



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