighborhoods will not be compromised.

The proposed ZCA is consistent with the Vision Salinas Guiding Principles of Economic Prosperity, Equity and Diversity which states, “a City where all persons have equitable access to prosperity through a diversified economy, jobs and educational/ training”. The ZCA aligns with the Economic Prosperity, Equity and Diversity Principle by fostering small business development and supporting entrepreneurship among food and beverage purveyors who may have difficulty securing capital or even a location for a “brick and mortar” establishment.

As stipulated in the attached draft resolution, the ZCA would be consistent with multiple provisions of the Land Use Element and Economic Development Element of the General Plan including Policy LU 1.1, which states "achieve a balance of land uses to provide for a range of housing, jobs, libraries, and educational and recreational facilities that allow residents to live, work, shop, learn, and play in the community". The ZCA related to Food Trucks offers more site flexibility permitting new business on already developed lots, promotes economic development by fostering new opportunities with little overhead for small business startups, and meets the needs of the public by providing expanded access to food options and promoting a greater mixture of uses.

The ZCA would be consistent with the Economic Development Element (EDE) of the General Plan including Goal ED-LU-1, which states "promote economic development through focused land use planning, targeted circulation and infrastructure improvements, and expanded resource availability". The ZCA allows small businesses and startups to use private property as a resource for their business development/expansion. This ZCA is also consistent with EDE Action 1.1.3 which requires periodic review of economic development activities to determine optimum form and function of economic development efforts. This ZCA would reduce restrictions on small

businesses and enable faster economic recovery from the pandemic by expanding new locations for food trucks and allowing food truck vendors and property owners to enter into a mutually beneficial arrangement to augment business. Moreover, the ZCA is consistent with EDE Policy ED-LU-1.16 which encourages increased flexibility of Zoning Code standards and regulations to accommodate the economic development activities desired by the City. In this case, community stakeholders have expressed a desire to increase opportunities for food trucks, which currently cannot operate on private property.

Findings in support of the proposed ZCA are incorporated in the attached Planning Commission Resolution and draft Ordinance.

CONCLUSION:

The proposed Zoning Code Amendment (ZCA) will not have the effect of reversing the policies of the Salinas General Plan, any applicable Specific Plan, and other plans and policies adopted by the Salinas City Council. The proposed ZCA is in substantial conformance with the purposes, intent, and provisions of the General Plan. The ZCA would allow additional entrepreneurial opportunity on private property, encouraging expanded use of existing commercial development to recover more quickly from the difficult economic times created by the pandemic. The ZCA incorporates operational standards to ensure compatibility with neighboring properties.

CEQA CONSIDERATION:

The environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA). The proposed Zoning Code Amendment is categorically exempt (Class 5) from further environmental analysis per CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations). The project is also categorically exempt from CEQA pursuant to Guidelines Section 15061(b)(3). This exemption is allowed when the activity, in this case the adoption of the Ordinance, does not have the potential for causing a significant effect on the environment. The proposed Amendment allows the use of Food Trucks on already developed private property subject to a Conditional Use Permit (CUP) to mitigate any potential impacts and therefore, will not have a significant effect on the environment.

DEPARTMENTAL COORDINATION:

The proposed Amendment has been coordinated among the Current Planning, Plan and Project Implementation, and Code Enforcement Divisions of the Community Development Department, and the Development Engineering Division of the Public Works Department. The Legal Department provided critical review of the proposed Zoning Code Amendment.

TIME CONSIDERATION:

The proposed project is a request for a Zoning Code Amendment, which is a legislative act and not subject to the Permit Streamlining Act (PSA).

ALTERNATIVES AVAILABLE TO THE COMMISSION:

The Planning Commission has the following alternatives:

- 1) Affirm the findings set forth in the attached Resolution, recommending that the City Council find the ZCA exempt from CEQA and introduce and then adopt the Amendment with modifications; or
- 2) Find that the ZCA is not appropriate and establish findings at the public hearing recommending that the City Council deny the Amendment.

ATTACHMENTS:

- Draft Planning Commission Resolution
- Draft ZCA 2021-004 Ordinance

**SALINAS PLANNING COMMISSION
RESOLUTION NO. 2021-__**

**RESOLUTION RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE
AMENDING CHAPTER 37 OF THE SALINAS MUNICIPAL CODE (ZONING CODE)
TO ALLOW CONSIDERATION OF FOOD TRUCKS OPERATING ON PRIVATE
PROPERTY SUBJECT TO A CONDITIONAL USE PERMIT (CUP) (ZCA 2021-004)**

WHEREAS, on November 7, 2006, the Salinas City Council, adopted Ordinance Number 2463 replacing the existing Zoning Code; and

WHEREAS, on May 18, 2010, the Salinas City Council adopted Ordinance Number 2507 which amended various provisions of Chapter 37 of the Salinas Municipal Code (“Zoning Code”) to allow for general changes, language clarification, and minor corrections; and

WHEREAS, on April 19, 2016, the Salinas City Council adopted Ordinance Number 2569 which amended various provisions of Chapter 37 of the Salinas Municipal Code (“Zoning Code”) to allow for general changes, language clarification, and minor corrections; and

WHEREAS, on December 6, 2016, the Salinas City Council adopted Ordinance Number 2581 which amended Zoning Code Sections 37-10.250, 37-10.280, and 37-10.430 to modify definitions related to accessory dwelling units; Sections 37-30.020, 37-30.060, 37-30.110, 37-30.160, and 37-30.430 to allow accessory dwelling units as permitted uses; and Section 37-50.250 to address conformance with state law regarding accessory dwelling units; and

WHEREAS, on April 18, 2017, the Salinas City Council adopted Ordinance Number 2592 which amended various provisions of Chapter 37 of the Zoning Code to remove the bedroom mix requirement for residential development in the Central City Overlay and correct typographical errors; and

WHEREAS, on July 3, 2018, the Salinas City Council adopted Ordinance Number 2605 which amended Sections 37-40.320(b) and 37-10.250 and added Section 37-50.015 to the Zoning Code to establish an adaptive reuse ordinance that would allow for the reuse of existing non-residential buildings for the production of housing when located in the Central City Overlay Downtown Core Zoning District and within a building at least fifty years old, or located within a historically significant building in the City; and

WHEREAS, on September 18, 2018, the Salinas City Council adopted Ordinance Number 2607 which amended Sections 37-40.320(b), 37-10.250, 37-50.015 of Zoning Code to expand the adaptive reuse ordinance to include the Central City Overlay District; and

WHEREAS, on March 19, 2019, the Salinas City Council adopted Ordinance Number 2617 which amended section 37-50.300 of the Zoning Code to permit temporary employee and interim housing in existing properties developed as a hotel or motel; and

WHEREAS, on November 5, 2019, the Salinas City Council adopted the following ordinances: Ordinance Number 2623 which amends the Zoning Code regarding Small and Medium Project Employee Housing in the Residential Low (RL) and Residential Medium (RM) Zoning Districts, Ordinance Number 2624 which amends the Zoning Code to allow residential

uses in the Public/Semipublic (PS) Zoning District subject to approval of a Conditional Use Permit, Ordinance Number 2625 which amends the Zoning Code to allow a Parcel Map Subdivision in the Future Growth Area (FGA) prior to Specific Plan Adoption, Ordinance Number 2626 which amends the Zoning Code to allow front yard setback replacement parking for Accessory Dwelling Units (ADU) pursuant to State of California Regulations, and Ordinance Number 2627 which amends the Zoning Code to allow a driveway width expansion subject to approval of a Conditional Use Permit; and

WHEREAS, on June 23, 2020, the Salinas City Council adopted Ordinance Number 2635 which amended Section 37-30.310, Table 37-30.130 of the Zoning Code to allow the renting of vehicles including, but not limited to, Automobiles, Light Trucks, and Vans as an accessory use to Vehicle Sales and Services Uses in the Industrial General (IG) Zoning District; and

WHEREAS, on January 19, 2021, the Salinas City Council adopted Ordinance Number 2642 which amended Section 37-50.300 of the Zoning Code to permit one renewal of Temporary Use of Land permits for temporary employee and interim housing in existing properties developed as a hotel or motel; and

WHEREAS, on June 9, 2021, the Salinas Planning Commission held a duly noticed public hearing to consider Zoning Code Amendment 2021-004 for recommendation to the City Council to allow consideration of Food Trucks operating on private property subject to a Conditional Use Permit; and

WHEREAS, on June 9, 2021, the Salinas Planning Commission weighed the evidence presented at hearing, including the staff report which is on file at the Community Development Department together with the record of environmental review and hereby finds that the following Zoning Code Amendment will not have the effect of reversing policies of the Salinas General Plan or other plans and policies previously adopted by the City Council and finds the project to be categorically exempt from the California Environmental Quality Act (CEQA), as follows:

Categorical Exemption:

1. *The project has been found to be a Class 5 Categorical Exemption pursuant to Guidelines section 15305 of the Guidelines to the California Environmental Quality Act (CEQA);*

The proposed Zoning Code Amendment is categorically exempt from further environmental analysis per CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations). The proposed Zoning Code Amendment would not result in a significant environmental impact since it involves minor alterations to the Zoning Code.

2. *The project is also categorically exempt from CEQA pursuant to Guidelines section 15061(b)(3).*

This exemption is allowed when the activity, in this case adoption of the ordinance, does not have the potential for causing a significant effect on the environment. The proposed Zoning Code Amendment allows the use of Food Trucks on already developed private property subject to a Conditional Use Permit (CUP) process to minimize potential impacts and therefore, will not have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED by the Salinas Planning Commission that the Commission recommends that the City Council find the project to be categorically exempt from the California Environmental Quality Act and introduce and then adopt an Ordinance approving Zoning Code Amendment 2021-004; and

BE IT FURTHER RESOLVED that the Salinas Planning Commission adopts the following findings as the basis for its determination, and that the foregoing recitations are true and correct, and are included herein by reference as findings:

Zoning Code Amendment 2021-004:

1. *The amendment is consistent with the Salinas General Plan and other plans and policies adopted by the Salinas City Council.*

The proposed Zoning Code Amendment (“ZCA”) to Section 37-10.300 “F” definitions, Section 37-30.200, Table 37-30.90 (Commercial Districts), 37-30.240, Table 37-30.110 (Mixed Use Districts), 37-30.310, Table 37-30.130, (Industrial Districts), Table 37-50.100, Schedule A: Off-Street Parking and Loading Spaces Required, and addition of Section 37-50.095 to allow consideration of Food Trucks on private property with a Conditional Use Permit (CUP) would not result in uses inconsistent with any land use designation.

Land Use Element (LU)

The ZCA would be consistent with the Land Use Element of the General Plan including Policy LU1.1, which states "achieve a balance of land uses to provide for a range of housing, jobs, libraries, and educational and recreational facilities that allow residents to live, work, shop, learn, and play in the community". The ZCA related to Food Trucks offers more site flexibility permitting new business on already developed lots, promotes economic development by fostering new opportunities with little overhead for small business startups, and meets the needs of the public by providing expanded access to food options and promoting a greater mixture of uses.

Economic Development (ED)

The ZCA would be consistent with the Economic Development Element (EDE) of the General Plan including Goal ED-LU-1, which states "promote economic development through focused land use planning, targeted circulation and infrastructure improvements, and expanded resource availability". The ZCA allows small businesses and startups to use private property as a resource for their business development/expansion. This ZCA is also

consistent with EDE Action 1.1.3 which requires periodic review of economic development activities to determine optimum form and function of economic development efforts. This ZCA would reduce restrictions on small businesses and enable faster economic recovery from the pandemic by expanding new locations for food trucks and allowing food truck vendors and property owners to enter into a mutually beneficial arrangement to augment business. Moreover, the ZCA is consistent with EDE Policy ED-LU-1.16 which encourages increased flexibility of Zoning Code standards and regulations to accommodate the economic development activities desired by the City. In this case, community stakeholders have expressed a desire to increase opportunities for food trucks, which currently cannot operate on private property.

2. ***The amendment will not have the effect of reversing the policies of the Salinas General Plan, any applicable Specific Plan, and other plans and policies adopted by the Salinas City Council.***

The proposed ZCA will not reverse existing policies, because the proposed changes would be consistent with the General Plan. The proposed ZCA is in substantial conformance with the purposes, intent, and provisions of the General Plan. The ZCA would allow Food Trucks on private property subject to a Conditional Use Permit (CUP), encouraging expanded use of existing commercial development to facilitate faster economic recovery from the pandemic, which aligns with economic development provisions in the General Plan. The ZCA incorporates operational standards to ensure compatibility with neighboring properties, preserving residential character of neighborhoods and reinforcing multiple policies in the General Plan.

3. ***The amendment would not create an isolated district unrelated to adjacent zoning districts.***

The proposed ZCA will not create any additional zoning districts.

4. ***The City has the capability to provide public utilities, roads, and services to serve the uses allowed by the proposed amendment.***

Salinas is an urbanized area and public infrastructure is presently in place to serve most uses. The proposed ZCA would not create the need for additional infrastructure.

PASSED AND APPROVED this 9th day of June 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THIS IS TO CERTIFY that the foregoing is a full, true, and correct copy of a Resolution of the Planning Commission of the City of Salinas, that said Resolution was passed and approved by the affirmative and majority vote of said Planning Commission at a special meeting held on June 9, 2021, and that said Resolution has not been modified, amended, or rescinded, and is now in full force and effect.

SALINAS PLANNING COMMISSION

Date: _____

Courtney Grossman
Secretary

ORDINANCE NO. _____(N.C.S)

**AN ORDINANCE AMENDING CHAPTER 37 OF THE SALINAS MUNICIPAL CODE
(ZONING CODE) TO ALLOW CONSIDERATION OF FOOD TRUCKS OPERATING
ON PRIVATE PROPERTY SUBJECT TO A CONDITIONAL USE PERMIT (CUP) (ZCA
2021-004)**

WHEREAS, on November 7, 2006, the Salinas City Council, adopted Ordinance Number 2463 replacing the existing Zoning Code; and

WHEREAS, on May 18, 2010, the Salinas City Council adopted Ordinance Number 2507 which amended various provisions of Chapter 37 of the Salinas Municipal Code (“Zoning Code”) to allow for general changes, language clarification, and minor corrections; and

WHEREAS, on April 19, 2016, the Salinas City Council adopted Ordinance Number 2569 which amended various provisions the Zoning Code to allow for general changes, language clarification, and minor corrections; and

WHEREAS, on December 6, 2016, the Salinas City Council adopted Ordinance Number 2581 which amended Zoning Code Sections 37-10.250, 37-10.280, and 37-10.430 to modify definitions related to accessory dwelling units; Sections 37-30.020, 37-30.060, 37-30.110, 37-30.160, and 37-30.430 to allow accessory dwelling units as permitted uses; and 37-50.250 to address conformance with state law regarding accessory dwelling units; and

WHEREAS, on April 18, 2017, the Salinas City Council adopted Ordinance Number 2592 which amended various provisions of the Zoning Code to remove the bedroom mix requirement for residential development in the Central City Overlay and correct typographical errors; and

WHEREAS, on July 3, 2018, the Salinas City Council adopted Ordinance Number 2605 which amended Sections 37-40.320(b) and 37-10.250 and added Section 37-50.015 of the Zoning Code to establish an adaptive reuse ordinance that would allow for the reuse of existing non-residential buildings for the production of housing when located in the Central City Overlay DowntownCore Zoning District and within a building at least fifty years old, or located within a historically significant building in the City; and

WHEREAS, on September 18, 2018, the Salinas City Council adopted Ordinance Number 2607 which amended Sections 37-40.320(b), 37-10.250, 37-50.015 of the Zoning Code to expand the adaptive reuse ordinance to include the Central City Overlay District; and

WHEREAS, on March 19, 2019, the Salinas City Council adopted Ordinance Number 2617 which amended section 37-50.300 of the Zoning Code to permit temporary employee and interim housing in existing properties developed as a hotel or motel; and

WHEREAS, on November 5, 2019, the Salinas City Council adopted the following ordinances amending the Zoning Code: Ordinance Number 2623 related to Small and Medium Project Employee Housing in the Residential Low (RL) and Residential Medium (RM) Zoning Districts, Ordinance Number 2624 allowing residential uses in the Public/Semipublic (PS)Zoning

District subject to approval of a Conditional Use Permit, Ordinance Number 2625 allowing a Parcel Map Subdivision in the Future Growth Area (FGA) prior to Specific Plan Adoption, Ordinance Number 2626 allowing front yard setback replacement parking for Accessory Dwelling Units (ADU) pursuant to State of California Regulations, and Ordinance Number 2627 allowing driveway width expansion subject to approval of a Conditional Use Permit; and

WHEREAS, on June 23, 2020, the Salinas City Council adopted Ordinance Number 2635 which amended Section 37-30.310, Table 37-30.130 of the Zoning Code to allow the renting of vehicles including, but not limited to, Automobiles, Light Trucks, and Vans as an accessory use to Vehicle Sales and Services Uses in the Industrial General (IG) Zoning District; and

WHEREAS, on January 19, 2021, the Salinas City Council adopted Ordinance Number 2642 which amended Section 37-50.300 of the Zoning Code to permit one renewal of Temporary Use of Land permits for temporary employee and interim housing in existing properties developed as a hotel or motel; and

WHEREAS, on June 9, 2021, at a duly noticed public hearing, the Salinas Planning Commission recommended that the City Council adopt Zoning Code Amendment 2021-004, and

WHEREAS, on June 22, 2021, at a duly noticed public hearing, the City Council weighed the evidence, including the Staff Report which is on file at the Community Development Department together with the record of environmental review and hereby finds that the following amendment will not have the effect of reversing policies of the Salinas General Plan or other plans and policies previously adopted by the City Council and the City Council finds the project to be categorically exempt from the California Environmental Quality Act (CEQA), as follows:

Categorical Exemption:

1. *The project has been found to be a Class 5 Categorical Exemption pursuant to Guidelines section 15305 of the Guidelines to the California Environmental Quality Act (CEQA);*

The proposed Zoning Code Amendment is categorically exempt from further environmental analysis per CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations). The proposed Zoning Code Amendment would not result in a significant environmental impact since it involves minor alterations to the Zoning Code.

2. *The project is also categorically exempt from CEQA pursuant to Guidelines section 15061(b)(3).*

This exemption is allowed when the activity, in this case adoption of the ordinance, does not have the potential for causing a significant effect on the environment. The proposed Zoning Code Amendment allows the use of Food Trucks on already developed private property subject to a Conditional Use Permit (CUP) process to minimize potential impacts and therefore, will not have a significant effect on the environment.

Zoning Code Amendment 2021-004:

1. The amendment is consistent with the Salinas General Plan and other plans and policies adopted by the Salinas City Council.

The proposed Zoning Code Amendment (“ZCA”) to Section 37-10.300 “F” definitions, Section 37-30.200, Table 37-30.90 (Commercial Districts), 37-30.240, Table 37-30.110 (Mixed Use Districts), 37-30.310, Table 37-30.130, (Industrial Districts), Table 37-50.100, Schedule A: Off-Street Parking and Loading Spaces Required, and addition of Section 37-50.095 to allow consideration of Food Trucks on private property with a Conditional Use Permit (CUP) would not result in uses inconsistent with any land use designation.

Land Use Element (LU)

The ZCA would be consistent with the Land Use Element of the General Plan including Policy LU1.1, which states "achieve a balance of land uses to provide for a range of housing, jobs, libraries, and educational and recreational facilities that allow residents to live, work, shop, learn, and play in the community". The ZCA related to Food Trucks offers more site flexibility permitting new business on already developed lots, promotes economic development by fostering new opportunities with little overhead for small business startups, and meets the needs of the public by providing expanded access to food options and promoting a greater mixture of uses.

Economic Development (ED)

The ZCA would be consistent with the Economic Development Element (EDE) of the General Plan including Goal ED-LU-1, which states "promote economic development through focused land use planning, targeted circulation and infrastructure improvements, and expanded resource availability". The ZCA allows small businesses and startups to use private property as a resource for their business development/expansion. This ZCA is also consistent with EDE Action 1.1.3 which requires periodic review of economic development activities to determine optimum form and function of economic development efforts. This ZCA would reduce restrictions on small businesses and enable faster economic recovery from the pandemic by expanding new locations for food trucks and allowing food truck vendors and property owners to enter into a mutually beneficial arrangement to augment business. Moreover, the ZCA is consistent with EDE Policy ED-LU-1.16 which encourages increased flexibility of Zoning Code standards and regulations to accommodate the economic development activities desired by the City. In this case, community stakeholders have expressed a desire to increase opportunities for food trucks, which currently cannot operate on private property.

2. The amendment will not have the effect of reversing the policies of the Salinas General Plan, any applicable Specific Plan, and other plans and policies adopted by the Salinas City Council.

The proposed ZCA will not reverse existing policies, because the proposed changes would be consistent with the General Plan. The proposed ZCA is in substantial conformance with the purposes, intent, and provisions of the General Plan. The ZCA would allow Food Trucks on private property subject to a Conditional Use Permit (CUP), encouraging expanded use

of existing commercial development to facilitate faster economic recovery from the pandemic, which aligns with economic development provisions in the General Plan. The ZCA incorporates operational standards to ensure compatibility with neighboring properties, preserving residential character of neighborhoods and reinforcing multiple policies in the General Plan.

3. *The amendment would not create an isolated district unrelated to adjacent zoning districts.*

The proposed ZCA will not create any additional zoning districts.

4. *The City has the capability to provide public utilities, roads, and services to serve the uses allowed by the proposed amendment.*

Salinas is an urbanized area and public infrastructure is presently in place to serve most uses. The proposed ZCA would not create the need for additional infrastructure.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF SALINAS AS FOLLOWS: (Revisions are shown in underline/~~strikethrough~~ text)

SECTION 1. Amend Zoning Code Section 37-10.300 to read as follows:

Sec. 37-10.300. - "F" definitions.

Food Truck. *See Section 37-50.095: Food Trucks for this definition.*

SECTION 2. Amend Zoning Code Section 37-30.200, Table 37-30.90, Footnote (39), shall be revised to reflect the following (in underline/~~strikethrough format~~):

Table 37-30.90 Commercial (C) Districts Use Classifications					
Land Use	CO/R	CO	CR	CT	Additional use Regulations
<u>Food Trucks</u>	<u>NP</u>	<u>NP</u>	<u>CUP</u>	<u>CUP</u>	(39)

(39) *See Section 37-50.095: Food Trucks.*

SECTION 3. Amend Zoning Code Section 37-30.240, Table 37-30.110, Footnote (43), shall be revised to reflect the following (in underline/~~strikethrough format~~):

Table 37-30.110 Mixed Use (MU) Districts Use Classifications			
Land Use	MAF	MX	Additional use Regulations
<u>Food Trucks</u>	<u>CUP</u>	<u>CUP</u>	(43)

(43) *See Section 37-50.095: Food trucks.*

SECTION 4. Amend Zoning Code Section 37-30.310, Table 37-30.130, Footnote (29), shall be revised to reflect the following (in underline/strikethrough format):

Table 37-30.130 Industrial (I) Districts Use Classifications				
Land Use	IGC	IBP	IG	Additional use Regulations
<u>Food Trucks</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>(29)</u>

(29) See Section 37-50.095: Food trucks.

SECTION 5. Amend Zoning Code Section 37-30.360(c), Table 37-30.100, shall be revised to reflect the following (in underline/strikethrough format):

Table 37-50.100 Schedule A: Off-Street Parking and Loading Spaces Required		
<u>Food Trucks</u>	<u>2 spaces per Food Truck.</u>	

SECTION 6. Section 37-50.095, shall be added to the Zoning Code and reflect the following (in underline/strikethrough format):

Section 37-50.095. Food Trucks

(a) **Purpose.** The provisions of this Section are intended to provide conditions and requirements under which Food Trucks may be permitted to operate by a Conditional Use Permit (see Article VI Division 8: Conditional Use Permits) on private property within certain areas of the City.

(b) **Definitions.** The following definitions shall apply to this section:

(1) **Food Truck.** Any vehicle that may be moved under its own power or a vehicle not easily or readily moved by any person, or which must be hauled or moved by another vehicle, and which is used, designed or outfitted to dispense ready-to-eat food or beverages to patrons. Does not include:

(A) Vehicles used solely to deliver food or beverage previously requested by a patron, home or business establishment, such as “Meals-on Wheels” or delivery trucks.

(B) Vehicles used for the display, sale or dispersal of food or beverages as part of an organized community event for which permission has been granted by the city.

- (c) **Permit Required.** Prior to operating a Food Truck, a Conditional Use Permit (CUP) (*see Article VI Division 8: Conditional Use Permits*) shall be required pursuant to Sections: 37-30.200, Table 37-30.90; 37-30.240, Table 37-30.110; and 37-30.310, Table 37-30.130.
- (d) **Additional Vendor Permit Required.** Prior to operating a Food Truck on private property, a vendor permit shall also be obtained pursuant to *Chapter 20, Article XVI - Food Trucks, Ice Cream Trucks, Nonmotorized Pushcarts and Street Vendors - Stopping, Standing and Parking*. Food Trucks shall comply with requirements set forth by the vendor permit and all applicable local and state laws, rules, and regulations.
- (e) **Administration.** A detailed site plan shall be submitted with the CUP Application and at minimum shall include the following information:
- (1) The land area included within the site with dimensions and property lines clearly shown on the plan, the zoning classification of adjacent sites, and all public and private right-of-way and easements bounding and intersecting the site; and
 - (2) The location of each permanent structure on the site and designated location and orientation of the Food Truck; and
 - (3) The location, width, and surface material of drive aisles including fire lanes when required by the Fire Department; and
 - (4) The location and dimension of parking and loading areas including number of spaces; and
 - (5) The location of fire hydrants; and
 - (6) The location of landscaping and height of all walls, fences, and screening along all street frontages; and
 - (7) The location of any electrical outlet(s) provided for Food Truck operations.
- (f) **Regulations.** The following regulations shall apply to Food Trucks:
- (1) The site shall be developed in accordance with the development regulations specified in the applicable zoning district including landscaping standards (See Division 4.- Landscaping and Irrigation).
 - (A) If the site does not comply with Division 4.- Landscaping and Irrigation, the city planner may allow alternative means of complying provided the alternative achieves results comparable to those achieved through strict application of the provisions of this section (*see Section 37-50.690(i)*).

- (2) Food Trucks shall not be located in required yards or within existing landscape areas.
- (3) Only food and non-alcoholic beverages shall be displayed, sold, or exchanged.
- (4) Alcohol sales shall be prohibited.
- (5) Operations shall be conducted entirely on the property identified in the Conditional Use Permit application.
- (6) Operations shall be prohibited on undeveloped lots and unpaved surfaces.
- (7) A Food Truck shall be located in a designated space and in a manner that does not block drive aisles, driveways or otherwise create a traffic hazard by preventing adequate circulation and fire access.
- (8) A Food Truck shall be located in a designated space that provides customers ordering or picking up food safe refuge from potential hazards such as parked cars with a width of at least 6 feet between the truck and other site obstructions including but not limited to curbs, landscaped areas, trash enclosures, buildings, and other parking spaces. The Food Truck Vendor shall be responsible for managing customer queuing and ensuring pedestrian access is maintained.
- (9) Incorporation of a drive-through lane as a part of Food Truck operations shall be prohibited; operation shall be strictly limited to walk-up service.
- (10) Required parking shall be 2 spaces per Food Truck pursuant to Section 37-50.360 (c), Table 37-50.100, Schedule A: Off-Street Parking and Loading Spaces Required. In addition to this parking standard, existing required parking on site shall be maintained.
 - (A) A parking reduction up to thirty percent of the number of parking and loading spaces may be allowed subject to the approval of an administrative conditional use permit (see Section 37-50.370(a). Reductions Allowed by the City Planner).
 - (B) A parking reduction greater than thirty percent of the number of parking and loading spaces may be allowed subject to Planning Commission approval of a non-administrative conditional use permit (see Section 37-50.370(b). Reductions Allowed by the Planning Commission).
- (11) Hours of operation shall be limited to Sunday through Thursday from 9:00 am to 10:00 pm and Friday, Saturday, and holidays from 9:00 a.m. to 12:00 a.m.

- (12) Outdoor furniture including tables, chairs, and shaded structures shall be prohibited; condiments and utensil dispensers may be permitted based upon approval of the Conditional Use Permit Site Plan.
- (13) Outside storage of items related to the operation of a Food Truck shall be prohibited.
- (14) Portable toilets shall be prohibited.
- (15) Signage shall be limited to the exterior surfaces of the Food Truck and shall not be mounted in a manner that extends beyond the top, bottom, or side lines of the vehicle.
- (16) Lighting associated with Food Truck operations shall comply with *Section 37-50.480 – Outdoor Lighting.*
- (17) Amplified sound or the use of any loudspeaker, radio or any other instrument or device for the production of sound in connection with the promotion of the Food Truck operation shall be prohibited.
- (18) Use of exterior generators for the operation of the Food Truck shall be prohibited. A generator may be permitted if enclosed within the Food Truck or if a permanently mounted, weatherproof damage protected GFCI outlet is installed in close proximity to the Food Truck for use when operating.
- (19) Food Truck operations shall be subject to Performance Standards in *Section 37-50.180 Performance Standards.*
- (20) The area surrounding the Food Truck and within a 25-foot radius shall be maintained in a clean condition free of trash, debris, oil, and grease.
 - (A) Solid waste and recycle container(s) shall be maintained immediately adjacent to the Food Truck for use by customers; and
 - (B) All garbage, refuse or litter consisting of food waste, wrappers, materials dispensed, and any residue deposited on the property from the operation shall be promptly removed.
- (21) The Food Truck shall be continuously maintained in good operating condition with no visual appearance of deterioration such as peeling paint or rust.
- (g) **Revocation of Conditional Use Permit.** The city planner shall reserve the right to revoke any Conditional Use Permit authorized via this section if the city planner determines that the Food Truck is operating in violation of any of the provisions in this section. Revocations shall be conducted in accordance with *Section 37-60.1330: Revocation of permits.*

SECTION 7. This Ordinance shall take effect and be in force thirty days from and after its adoption.

SECTION 8. The Salinas City Clerk is hereby directed to cause the following summary of this ordinance to be published by one (1) insertion in The Monterey Herald, a newspaper of general circulation published and circulated in the City of Salinas and hereby designated for that purpose by the Salinas City Council:

“An Ordinance amending Chapter 37 of the Salinas Municipal Code (Zoning Code) to allow consideration of Food Trucks operating on private property subject to a Conditional Use Permit (CUP) (ZCA 2021-004).”

SECTION 9. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Salinas City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

This ordinance was introduced and read on June 22, 2021, and passed and adopted on June 22, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED

Kimbly Craig, Mayor

ATTEST

Patricia Barajas, City Clerk

APPROVED AS TO FORM

Christopher A. Callihan, City Attorney