



CITY OF SALINAS

COUNCIL STAFF REPORT

DATE: MARCH 6, 2018

DEPARTMENT: COMMUNITY DEVELOPMENT DEPARTMENT

FROM: MEGAN HUNTER, COMMUNITY DEVELOPMENT DIRECTOR

BY: THOMAS WILES, SENIOR PLANNER

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

RECOMMENDED MOTION:

A motion to approve the attached Resolution (1) allowing the continued operation of an Outdoor Market at 1040 North Main Street (Salinas Sports Complex) on Wednesdays with extended hours from 3:00 p.m. to 9:00 p.m., (2) on Sunday for an initial six-month trial period from 1:00 p.m. to 7:00 p.m., and (3) finding that the Outdoor Market is exempt from the California Environmental Quality Act (CEQA).

RECOMMENDATION:

Staff recommends that the City Council approve the attached Resolution.

BACKGROUND:

The Outdoor Market is operated by El Mercado Popular, Inc. (Applicant) in connection with the California Rodeo Association at the Salinas Sports Complex. El Mercado Popular Inc. has been operating several outdoor markets in Santa Clara, Monterey, and Santa Cruz Counties over the last six years and has recently been operating the Wednesday Outdoor Market at the Salinas Sports Complex since April 2017. The purpose of the Outdoor Market is to create a family friendly event that brings together local farmers, food vendors, non-profits and used/new item vendors. To encourage increased access to fresh foods, certified farmers do not pay a fee to sell their produce. In addition, free space is available for government agencies and non-profit community organizations to distribute important community information.

The Salinas Sports Complex property is owned by the City of Salinas and is leased to the California Rodeo Association. There is no definition of an outdoor market in the Zoning Code; the Zoning Code includes references to swap meets, flea markets, and farmers markets. In addition, Zoning Code Section 37-10.430 defines "Swap Meet" as occasional or periodic retail activities held in an open area or enclosed structure where groups of individual sellers are provided space to display,

barter, or sell goods to the public. Per this Zoning Code definition, “Swap Meet” is interchangeable with and applicable to: flea markets, open-air markets, farmers’ markets, or similar activities.

The Salinas Sports Complex property is located in the PS (Public and Semipublic) District and includes the Rodeo Grounds, Municipal Stadium, Municipal Aquatic Center, Community Center, and Sherwood Park. The following provides an overview of the zoning districts and land uses adjacent to the project site:

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|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| North: | MX-FG1 (Mixed Use – Laurel Drive at North Main Street Focused Growth Overlay) & PS (Public and Semipublic)/Shopping Center and Recreational fields/facilities. |
| South: | CR (Commercial Retail), CT (Commercial Transition), R-H-1.8 (Residential – High Density) & R-M-2.9 (Residential – Medium Density)/Commercial and Residential uses |
| East: | PS (Public & Semipublic), R-H-2.1 (Residential – High Density), & R-L-5.5 (Residential - Low-Density)/Church, Elementary School, High & Low Density Residential uses |
| West: | CR (Commercial Retail)/Sherwood Gardens Shopping Center & Motels |

In 2011, a similar proposal was presented to City Council for a maximum of 118 vendors, which ultimately was not approved. During the hearing, multiple stakeholders expressed concerns about potential traffic and parking impacts to the adjacent neighborhoods and Sherwood Gardens Shopping Center. Several business owners were concerned about losing business due to the proposed intent to operate on Sunday, the most popular shopping day.

On April 4, 2017, the City Council adopted Resolution No. 21144 (attached), which approved the Outdoor Market for limited operations on Wednesdays for a trial period of six months. A maximum of 90 vendors is allowed and the hours of operation are from 4:00 p.m. to 8:00 p.m. Vendor access is limited from 2:00 p.m. to 9:30 p.m. The Outdoor Market is held in the “Midway” generally located on the westerly portion of the Salinas Sports Complex, along the North Main Street frontage, between the box office and the Sports Complex Grandstand. Free off-street parking for the Outdoor Market is provided on-site in the parking lot between the grandstands and the softball complex. The Outdoor Market started operation on April 26, 2017.

Per Condition No. 3.e. of Resolution No. 21144, no sooner than five (5) months from the date of the first outdoor market following City Council approval of the Outdoor Market, the Planning Commission was required to hold a public hearing and determine appropriate actions and conditions for the continued operations of the market. On October 18, 2017, the Planning Commission held a public hearing to consider continued operations of the market. At the hearing, the Applicant requested changes to the hours of operation and that Sundays be added to the schedule. The Commission determined that the Outdoor Market is primarily in compliance with the Conditions of Approval of Resolution No. 21144 and adopted Planning Commission Resolution 2017-07, which extended the Outdoor Market for another six (6) months until April 18, 2018. Changes to the hours and schedule were not approved. The time extension allowed staff to continue to monitor operations at the site and to provide additional time for the Applicant to

submit any request for modifications to the operating conditions of the Outdoor Market to the City Council for consideration.

On December 15, 2017, the El Mercado Popular, Inc. requested the following (see attached letter):

1. Increase the hours of operation on Wednesdays from 4:00 p.m. to 8:00 p.m. to 3:00 p.m. to 10:00 p.m., but continue to limit all amplified music and sound until 8:00 p.m.;
2. Allow the operation of the Outdoor Market on Sundays from 1:00 p.m. to 9:00 p.m., with all amplified music and sound ending at 6:00 p.m.; and
3. Increase the maximum number of vendors from 90 to 110.

Changes in the working hours are requested to allow vendors to arrive and depart at staggered times to avoid traffic congestion. Sunday operations on specific dates are requested to provide another shopping option in Salinas and to help capture some of the retail leakage from other Outdoor Markets located at the Red Barn, Santa Cruz, Watsonville, and San Jose.

DISCUSSION:

After careful consideration of the December 15th request, staff is recommending the following modifications:

1. Increase the hours on Wednesday from 3:00 p.m. to 9:00 p.m. on a continuous basis so long as the Applicant complies with the conditions of approval; and
2. Allow for operations of a Sunday Market for an initial six-month trial period from 1:00 p.m. to 7:00 p.m.

Staff is recommending approval of the other changes as requested including:

1. Limiting amplified music and sound to 8:00 p.m. on Wednesdays and 6:00 p.m. on Sundays; and
2. Increasing the maximum number of vendors from 90 to 110.

Wednesday Increase in Hours

Generally, the Applicant has adhered to the conditions of the resolution in operating the Wednesday Outdoor Market and the City has not received complaints. As a result, it is reasonable to extend hours. However, extending operations to 10:00 p.m. with vendor access to 11:00 p.m. has the potential to create late night noise, traffic, lighting that may disturb nearby residents. Therefore, staff is recommending operations be limited to an hour earlier on Wednesday evening to minimize potential impacts and to be consistent with operation hours of nearby businesses.

Sunday Operations

Although the Wednesday Outdoor Market has been well run with few impacts to surrounding businesses and residents, operating on Sunday from 1:00 p.m. to 7:00 p.m. could present new challenges. It is likely that the Sunday Market would draw many more visitors increasing traffic and potentially having a spill over impact on off street parking in nearby residential neighborhoods. Furthermore, there tend to be more activities that take place in Sherwood Park on Sunday. This could compound traffic and parking issues. With many more Sunday visitors, there is also the potential for increased noise, increased trash and debris, and blocking of fire lanes. For these reasons, staff is recommending that the Sunday Market is limited to a six-month trial period to evaluate operations and ensure minimal impacts. Furthermore, the hours of operation have been limited to 7:00 p.m. to ensure that nearby residents are not impacted by evening noise, traffic, and lighting that limit enjoyment of their properties. After the six-month trial period, City Council will have the opportunity to determine whether the Outdoor Market should continue to operate on Sundays.

Operations on City-owned land:

The site is designated Public/Semipublic by the Salinas General Plan, which provides for public and semipublic uses such as the existing Salinas Sports Complex. Per Zoning Code Section 37-50.170(c)(11), farmers' market uses (same as an Outdoor Market) may be considered in the PS District subject to a Conditional Use Permit. However, pursuant to Zoning Code Section 37-10.070, the City Council may consider development on city-owned land in such a manner as it determines to be proper and in the public interest. The project site is owned by the City; therefore, the Council previously approved the Outdoor Market as it was determined to be proper and in the public interest, without requiring a Conditional Use Permit.

On April 4, 2017, City Council adopted Resolution No. 21144, which allowed an Outdoor Market at the Salinas Sports Complex to operate 27 times over a six-month period (all on Wednesdays). This exceeds the maximum five (5) allowed flea markets (same as outdoor markets) per calendar year authorized by City Council Resolution No. 18280. Resolution No. 21144 supersedes Resolution No. 18280. All other provisions of Resolution No. 18280 remain in full force and effect. The Resolution also exempted the Salinas Sports Complex from the provisions of the City's Temporary Land Use requirements.

Parking/Traffic:

Per Zoning Code Section 37-50.360, the minimum number of off-street parking spaces for swap meets (same as outdoor market) is one space for every 1,000 square-feet of lot area used by the Outdoor Market. Staff estimates that the project area of the Outdoor Market is approximately 110,000 square-feet, which would require a minimum of 110 off-street parking spaces, including five (5) accessible spaces. The applicant is requesting to increase the maximum number of allowed vendors at the Outdoor Market from 90 to 110. The Applicant has not requested additional project area for the new vendors. There is an existing 450 space off-street parking lot located to the north of the proposed Outdoor Market site, which will be available to patrons of the outdoor market so as to minimize parking impacts to the surrounding neighborhood.

On-site parking for the Outdoor Market is required to be free. Per the attached Traffic Control Plan, received on October 18, 2017, the Outdoor Market proposes free parking on-site and on and

off-site security. This would help preclude customers from parking in the nearby Sherwood Gardens Shopping Center or the adjacent neighborhood. In addition, conditions are included to ensure that, when implemented, the proposed use will conform and comply with the provisions of the Salinas Zoning Code such as the requirement to maintain a minimum of 110 off-street parking spaces, including five (5) accessible spaces be allocated to the Outdoor Market to minimize parking and traffic impacts to the surrounding neighborhood.

Noise:

To address noise concerns, amplified sound on Sundays would be limited to 6:00 p.m. and 8:00 p.m. on Wednesdays. A condition requires the Outdoor Market to comply with the City's Performance Standards for noise at an adjacent property line pursuant to Zoning Code Section 37-50.180, Table 37-50.50 (see Condition "g" of the draft Resolution).

Operation of the Outdoor Market:

Per the attached "Report of Attendance, Traffic, and Staff" dated October 2, 2017 from Patricia Rodriguez, Market Manager, on April 26, 2017, there were 70 vendors, 184 vehicles, and 553 persons attending the market. On September 27, 2017, there were 87 vendors, 334 vehicles, and 1,339 persons attending the market. The Outdoor Market has three (3) security guards directing traffic and parking. There are seven (7) staff members on-site to check vendors, open the gates, charge admission, supervise, and secure the Outdoor Market operations.

To minimize potential rubbish impacts to the surrounding neighborhood, the Applicant, or successor-in-interest shall ensure that common areas are clean and safe and meet the service needs of "Republic Services of Salinas", or the City's current recycling and solid waste provider. Per Jim Slaten, the General Manager of the Salinas Sports Complex, the complex uses Republic Services to dispose of any waste from the Outdoor Market.

City staff inspected the operation of the outdoor market on three occasions on October 20, 2017, October 27, 2017, and January 31, 2018. Staff noticed a variety of goods being offered for sale. These goods included prepared and fresh foods, electronics, clothing, shoes, hats, luggage, furniture, toys, pets, and beauty care products. The market includes a play area and in October 2017, the market included an animal ride. Staff did not notice any alcoholic beverages being sold or consumed on-site, nor the selling of any obscene materials (i.e. pornography). The site includes a live entertainment area adjacent of the box office area on the western portion of the site adjacent to North Main Street, which includes amplified sound. There is an admission charge to the outdoor market, but on-site parking is free.

Staff noted that outside of the primary access gate, all of the other access gates into the Outdoor Market are locked. This could create an exiting problem in case of an emergency. The Applicant will need to improve pedestrian and vehicle access, which is required per Condition 3.s. of Resolution No. 21144. In addition, the market has expanded into the grass area adjacent to the north of "Midway" area. The original approval limits the outdoor market to the "Midway" area between the grandstand and the box office. Clarification on what is defined as the "Midway" area is suggested. A site plan could detail the limits of the Outdoor Market.

Prior to implementation of extended hours and Sunday Outdoor Market, the Applicant shall submit an updated and detailed site plan including the vendor stall size and location, an operation plan, and traffic plan to the Community Development Department for review and approval to ensure compliance with the conditions in the resolution. Staff has concluded that the conditions imposed on the Outdoor Market are consistent with Zoning Code Section 37-10.070 and with other types of events held at the Salinas Sports Complex, a location intended for the use and enjoyment by the Salinas community.

ENVIRONMENTAL REVIEW:

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

Categorical Exemption:

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

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

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

STRATEGIC PLAN INITIATIVE:

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

FISCAL AND SUSTAINABILITY IMPACT:

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

ATTACHMENTS:

Draft Resolution
Vicinity Map for Miscellaneous 2017-003
City Council Resolution 21144
City Council Resolution 18280
Planning Commission Resolution 2017-07

Letter from El Mercado Popular, Inc., dated December 15, 2017
“Report of Attendance, Traffic, and Staff” dated October 2, 2017 from Patricia Rodriguez,
Market Manager
El Mercado Popular Traffic Control Plan

Distribution:

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