

RESOLUTION NO. 21144 (N.C.S.)

**A RESOLUTION ALLOWING THE OPERATION OF AN OUTDOOR MARKET
AT THE SALINAS SPORTS COMPLEX**

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 approved 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, with the support of the Rodeo Association, El Mercado Popular, Inc. proposes to operate an "Outdoor Market" at the Salinas Sports Complex every Wednesday from 4:00 pm to 8:00 pm; and

WHEREAS, the Salinas City Council has considered the evidence presented to it, including public testimony, and hereby finds 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 further finds that the operation of an Outdoor Market at the Salinas Sports Complex is consistent with Salinas City Code Section 37-10.070 as proper and in the public interest.

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

1. The proposed Outdoor Market has been found to be a Class 4 Categorical Exemption pursuant to Section 15304(e) (Minor Alterations to Land) of the Guidelines to the California Environmental Quality Act.
2. Resolution No. 18280, passed and approved by the Salinas City Council on June 17, 2003, is hereby rescinded only to the extent that it limits "Flea Markets" at the Salinas Sports Complex to five (5) each year for a total of five (5) days; and

3. The following Conditions of Approval are established for the operation of an Outdoor Market at the Salinas Sports Complex:
- 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. 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.
 - c. After three (3) months and five (5) months from the date of the first Outdoor Market following City Council approval, the Applicant or successor-in-interest shall submit detailed information to the Community Development Department, which includes, but is not limited to the following:
 - i. Number of vendors conducting business at the Outdoor Market;
 - ii. Number of vehicles; and
 - iii. Number of customers attending the Outdoor Market.
 - d. Information received from the Applicant will be provided to the Planning Commission. If concerns are raised from the public prior to the Planning Commission's scheduled review, the Planning Commission may direct staff to schedule a public hearing with the Commission in accordance with Condition "i" below.
 - e. Operation of the Outdoor Market shall be limited in size to 90 vendors and limited in duration to six (6) months from the date of the first Outdoor Market following City Council approval for an initial trial period. No sooner than five (5) 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 operations of the Outdoor Market.
 - f. Hours of operation of the Outdoor Market shall be limited to Wednesday from 4:00 p.m. to 8:00 p.m. Vendor access shall be limited to Wednesday from 2:00 p.m. to 9:30 p.m.

- g. The Outdoor Market shall comply with the "Salinas Sports Complex Lease Agreement."
- h. The Outdoor Market shall occur only in the Midway between the Box Office and Grandstand. The Applicant, or successor-in-interest, shall provide a detailed site plan including the size and location of vendor stalls to the City of Salinas for review and approval prior to commencement of the Outdoor Market.
- i. The City may conduct a review of the Outdoor Market after inauguration, and may require modifications, if appropriate. The Planning Manager may also schedule a review by the Salinas Planning Commission, at a public hearing, if considered necessary. In the event that a public hearing is necessary, the Applicant shall reimburse the City of Salinas for all costs and expenses required to prepare for and conduct said hearing.
- j. Alcoholic beverages shall not be sold or consumed at the Outdoor Market.
- k. Mobile vendors shall not be permitted to vend within the Outdoor Market.
- l. Notwithstanding what may otherwise be permissible under Salinas City 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 City 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.
- m. ~~Amplified sound shall not be permitted within the Outdoor Market.~~ Amplified sound may be permitted during the hours of operation of the Outdoor Market as referenced in Condition "f." above, 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.
- n. 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.
- o. 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.

- p. The Applicant, or successor-in-interest, shall provide adequate on-site restroom facilities of both customers and vendors of the Outdoor Market.
- q. 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.
- r. 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.
- s. The Applicant, or successor-in-interest, shall provide a "Traffic Control Plan" for review and approval by the City of Salinas prior to commencement of the Outdoor Market to provide for sufficient traffic control to separate the Outdoor Market and the adjoining parking areas to ensure vehicles do not access the Outdoor Market area during operational hours, provide safe and adequate pedestrian access, and minimize vehicular traffic congestion into the Outdoor Market. Barricades, cones, and signs (to indicate no vehicle access) are acceptable measures.
- t. The Applicant, or successor-in-interest, shall provide a "Plan of Operation" for review and approval by the City of Salinas prior to commencement of the Outdoor Market. The Plan of Operation 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.
- u. 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.
- v. 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.
- w. 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.

- x. 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.
- y. Prior to establishment of the Outdoor Market, written confirmation from "Republic Services of Salinas" or the City's current recycling and solid waste provider, is required to ensure that the recycling and solid waste provisions of the project will meet the service needs of "Republic Services of Salinas" or the City's current recycling and solid waste provider at the time of initiation of the Outdoor Market use.
- z. 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.
- aa. The Applicant, or successor-in-interest, shall provide emergency ingress and egress in conformance with Fire Department requirements.
- bb. 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.
- cc. The Applicant, or successor-in-interest, shall provide adequate disabled and Americans with Disabilities (ADA) access to the Outdoor Market in accordance with Permit Center requirements.
- dd. The Applicant, or successor-in-interest, shall maintain minimum required sight distances at driveways and intersections at all times.
- ee. Prior to the operation of the Outdoor Market, the Applicant or successor-in-interest shall consult with the Police Department regarding crime prevention and security. Written confirmation from the Police Department demonstrating compliance with this condition shall be submitted to the Community Development Department prior to operation of the Outdoor Market.
- ff. 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 Salinas City Code Sections 37-50.340 *et seq.* (Chapter 37, Article

V, Division 2: Parking, Loading, and Outdoor Lighting). Bicycle parking (rack) shall be provided in accordance with Section 37-50.400.

- gg. All off-street parking and loading areas shall be graded, paved, drained, landscaped, striped, and maintained in accordance with Chapter 37, Article V, Division 2, of the Salinas City Code.
- hh. To encourage use of off-street parking, no parking fee for customers or vendors of the Outdoor Market shall be permitted.
- ii. Prior to the operation of the Outdoor Market, the applicant or successor-in-interest shall coordinate off-street parking with the California Rodeo Association and the multiple events exist concurrently at the Salinas Sports Complex.
- jj. 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.
- kk. 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.
- ll. Notwithstanding 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 Chapter 37, Article 5, Division 3 (Signs), of the Salinas City Code.
- mm. All parking areas, driveways, other paved surfaces, access-ways 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.
- nn. The Applicant shall not be relieved of any requirement to obtain permits or licensing from any county, regional, state or federal agencies.

- oo. The Applicant 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.

PASSED AND APPROVED this 4th day of April, by the following vote:

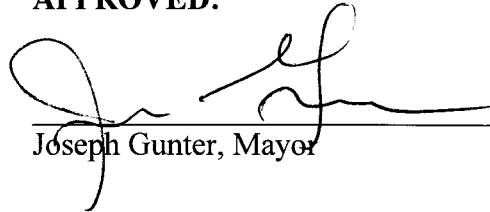
AYES: Councilmembers: Barrera, Craig, Davis, De La Rosa, McShane, Villegas and Mayor Gunter

NOES: None

ABSENT: None

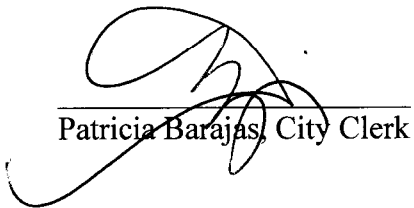
ABSTAIN: None

APPROVED:



Joseph Gunter, Mayor

ATTEST:



Patricia Barajas, City Clerk

Proof of Publication
(2015.5 C.C.P.)

Salinas Newspapers, Inc.
123 W. Alisal St.
Salinas, CA 93901
831-754-4138/Fax: 831-754-7156

State Of California ss:
County of Monterey

Advertiser: SALINAS, CITY CLERK
200 LINCOLN AVE
SALINAS, CA 93901

RE: Public Hearing Notice Salinas City Council Title
Misc 2017-003

Our Order # 0002017975
Net Order Cost \$ 562.67

I am a citizen of the United States and a resident of the County aforesaid. I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I hereby certify that the attached advertisement appeared in said newspaper on the following dates:

Newspaper: SNA-The Salinas Californian

3/24/2017

I acknowledge that I am a principal clerk of the printer of said paper, which is published in the City of Salinas, County of Monterey, State of California. The Salinas Californian is printed and published daily, except Sunday and has been adjudged a newspaper of general circulation by the Superior Court of the County of Monterey, State of California. El Sol is printed and published weekly on Saturday and has been adjudged a newspaper of general circulation by the Superior Court of Monterey, State of California. I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Executed on this 24 day of March, 2017 at Salinas, California.

C. Clark

Declarant

RECEIVED
CITY OF SALINAS
MAR 31 2017
CITY CLERK

SALINAS
HIGH IN LAND - HIGH IN VALUES
Public Hearing Notice
Salinas City Council

Tuesday, April 4, 2017 at 4:00 p.m.
Salinas Council Chamber Rotunda
200 Lincoln Avenue, Salinas, CA

It is the policy of the City of Salinas to maintain a connection with the California Rodeo Association is proposing to operate an Outdoor Market each Wednesday for a maximum of 90 vendors from April to December located at the Salinas Sports Complex at 1040 North Main Street. Proposed hours of operation are from 3:00 p.m. to 10:00 p.m. (actual market operations would occur between 4:00 p.m. to 9:00 p.m.). The Outdoor Market would be located on the western portion of the Salinas Sports Complex along the North Main Street frontage between the Sports Complex grandstands and the Box Office (Salinas Sports Complex - APN: 003-231-002-000) in the PS (Public and Semipublic) District.

A public hearing will be held before the Salinas City Council on Tuesday, April 4, 2017 at 4:00 p.m. in the Council Chamber Rotunda, 200 Lincoln Avenue, Salinas, to consider this matter (Miscellaneous 2017-003).

The environmental impacts of this project have been analyzed in accordance with the California Environmental Quality Act. The project is found to be exempt from further environmental analysis pursuant to Section 15304(e) (Minor Alterations to Land).

If you challenge the final decision on this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, subsequent appeal hearings, or in written correspondence delivered to the reviewing body at, or prior to, the public hearing.

Subject to exhaustion of administrative remedies, Code of Civil Procedure Section 1094.6 requires you to initiate such a proceeding in court within 90 days of the final decision in this matter.

Further information on this matter may be obtained by calling Megan Hunter, City of Salinas, Community Development Department, 65 West Alisal Street, (831) 758-7206.

Disabled persons requiring accommodation in order to participate in the public hearing may contact the Community Development Department, City of Salinas, 65 West Alisal Street, Salinas, CA 93901, (831) 758-7206. Hearing impaired or TTY/TTD 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.

PATRICIA BARAJAS
City Clerk

AVISO IMPORTANTE, SI DESSEA UNA TRADUCCION DE ESTE AVISO, FAVOR DE LLAMAR AL NUMERO (831) 758-7206 DENTRO LAS HORAS DE 8:00 a.m. Y 5:00 p.m., Lunes - Viernes
March 24, 2017 (2017975)