



## **CITY OF SALINAS COUNCIL STAFF REPORT**

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**DATE:** SEPTEMBER 6, 2022

**DEPARTMENT:** PUBLIC WORKS AND COMMUNITY DEVELOPMENT

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**TITLE:** AN ORDINANCE AMENDMENT TO ARTICLE XVI OF  
CHAPTER 20

**RECOMMENDED MOTION:**

A motion to adopt an Ordinance Amendment amending Article XVI of Chapter 20 of the Salinas Municipal Code updating the regulations governing food trucks, ice cream trucks, nonmotorized pushcarts and street vendors (Vendor Ordinance).

**RECOMMENDATION:**

It is recommended that the City Council adopt Ordinance Amendment amending Article XVI of Chapter 20 of the Salinas Municipal Code updating the regulations governing food trucks, ice cream trucks, nonmotorized pushcarts and street vendors (Vendor Ordinance).

**EXECUTIVE SUMMARY:**

This staff report is a supplement to the report provided for the August 23<sup>rd</sup> meeting. Both reports should be reviewed together for a complete overview, analysis and findings of the proposed Vendor Ordinance Amendments.

The staff reports propose amendments to Ordinance No. 2650 which was adopted by City Council on September 21, 2021. The Vendor Ordinance Amendments presented aim to address vendor concerns. The proposed amendments to the food truck vendor ordinance provisions were vetted with a majority of concurrence from current food vendors. The proposed Vendor Ordinance Amendments provide vendors a more comprehensive program tailored for the vendor business needs while ensuring community health and safety.

## BACKGROUND:

This Second Reading of proposed Ordinance Amendments was continued from the August 23<sup>rd</sup> meeting. The continuation of the Second Reading of the proposed Ordinance Amendments has allowed staff time to respond to City Council and community stakeholder questions and concerns. Additional outreach, research and analysis, and refinement of recommended amendments is outlined below in combination with the August 23<sup>rd</sup> staff report. Both reports should be reviewed together for a complete overview, analysis and findings of proposed Vendor Ordinance Amendments.

## DISCUSSION:

### **Supplemental Information**

#### Site Analysis and Findings

Based on the findings of the Food Truck survey, staff found sixteen (16) of the 47 vendors who participated in the survey were not satisfied with their vending location. Outside of the survey, staff identified a total of twenty (20) locations which required further analysis based on vendor complaints. The complete list of site-specific findings is attached hereto. The table below summarizes staff findings.

**Table 1: Site Analysis of Unsatisfied Food Truck Vendors**

No. of Locations Analyzed	Locations with Parking Issues	Locations with Sidewalk Issues	Locations with Lighting Issues	Business Operations Issues
20	6	1	5	15

The site analysis coincides with the findings of the survey. Based on this, the primary issue faced by vendors is related to business operations and business viability. Many of sites located near parks have little foot or vehicular traffic during their hours of operation. As indicated at the August 23<sup>rd</sup> Council meeting, staff will be working with each of the vendors individually to rectify or relocate them to more suitable locations. Table 2, below, identifies the proposed changes.

**Table 2: Proposed Corrections of Problem Sites**

No. of Locations Analyzed	No Change to Vendor or Location	Relocate Vendor/No Change to Location	Change Designated Location
20	2	12	6

Site analysis and observation of the use of designated locations has led staff to recommend requiring vendors to occupy their designated locations on a regular basis. At a number of locations, specifically parks, vendors were not observed operating on most occasions that staff visited the sites. As noted on the field visit log, some of the locations saw little foot traffic and greatly limited a vendor's ability to conduct their business. Staff recommends updating the ordinance to allow roaming vendors to park adjacent to parks during park hours, while abiding to all other provisions and setbacks required by the ordinance. Doing this will allow staff to explore new locations for

designated vendors.

In response to the above-mentioned problems with Designated Locations and following suggestions from Council at the August 23<sup>rd</sup> meeting, staff has revised the priorities and goals set for the food truck vendor program. As previously indicated, midterm goals may be achieved by reviewing and revising program policies and with coordination with the Traffic and Transportation Commission. Long term goals may require additional funding allocations and council action.

**Table 3: Food Truck Vendor Program Priorities & Goals (*Revised*)**

Priority Designation	Current Ordinance
Short-term Goals (0-3 months)	<ol style="list-style-type: none"><li>1. Amend Vendor Ordinance to extend Roaming food truck permit hours from 8AM to 8PM to 6AM to 10PM.</li><li>2. Amend Vendor Ordinance to allow Roaming food truck vendors to vend 6 hours at a single location.</li><li>3. Amend Vendor Ordinance to require Designated food truck locations to be occupied <i>at least once a week for six consecutive hours</i>.</li><li>4. Host seminars for business practices and procedures.</li><li>5. <i>Amend Vendor Ordinance to allow relocation of some park locations to accommodate vendors.</i></li></ol>
Midterm Goals (6-12 months)	<ol style="list-style-type: none"><li>1. Relocate unsatisfied Designated vendors on a case by case based on site analysis conducted by staff and in coordination with vendors.</li><li>2. Create temporary Roaming vendor permits for Designated vendors to roam.</li></ol>
Long-term Goals (+12 months)	<ol style="list-style-type: none"><li>1. Explore the creation of monthly vending hubs in City streets or on City owned properties.</li><li>2. Conduct a fee schedule analysis for vendor permits.</li></ol>

#### Pushcart/Street Vendor Setback

Following the August 23<sup>rd</sup> Council meeting, staff reached out to the Alisal Union School District to address concerns raised by Council members. The Superintendent was surprised that such concerns were raised and will be discussing further with the board. The Superintendent, as several principals whom staff had previously spoken to, is concerned with student safety when sidewalks are blocked by pushcarts and street vendors in the immediate vicinity of schools and supports the 200-foot setback recommended by staff.

#### CEQA CONSIDERATION:

**Not a Project.** The City of Salinas has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378,

this matter is not a project. Because the matter does not cause a direct or foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

#### STRATEGIC PLAN INITIATIVE:

This staff report and recommendations align with the City Council strategic plan initiatives of Economic Development, Public Safety and Effective and Culturally Responsive Government.

#### DEPARTMENTAL COORDINATION

Staff from the Public Works Department (Development Engineering Division) and the Community Development Department (Code Enforcement, Project Implementation and Economic Development Division) comprise the Vendor Program Task Force. The task force meets regularly and works continuously to address vendor issues.

#### FISCAL AND SUSTAINABILITY IMPACT:

No additional funding is requested for the proposed ordinance amendments. The proposed changes are programmatic. Staff time is budgeted in each divisions home accounts.

#### ATTACHMENTS

Ordinance Amendment with Errata Sheet

Attachment 1: Problem Sites Field Visit Log

Attachment 2: Vendor Ordinance Amendment Staff Report (First Reading)

Attachment 3: Article XVI, Chapter 20 Ordinance Amendment (First Reading)

Attachment 4: Vendor Questionnaire

Attachment 5: Vendor Questionnaire Follow Up Meeting Presentation