

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