



CITY OF SALINAS
TRAFFIC AND TRANSPORTATION COMMISSION
STAFF REPORT

DATE: JUNE 9, 2021

DEPARTMENT: PUBLIC WORKS, TRANSPORTATION & TRAFFIC DIVISION

FROM: ADRIANA ROBLES, CITY ENGINEER

TITLE: ORDINANCE AMENDMENT TO ARTICLE XVI OF CHAPTER 20 OF THE SALINAS MUNICIPAL CODE ALLOWING THE CREATION OF “DESIGNATED LOCATIONS” IN THE RIGHT OF WAY FOR EXCLUSIVE USE BY FOOD TRUCKS AND RESTRICTING ACCESS TO FOOD TRUCKS, NONMOTORIZED PUSHCARTS AND STREET VENDORS TO HIGH COLLISION INTERSECTIONS AND HIGH COLLISION CORRIDORS AS IDENTIFIED IN THE DRAFT VISION ZERO ACTION PLAN

RECOMMENDED MOTION:

A motion to recommend that the City Council introduce and adopt an Ordinance amending Article XVI of Chapter 20 of the Salinas Municipal Code allowing the creation of “Designated Locations” for use by Food Trucks and restricting access to food trucks, nonmotorized pushcarts and street vendors to “High Collision Intersections” and “High Collision Corridors” as identified in the Draft Vision Zero Action Plan.

RECOMMENDATION:

Staff recommends the approval of an ordinance amending Article XVI of Chapter 20 (Catering Vehicles, Nonmotorized Pushcarts and Street Vendors – Stopping, Standing and Parking) to allow the creation “Designated Locations” for use by Food Trucks and restricting access to food trucks, nonmotorized pushcarts and street vendors to “High Collision Intersections” and “High Collision Corridors” as identified in the Draft Vision Zero Action Plan.

EXECUTIVE SUMMARY:

Over the past several years City and Monterey County Health Department staff have convened a Vendor Ordinance Task Force to review the current street vendor ordinance and to evaluate the potential for modification and expansion of the program through increasing the number of permits and expanding locations for vending. Working with community stakeholders on the Alisal Vibrancy Plan, staff identified amendments needed to the Street Vendor Ordinance to expand business opportunities, enhance safety, and promote equitable access to healthy food.

The proposed amendment would support and encourage entrepreneurialism, provide additional vending locations for Food Trucks, while establishing restrictions for vending near high collision intersections and on high collision corridors.

BACKGROUND:

In 2008 City Council enacted Ordinance 2474, Catering Vehicles, Nonmotorized Pushcarts and Street Vendors – Stopping, Standing and Parking, to allow vending on public streets and establish a permit process for street vendors. This ordinance allowed street vending, but limited the total number of catering vehicles (food trucks) to thirty-two (32) and established regulations restricting access to various parts of the city. Since 2012, the Development Engineering Division of Public Works has maintained a waitlist of potential food truck businesses. The waitlist exceeded 300 potential food truck businesses in September 2019.

In 2018 Governor Jerry Brown signed into law California State Bill No. 946. The law narrowed cities abilities to regulate sidewalk vending. In response to SB 946, City Council enacted amendments to Article XVI of Chapter 20 of the Salinas Municipal Code allowing street vendors to remain stationary at a single location and to sell within city parks. SB 946 did not address food trucks nor vending on private property.

Over the past several years City and Monterey County Health Department staff have convened a Vendor Ordinance Task Force to review the current ordinance, its implementation and monitoring to evaluate the potential for modification and expansion of the program through increasing the number of permits and locations for vending, included evaluating the impact of street vendors and food trucks on city streets and on-street parking while keeping in mind the City's overall economic development strategy to support and encourage entrepreneurialism.

As part of the Alisal Vibrancy Plan (2019), members of the Economic Development Working Group, through community input, identified amendments needed to the Street Vendor Ordinance to address 1) the long wait list of 300+ possible small business owners, 2) strengthen enforcement and modify regulations to reduce ambiguities, and 3) expand business opportunities.

In addition, the Alisal Vibrancy Plan recommended to:

- Promote equitable access to healthy food;
- Ensure that streets, parks and public spaces in the Alisal are safe;
- Activate existing spaces; and
- Increase the economic opportunities by increasing the number of vending permits and allowed locations.

Resolution No. 21790, adopted by the Salinas City Council on February 11, 2020, approved the adoption of a Vision Zero Policy. A policy setting a goal to eliminate traffic fatalities and severe injuries on city streets. At its July 9, 2020 meeting, the Traffic and Transportation Commission was presented with an update of the Draft Vision Zero Action Plan and provided with collision data from 2009-2018 which identified the 10 high collision corridors and the 10 high collision intersections.

By restricting access to food trucks, nonmotorized pushcarts and street vendors to high collision corridors and high collision intersections, the city is utilizing data-driven decision making to establish regulations.

The proposed amendment would support and encourage entrepreneurialism, provide additional vending locations for Food Trucks, while establishing restrictions for vending near high collision intersections and on high collision corridors.

A public meeting notice for Traffic and Transportation Commission meeting regarding the proposed Amendment was distributed within a three hundred (300) feet of the proposed park and “designated” vending locations.

DISCUSSION:

The Traffic and Transportation Commission will consider ONLY the regulations of the proposed Street Vendor Ordinance as it relates to parking regulations and the use of public streets. The Planning Commission will evaluate the proposition to expand food truck vending opportunities onto private property and the Library and Community Service Commission will evaluate regulations related to expanding food truck vending at public parks. Comments and recommendations provided by the Traffic and Transportation Commission will be received and presented to the City Council on June 22, 2021.

Amending the City Code to allow “designated locations” for food trucks and restricting access to food trucks, nonmotorized pushcarts and street vendors to high collision intersection and on high collision corridors would address all three of the needed changes to the Street Vendor Ordinance:

1. It would reduce the number of small business owners on the waitlist because it would open additional vending locations thus increasing the number of vendor permits.
2. There would be more targeted regulations, making it easier for enforcement.
3. There would be more business opportunities.

The proposed Amendment would expand the use of public right of way to allow food trucks, ice cream trucks, nonmotorized pushcarts and street vendors to operate in accordance with the following regulations:

Sec. 20-203.a.

The total number of permits issued to vendors operating food trucks at a “designated location” pursuant to this article and the total number of business licenses issued to vendors operating food trucks at a designated location pursuant to Chapter 19 of the City Code for activities regulated under this article, shall be limited to 52 and no such vendor permits or business licenses beyond that limit shall be issued and, except as otherwise provided in this section. Vendors operating food trucks not from a designated location, nonmotorized pushcarts, or ice cream trucks are exempt from this provision.

Sec. 20-204.a.6

No person may conduct business as a vendor and no person may park or operate any nonmotorized pushcart or sell, display or permit or authorize the sale, display or dispersal of any food, beverage or other product or item of merchandise from any nonmotorized pushcart within two hundred feet of the intersections identified as “High Collision Intersections” in the Vision Zero Action Plan (Latest Edition) and so as not to impede the flow of pedestrian or vehicular traffic due to vendors

or customers blocking intersections to purchase any food, beverage or other product or item of merchandise.

Sec. 20-205.c.

No person may conduct business as an ice cream truck and no person may park or operate an ice cream truck or sell, display or permit or authorize the sale, display or dispersal of any food or beverage or other product from any ice cream truck on any sidewalk or street immediately adjacent to or within that area of a curb which has been designated as a white, yellow, blue or red zone or any designated location for food trucks so as not to impede the flow of pedestrian or vehicular traffic. No ice cream truck shall stop at a single location to vend for a period exceeding fifteen minutes.

Sec. 20-205.d

No sales shall be made while an ice cream truck is parked within forty feet of any intersection with any street as measured along the traveled way.

Sec. 20-205.g

No person shall stop to vend from an ice cream truck within three hundred feet of another ice cream truck, catering truck or nonmotorized pushcart so as to not impede the flow of pedestrian or vehicular traffic due to vendors or customers blocking intersections to purchase any food, beverage or other product.

Sec. 20-206.c.

An owner or operator of a food truck that sells, offer for sale, displays, disperses or permits, any food, food item or beverage from any food truck from a designated location may do so only between the hours of 10:00 a.m. and 3:00 a.m. Except as otherwise provided in this section, it shall be unlawful for any person to operate any food truck in any such manner at any other time.

- (1) Food truck operated from a trailer or stand shall be unhitched from the hauling vehicle while operating and hauling vehicle must be removed from the designated location.*

Sec. 20-206.d

An owner or operator of a food truck that sells, offer for sale, displays, disperses, or permits, any food, food item or beverage from any food truck not from a designated location may do so only between the hours of 8:00 a.m. and 7:00 p.m. for a period not to exceed four hours at a single location and not within five hundred feet of the same address or location or on the same street. Except as otherwise provided in this section, it shall be unlawful for any person to operate any food truck in any such manner at any other time.

Sec. 20-206.e

An owner or operator of a food truck that sells, offer for sale, displays, disperses, or permits, any food, food item or beverage from any food truck from a designated location adjacent a public park may do so only between the hours of sunrise and sunset. Except as otherwise provided in this section, it shall be unlawful for any person to operate any food truck in any such manner at any other time.

Sec. 20-206.f

An owner or operator of a food truck that exclusively sells, offers for sale, displays, disperses or permits, raw and fresh fruits and vegetables, may do so from any food truck between the hours of sunrise and sunset.

Sec. 20-206.h

No owner or operator of a food truck may park or operate any food truck or sell, display, or permit or authorize the sale, display or dispersal of any food, beverage, or other product from any food truck within three hundred feet of any other food truck. On arterial streets having at least a four-lane configuration and a posted speed limit of thirty-five miles per hour or greater, no food truck may be parked or operated within five hundred feet of any other food truck.

Sec. 20-206.j

No owner or operator of a food truck may park or operate any food truck or sell, display or permit or authorize the sale, display or dispersal of any food, beverage or other product or item of merchandise from any food truck along any corridor identified as a “High Collision Corridor” as defined and identified in the Vision Zero Action Plan (Latest Edition).

Sec. 20-206.l

No owner or operator of a food truck may park or operate any food truck or sell, display or permit or authorize the sale, display or dispersal of any food, beverage or other product or item of merchandise from any food truck within forty feet of any intersection of within twenty feet of any driveway.

Sec. 20-206.m

No owner or operator of a food truck may park or operate any food truck or sell, display or permit or authorize the sale, display or dispersal of any food, beverage or other product or item of merchandise from any food truck, unless within a designated location, on any street immediately adjacent to and within that area of a curb which has been designated as a white, yellow, green, blue or red zone or immediately adjacent to time-restricted parking.

Sec. 20-206.r

No owner or operator of any food truck may stop, park or operate any food truck in any manner which may prevent or disrupting the routine street sweeping of roadways by city maintenance crews at any location.

Sec. 20-206.t

It shall be unlawful for any person to operate any food truck upon any street or sidewalk within the city in any manner that impedes the flow of vehicular or pedestrian traffic in any manner or that impedes the flow or use of any public right-of-way. Food trucks permitted to conduct business from city streets shall comply with all applicable parking and traffic regulations.

Sec. 20-206.w

No food truck owner or operator may store, park or, otherwise, leave any food truck overnight on any public street, public park or public property.

Sec. 20-206.x

No food truck owner or operator may leave any food truck unattended for in the right of way for longer than thirty minutes.

Sec. 20-208.d

No food truck, ice cream truck or nonmotorized pushcart shall be repaired or serviced in the public right of way.

In evaluating “designated locations” that could be reserved for use of food trucks, staff analyzed the proposed restrictions and possible impacts to the neighborhoods. The goal was to identify “designated locations” that complied with the regulations while allowing a more equitable distribution of vending locations. This allows for expansion of the number of food trucks while minimizing the impacts to one specific neighborhood or district.

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 action does not support a specific Council goal.

DEPARTMENTAL COORDINATION:

The proposed Amendment has been discussed through the Vendor Ordinance Task Force with Public Works, Community Development, Library and Community Services, Fire Department and Police Department. The City Attorney’s Office has reviewed the proposed Ordinance amendment.

FISCAL AND SUSTAINABILITY IMPACT:

Fiscal impacts are anticipated to total approximately \$60,000 for all designated locations, excluding staff time.

ATTACHMENTS:

Attachment 1: Proposed Ordinance Amendment (redlines) – Revised June 3, 2021

Attachment 2: TTC - Article XVI Vendor Ordinance Update June 3, 2021 (clean)

Attachment 3: Vendor Ordinance Update – Summary of Changes
Attachment 4: Proposed Vendor Locations, Revised June 2, 2021