

**SALINAS PLANNING COMMISSION
RESOLUTION NO. 2021-012**

**RESOLUTION RECOMMENDING THE CITY COUNCIL 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) (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 of Chapter 37 of the Salinas Municipal Code ("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 Section 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 Chapter 37 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 to 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 Downtown Core 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 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: Ordinance Number 2623 which amends the Zoning Code regarding Small and Medium Project Employee Housing in the Residential Low (RL) and Residential Medium (RM) Zoning Districts, Ordinance Number 2624 which amends the Zoning Code to allow residential

uses in the Public/Semipublic (PS) Zoning District subject to approval of a Conditional Use Permit, Ordinance Number 2625 which amends the Zoning Code to allow a Parcel Map Subdivision in the Future Growth Area (FGA) prior to Specific Plan Adoption, Ordinance Number 2626 which amends the Zoning Code to allow front yard setback replacement parking for Accessory Dwelling Units (ADU) pursuant to State of California Regulations, and Ordinance Number 2627 which amends the Zoning Code to allow a 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 April 21, 2021, the Salinas Planning Commission held a duly noticed public hearing to consider Zoning Code Amendment 2021-002 for recommendation to the City Council amending Section 37-50.100 of the Zoning Code to eliminate the maximum number of Home Occupations allowed per dwelling unit; and

WHEREAS, on June 8, 2021, the Salinas City Council adopted Ordinance Number ____, which amended Section 37-50.100 of the Zoning Code to eliminate the maximum number of Home Occupations allowed per dwelling unit; 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 9, 2021, the Salinas Planning Commission weighed the evidence presented at hearing, 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 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.

NOW, THEREFORE, BE IT RESOLVED by the Salinas Planning Commission that the Commission recommends that the City Council find the project to be categorically exempt from the California Environmental Quality Act and that the foregoing recitations are true and correct, and are included herein by reference as findings:

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.

BE IT FURTHER RESOLVED, that the Planning Commission’s recommendation to the City Council includes the following minor refinements:

1. **Section 37-50.095(c) Conditional Use 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;

2. Section 37-50.95(e)(8): Any other information requested by the City Planner as deemed necessary to evaluate the Conditional Use Permit;
3. Section 37-30.095(f)(8): A Food Truck shall be located in a designated space that protects customers that are ordering or picking up food 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;
4. Section 37-50.095(f)(12): Outdoor furniture including tables, chairs, and shaded structures shall be prohibited; condiments and utensil dispensers must be shown on the Site Plan and may be permitted based upon approval of the Conditional Use Permit; and
5. Section 37-50.095(f)(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.(midnight).

PASSED AND APPROVED this 9th day of June 2021, by the following vote:

AYES: Chairperson Meeks, Commissioners Donahue, Gonzalez, Mckelvey Daye, and Manzo

NOES: None

ABSTAIN: None

ABSENT: Commissioners Griffin, and Farias

THIS IS TO CERTIFY that the foregoing is a full, true, and correct copy of a Resolution of the Planning Commission of the City of Salinas, that said Resolution was passed and approved by the affirmative and majority vote of said Planning Commission at a special meeting held on June 9, 2021, and that said Resolution has not been modified, amended, or rescinded, and is now in full force and effect.

SALINAS PLANNING COMMISSION

Date: 6/15/2021


Courtney Grossman
Secretary