



## **CITY OF SALINAS COUNCIL STAFF REPORT**

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**DATE:** JUNE 22, 2021

**DEPARTMENT:** PUBLIC WORKS AND COMMUNITY DEVELOPMENT

**FROM:** DAVID JACOBS, DIRECTOR  
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**TITLE:** AN ORDINANCE AMENDMENT TO ARTICLE XVI OF CHAPTER 20 AND AN ORDINANCE AMENDING CHAPTER 37 (ZONING CODE) OF THE SALINAS MUNICIPAL CODE

**RECOMMENDED MOTION:**

Motion to:

1. Find the project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15305 and 15061(b)(3);
2. 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). (ZCA2021-004); and
3. Adopt an Ordinance amending Article XVI of Chapter 20 of the Salinas Municipal Code updating the regulations governing food trucks, ice cream trucks, nonmotorized pushcarts and street vendors (Vendor Ordinance).

If the Vendor Ordinance is adopted as outlined, a motion to:

4. Allocate \$62,400 from the General Fund for the establishment of 52 Designated Locations for food truck; and
5. Direct staff to return with a budget augmentation and workforce allocation request for costs and personnel related to the implementation of the Vendor Ordinance for City Council consideration.

**RECOMMENDATION:**

It is recommended 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);

2. 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). (ZCA2021-004); and
3. Adopt an Ordinance amending Article XVI of Chapter 20 of the Salinas Municipal Code updating the regulations governing food trucks, ice cream trucks, nonmotorized pushcarts and street vendors (Vendor Ordinance).

If the Vendor Ordinance is adopted as outlined, a motion to:

4. Allocate \$62,400 from the General Fund for the establishment of 52 “designated locations” for food trucks; and
5. Direct staff to return with a budget augmentation and workforce allocation request for costs and personnel related to the implementation of the Vendor Ordinance for City Council consideration.

### EXECUTIVE SUMMARY:

The City of Salinas regulates street vending to protect public health, safety and welfare. Current regulations limit the total number of food trucks which has resulted in a waitlist of over 370 potential small business owners unable to operate from food trucks since 2012. In an effort to reduce the waitlist, expand business opportunities, and maintain public health, safety and welfare, the proposed Ordinance Amendments would allow and establish a permit process for food trucks to vend adjacent to public parks; allow the creation of “designated locations” in the public right-of-way for exclusive use by food trucks; allow and establish operating restrictions for mobile vending by food trucks; allow and establish operating restrictions for ice cream trucks; establish condition and appearance requirements for food trucks, ice cream trucks and nonmotorized pushcarts; restrict food trucks on High Collision Corridors; restrict nonmotorized pushcarts and street vendors at High Collision Intersections; and allow and establish a permit process for food trucks operating on private property in certain zoning districts.

### BACKGROUND:

In 2007, 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) 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.

#### Street Vendors

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 vend within city parks. SB 946 did not address food trucks, ice cream trucks, nor vending on private property.

### Vendor Ordinance Task Force

Efforts to update the Street Vendor Program began in 2016 in response to increased requests to expand the Street Vendor Program from prospective vendors and City Council. Public Works formed a task force comprised of representatives from Public Works, the Current Planning and Code Enforcement Divisions of the Community Development Department, Fire Prevention and Monterey County Health Department (MCHD). The task force was led by Public Works. In 2019, following the inclusion of the small business development liaison from the Plan and Project Implementation Division of the Community Development Department, a subgroup was created to focus the efforts of the task force. The task force subgroup outlined the issues with the current ordinance, summarized requests and recommendations provided by the task force and the community.

Working through the requests which did not require City Council approval, the subgroup conferred with the MCHD and provided input for changes to the Health Department's application process to be more consistent with City ordinance requirements and enforcement efforts and to assist and recommend provisions which would allow for the sale of cut fruit, facilitating healthy food options.

Working with the Finance Department, in 2019 the subgroup recommended revisions to the business license application that would remove the requirement for a Home Occupational Permit for street vendors as this was identified as an obstacle by vendors who often rent or sublease units. In addition, in 2020, City staff met with the Finance Committee to discuss and present the recommendations given by the task force which included balancing the potential impact to "brick and mortar" restaurants with the City's overall economic development strategy to support and encourage entrepreneurialism.

A meeting with the Parks Department in 2019 provided guidance for possible rules and regulations that could allow food truck vendors adjacent to parks as enhancements and not nuisances.

### Food Trucks on Private Property

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. In addition, the AVP policies and actions recommend:

- Promoting equitable access to healthy food; and
- Ensuring that streets, parks and public spaces in the Alisal are safe; and
- Activating existing spaces; and
- Increasing economic opportunities by increasing the number of vending permits and allowed locations.

One recommendation to achieve these objectives 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.

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.

### *Vision Zero and Public Safety*

Conversations of increasing the number of vending permits and expanding the vending locations led to an increased awareness that the community's safety and wellbeing must be taken into consideration. Resolution No. 21790, adopted by the 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 while increasing safe, healthy, equitable mobility. 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 that identified the 10 High Collision Corridors and the 10 High Collision Intersections. It was found that the collision data supported the community's concern regarding roadway safety particularly in the Alisal District. The proposed ordinance amendment attempts to narrow the gap between data-driven policy and community input to produce an ordinance update seeking to expand the Street Vendor Program while meeting the City's safety goals and vision.

### *Stakeholder and Public Outreach*

Current Vendors: Staff convened four (4) meetings with current vendors to discuss and receive comment on proposed ordinance changes.

- On March 27, 2021, staff convened a stakeholder meeting with current food truck vendors. Vendors reviewed a draft list of proposed ordinance changes, including a restriction of food trucks along East Market Street, East Alisal Street and Williams Road and establishment of food vendor pods (zones). Vendors provided input regarding the various proposed changes and requested additional information.
- On April 16, 2021, staff met with a core group of vendors who operate on East Market Street and East Alisal Street. Vendors reviewed the draft proposed ordinance changes provide on March 27<sup>th</sup> and provided feedback specific to their concerns.
- On May 13, 2021, staff convened a stakeholder working session with current food truck vendors to craft revisions to the proposed ordinance changes. Consensus was reached regarding (1) creating designated locations, (2) allowing food trucks vendors at parks and private property, (3) establishing hours of operation and (4) establishing minimum aesthetic requirements for vendors. Vendors continued to voice concerns about possible required relocations for vendors located on "High Collision Corridors". Vendors overwhelmingly rejected the proposal for pods (multiple food trucks) at various locations and requested we continue our policy requiring a setback between vendors.
- On June 17, 2021, staff convened a stakeholder meeting with current food truck vendors. Staff reviewed the input and community feedback received from the various commissions and committees and outlined a path forward for food truck vendors impacted by proposed amendments.

Salinas United Business Association (SUBA): On June 8, 2021, staff met virtually with Alejandro Chavez, director of SUBA, and discussed specific provisions of the proposed ordinance amendment. Proposed food truck vending locations, a summary of proposed ordinance changes and the 10 High Collision Corridors and 10 High Collision Intersections were shared with Mr. Chavez for distribution to SUBA members.

Library and Community Services Commission: On June 9, 2021, the Library and Community Services Commission reviewed the draft Vendor Ordinance Amendment, more specifically the provisions that may impact public parks. The Library and Community Services Commission reviewed the proposed food truck vending locations adjacent public parks. The Commission recommended that the City Council introduce and then adopt an Ordinance amending Article XVI of Chapter 20 of the Salinas Municipal Code to allow food trucks adjacent city parks. The recommendation received a unanimous vote from the Commission.

Planning Commission: On June 9, 2021, the Planning Commission reviewed the draft Zoning Code Amendment and provided input to the proposed ordinance amendment. The Planning Commission unanimously adopted 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 with refinements amending the Zoning Code to allow consideration of Food Trucks operating on private property subject to a CUP.

Traffic and Transportation Commission: On June 10, 2021, the Traffic and Transportation Commission reviewed the draft Vendor Ordinance Amendment, more specifically the provisions that may impact on-street parking and circulation and provided input regarding the proposed ordinance amendment. The Commission recommended that the City Council introduce and then adopt an Ordinance amending Article XVI of Chapter 20 of the Salinas Municipal Code allowing the creation of “Designated Locations” for the use by food trucks and restricting access to food trucks, nonmotorized pushcarts and street vendors at “High Collisions Intersections” and on “High Collision Corridors” as identified in the draft Vision Zero Action Plan. The recommendation received a unanimous vote from the Commission.

Housing and Land Use Committee: On June 15, 2021, the Housing and Land Use Committee reviewed the draft Zoning Code Amendment and recommended that it move forward to the City Council for consideration.

Meeting Mail Notices: A notice of the Library and Community Services Commission meeting and the Traffic and Transportation Commission meeting was mailed to residents and businesses within a 300-foot radius of the proposed designated food truck vending locations. A total of 4,781 notices were mailed on or before May 28, 2021.

Public Hearing Notices: A public hearing notice for the Special Planning Commission meeting on June 9, 2021 for the proposed ZCA was published in the Monterey County Herald on May 27, 2021. A public hearing notice for the City Council meeting on June 22, 2021 regarding the proposed ZCA was published in the Monterey County Herald on June 11, 2021.

AVP Steering Committee: On June 15, 2021, staff joined the reconvened Alisal Vibrancy Plan Steering Committee to review the proposed Ordinance Amendments and receive feedback.

## DISCUSSION:

### I. ORDINANCE AMENDMENT TO ARTICLE XVI OF CHAPTER 20 OF THE SALINAS MUNICIPAL CODE

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 available for food trucks 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. The key provisions which required updating to allow expansion of the program and increase safety in our community were 1) allowing food trucks adjacent to public parks, 2) allowing the creation of "designated locations" for exclusive use by food trucks, 3) allowing mobile vending by food trucks, 4) allowing and establishing regulations for ice cream trucks, 4) establishing requirements for vendors, 5) restricting food truck access to High Collision Corridors, and 6) restricting nonmotorized pushcart and street vendors access at High Collision Intersections.

#### Allow and establish a permit process for food trucks to vend adjacent public parks.

Amending the City Code to allow food trucks to vend adjacent to city parks would address all three of the needed changes identified as the code issues with to the Street Vendor Ordinance during the development of the AVP:

- 1) It would reduce the number of possible small business owners on the waitlist by expanding vending opportunities adjacent to parks 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.

Consistent with state law, the Salinas Municipal Code does not prohibit vending by a nonmotorized pushcart or street vendor in a city park. The proposed amendment would further expand the use of the public right-of-way adjacent to city parks to allow food trucks to operate at designated park locations. This amendment would support and encourage entrepreneurialism and encourage more activity alongside city parks. Bringing more patrons to park facilities would increase the "eyes on the street" making parks more active and safer.

In evaluating parks that could support and benefit from food trucks vending adjacent to them, staff analyzed the size of the park, existing restroom facilities at the park, and the active use areas of the park. The goal was to identify parks that were large enough to support the proposed expanded use, over half an acre. Preferably, parks with restroom facilities that may serve as restroom facilities for the food truck owner or operator, as required by the Health Department. Possible vending locations were identified away from main park uses and play areas. This allows for expanded use of the park while minimizing the disruption of park activities.

Incentivize healthier food options: Most city parks are nestled amongst residential neighborhoods, making it easy for residents to walk to a neighborhood park. Staff is recommending giving preference to food trucks that sell fresh fruit and vegetables to vend adjacent to parks, in an effort to expand access to healthier food options. Food trucks are further encouraged to operate as fresh

fruit and vegetable food trucks by adjusting the current fee structure to align the fee for fruit and vegetable food trucks with that proposed for of ice cream trucks.

Vendor Permit Fee Schedule (FY21-22):

Vendor permit	\$ 690.00	Current food truck fee, includes all vendors
Vendor permit	\$ 195.25	<u>Proposed</u> fresh fruit and vegetable food truck fee
Vendor permit	\$ 102.75	Current nonmotorized pushcart fee, includes all vendors
Vendor permit	\$ 195.25	<u>Proposed</u> ice cream truck fee
Application	\$ 68.75	Current fee for first time and late renewals
Vendor ID	\$ 16.50	Current ID for all owners and employees

Fee will adjust annually with the Citywide Fee Schedule adjustments.

Allow the creation of “designated locations” in the public right-of-way for the exclusive use by food trucks.

Amending the City Code to allow “designated locations” for food trucks would allow the currently established food trucks in fixed locations to relocate, if necessary, aligning with the removal of possible obstructions from High Collision Corridors. Providing “designated locations” would also alleviate the reservation of on-street parking by food trucks. Current practice by food trucks is to park a vehicle, many times an older model vehicle, at their fixed vending location reserving the space for when they return for their assigned hours of operation. The proposed “designated locations” would be signed to restrict parking during the hours of 10:00am until 3:00am for the exclusive use by the assigned food truck. The proposed hours of operation were determined through a working session with current food truck vendors.

Establishing the “designated locations” would assist in identifying permitted vendors which would allow for better enforcement of unpermitted vendors. The “designated locations” would remain open during the hours of 3:00 am to 10:00 am allowing for the regular street sweeping of streets at these locations and removing obstructions from the right-of-way.

To establish these “designated locations”, staff would recommend installation of street sign and pavement markings delineating the “designated location”. Staff proposes establishing twelve (12) “designated locations” adjacent to parks and forty (40) “designated locations” as listed on Exhibit 1. The total cost for establishing these “designated locations” is estimated at \$62,400. Funds will need to be allocated from the General Fund to establish “designated locations”.

Allocation of permits and closing of the current waitlist: Of the fifty-two (52) designated locations proposed, thirty-two will be allocated for current food truck vendors. Vendors will be allowed to select their preferred location for any location not previously occupied by a current vendor. Preference to designated locations at parks will be given to current fruit and vegetable vendors. A lottery will be conducted amongst the fruit and vegetable vendors on the waitlist for the remaining designated locations at parks. Another lottery will assign any of the remaining designated locations at parks and the remaining designated locations on public streets. Prospective food trucks will be given six months from date of notification to gather and present documentation of their intent to vend. Assistance will be provided to the prospective food truck vendors by the Business Navigator.

Allow and establish operating restrictions for mobile vending by food trucks.

The current vendor ordinance limits the total number of permits for food trucks to “the total number of business licenses issued to vendors operating...as of November 1, 2005”. Based on record information, the total number of permits for food trucks allowed is 32. Of the original 32 vendors that were established vendors on November 1, 2005, 18 vendors remain. The current ordinance has allowed business opportunities to 14 new vendors since 2005. Fewer than one new vendor per year. The stagnant nature of the program allowed the waitlist to reach its current total of +370 prospective business owners.

The proposed ordinance amendment allows for food trucks to operate in a mobile capacity, setting no cap to this category of food truck vendor and allowing a more active and vibrant program. In an effort to better regulate mobile food trucks from those in “designated locations”, staff proposes varying operating restrictions which would 1) set hours of operation from sunrise to sunset for fresh fruit and vegetable food trucks and 8:00 am to 8:00 pm all other food trucks, which would alleviate night on-street parking, 2) require relocation of a mobile vendor within four hours, and 3) require parking only in on-street parking which allows parking for no less than four hours.

Effects of an open program: Based on the current waitlist, staff anticipates a high volume of applicants should the Vendor Ordinance Amendment be approved. Without a permit cap, this could mean the processing of hundreds of permits. Unfortunately, without adequate enforcement, there is a high likelihood of unpermitted vendors operating in Salinas at the expense of vendors who played by the rules and obtained a permit. Therefore, enforcement is vital to the successful implementation of the Vendor Program. To efficiently and fairly administer the Vendor Program, resources must be dedicated to implementation. Therefore, it is recommended that staff are directed to prepare a budget augmentation and workforce allocation request for City Council consideration.

Allow and establish operating restriction for ice cream trucks.

Currently, ice cream trucks operate on an ad hoc basis, combining requirements both from food trucks and street vendors. The proposed ordinance sets to explicitly include ice cream trucks and to set operating restrictions and requirements specific to ice cream trucks. The proposed ordinance 1) sets hours of operation as 10:00 am to sunset, 2) requires sales from streets with speed limits of 30 mph or less, 3) restricts sales from specially marked curbs other than 20-minute green zones, 4) restricts amplified sounds after 7:00 pm or sunset, and other operational and conditions regulations which would enhance the safety of the patrons as outlined more specific in section 20-16.120 of the proposed ordinance amendment.

Establish requirements for condition and appearance for food trucks, ice cream trucks and nonmotorized pushcarts.

Over the last decade, food trucks have seen a transformation from the “roach coach” to new age and gourmet food truck. Likewise, street vendors, including nonmotorized pushcarts, are increasingly becoming aware that newer, more attractive pushcarts attract more customers. The proposed ordinance incorporates provisions requiring food trucks, ice cream trucks and nonmotorized pushcarts to maintain clean, visually appealing, operational units.



*Restrict food truck access on “High Collision Corridors”.*

Increasing the number food trucks operating at stationary or “designated locations” and opening the program to an unknown number of mobile food trucks requires consideration of the negative impacts this may have to safety on city streets. As such, staff recommends aligning the proposed ordinance with the Council-approved Vision Zero Policy (2020) and restricting food truck access on the ten (10) High Collision Corridors as defined in the draft Vision Zero Action Plan.

This provision has been the most problematic for current established food trucks that operate along some of the corridors identified in the draft Vision Zero Action Plan. Staff recognizes that collision data is ever changing, and that the data used to support this draft Vision Zero Action Plan may differ in future years. Therefore, it is recommended that the proposed ordinance reference and restrict access to the “High Collisions Corridors” and not specific streets or corridors within its provisions.

*Restrict nonmotorized pushcarts and street vendor access at “High Collision Intersections”.*

Working with Code Enforcement and the Police Department, it became evident that a number of large intersections (East/West Laurel Drive at North Main Street, East/West Boronda Road at North Main Street and East Alisal Street at North Sanborn Road) required additional scrutiny in the regulations. The concerns from Code Enforcement and Police were that street vendors often create distractions and obstructions in the right-of-way which were considered dangerous and led to additional congestion. Coincidentally, the draft Vision Zero Action Plan identified the ten (10) High Collision Intersections. All the intersections identified by Code Enforcement and Police as problematic were also included in the High Collision Intersections.

The proposed ordinance amendment proposes to restrict access at the High Collision Intersections by not allowing nonmotorized pushcarts and street vendors to operate within 200 feet from the intersection. By removing the added distraction caused by street vendors, staff is attempting to increase safety for vehicles, bicycles and pedestrians.

*Review by governing bodies.*

The proposed ordinance amendment was presented to the Library and Community Services Commission and the Traffic and Transportation Commission at their public meetings. The Commissions unanimously approved recommending approval of the proposed ordinance amendment by Council.

II. 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)

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. Plan & Project Implementation staff presented Zoning Code Amendment (ZCA) to the Planning Commission on June 9, 2021 to adopt a resolution and recommendation to motion the City Council to adopt an Ordinance amending the Zoning Code to allow consideration of Food Trucks operating

on private property subject to a CUP. The proposed ZCA would foster economic development by expanding locations for Food Trucks to include private property.

A public hearing notice for the Special Planning Commission meeting on June 9, 2021 for the proposed Amendment was published in the Monterey County Herald on May 27, 2021.

#### ZCA 2021-004 Overview

As proposed, a new use category for “Food Trucks” would be added to 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. Any person that is interested in operating a Food Truck on private property would need to submit a Development Review application with property owner signature, a site plan, and pay the non-administrative CUP fee. If the CUP does not require Planning Commission or City Council approval, then the CUP would be considered administrative and the applicant would be refunded the fee difference from a non-administrative CUP and administrative CUP.

It is uncertain the number of Conditional Use Permits (CUP) that will be processed to allow Food Trucks on private property, but the breakdown of the fees effective July 1, 2021 for FY 2021-2022 are below:

1. Conditional Use Permit (Non-Administrative) - \$6,012.30
2. Administrative Conditional Use Permit - \$2,377.46
3. Parking Reduction Review - \$317.10
4. Alternative Means of Compliance Review - \$317.10

At the June 9, 2021, Special Planning Commission meeting, the Planning Commission received a staff presentation, which included non-substantive language refinements to the ZCA. A letter of support for the ZCA from the Healthy Food Access Committee Chair was read aloud to the Commission during public comment. The Planning Commission Chair asked staff about restrictions on generators, which 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. Staff explained the safety and environmental reasons for the restriction including: 1) generator exhaust contributes to air pollution, 2) extension cords can pose fire and trip hazards, and 3) external generators can create noise impacts. The Chair also recommended adding “midnight” to Section 37-50.95(f)(11) - Hours of operation to clarify 12:00 am means midnight. The Planning Commission then unanimously adopted a resolution with refinements 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 with refinements amending the Zoning Code to allow consideration of Food Trucks operating on private property subject to a CUP.

### Education and Stakeholder Outreach

Staff proposes the following outreach should Amendments be approved:

Bulletins and Informational Pamphlets: Staff will update or create, as needed, informational bulletins and pamphlets to educate prospective food truck vendors of the ordinance provisions and the CUP and vendor permit process. Information will be bilingual and available both over the counter at the Permit Center and online.

Townhall Meetings: Following approval of the Ordinance Amendments, Staff from Development Engineering (vendor permit) and the Community Development Department (Advanced Planning and Project Implementation, Current Planning, and Code Enforcement) will be convening townhall meetings with vendors.

- First Townhall Meeting: Regulations will be summarized, and permit options explained. Current vendors will have the option to select their preference for vendor type (designated location, mobile, or private property) and designated location.
- Second Townhall Meeting: A virtual meeting open to the public will be held via Facebook Live to introduce the Ordinance Amendments followed by a question and answer session.

Additionally, the Business Navigator (PPI) will provide business support to perspective vendors and property owners interested in obtaining a Conditional Use for Food Trucks and assist in compiling required documents for obtaining a vendor permit.

### III. FINDINGS

Adoption of both Vendor and Zoning Code Ordinance Amendments (“Ordinance Amendments”) would address all three of the identified objectives of the Vendor Task Force:

- 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 Ordinance Amendments are 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 Ordinance Amendments are 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 Ordinance Amendments align 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.

Findings in support of the proposed Ordinance Amendments are incorporated in the attached draft Ordinances.

### Vendor Ordinance amendment findings.

The primary purpose of the public right-of-way is for use by vehicular and pedestrian traffic. Vendors operating in the public right-of-way present a potential safety hazard by limiting sight lines, creating obstructions and distractions, and by contributing to congestion. The city engineer, or designee, has the authority to determine appropriate locations at which food trucks, ice cream trucks, nonmotorized pushcarts and street vendors may operate, consistent with criteria for traffic safety. The proposed ordinance amendment provides regulations that align with accident and collision data presented in draft Vision Zero Action Plan. The proposed ordinance amendment responds to the request from perspective vendors and Council to expand the existing Vendor Program while incorporating provisions consistent with the community goals and visions identified in the Alisal Vibrancy Plan.

### ZCA 2021-004 findings.

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 ZCA is 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.

### CEQA CONSIDERATION:

The environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA). The proposed Ordinance Amendments are categorically exempt (Class 5) from further environmental analysis per CEQA Guidelines Section 15305 (Minor

Alterations in Land Use Limitations). Both Amendments are 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 these Ordinances, does not have the potential for causing a significant effect on the environment. The proposed Zoning Code Amendment will allow the use of food trucks on already developed private property subject to a Conditional Use Permit (CUP) to mitigate any potential impacts. The proposed Vendor Ordinance Amendment includes refinements to vendor definitions, operation restrictions and adds designated vending locations in the public right-of-way.

#### STRATEGIC PLAN INITIATIVE:

This staff report and recommendations align with the following City Council strategic plan initiatives:

- Investment Strategies/Risk Management
- New Revenue
- Public Safety

#### FISCAL AND SUSTAINABILITY IMPACT:

The City Council's adoption of the proposed Vendor Ordinance would result in project costs of approximately \$62,400 from the General Fund to mark the 52 designated locations for food trucks.

If the Vendor Ordinance Amendment is approved, there are other budgetary and staffing needs. A high volume of applicants based on the waitlist is anticipated. Without a permit cap, this could mean the processing of hundreds of permits. In addition to administration, enforcement is vital to the successful implementation of the Vendor Program. Without adequate enforcement, there is a high likelihood of unpermitted vendors operating in Salinas at the expense of vendors who played by the rules and obtained a permit. To efficiently and fairly administer the Vendor Program, resources must be dedicated to implementation. Therefore, it is recommended that staff are directed to prepare a budget augmentation and workforce allocation request for City Council consideration.

It is anticipated that the fees collected as a result of the Zoning Code Amendment (ZCA) for the processing of Conditional Use Permits (CUP) will cover approximately 60% to 70% of planning related costs. The CUP runs with the land and is a one-time expenditure. Therefore, it is not expected that the ZCA will create the same resource demands as the Vendor Ordinance implementation.

#### DEPARTMENTAL COORDINATION

The Public Works Department (Development Engineering Division) and the Community Development Department (Advanced Planning and Project Implementation Division) coordinated in the preparation of these Ordinance Amendments. Extensive coordination has taken place leading up to these proposed Ordinance Amendments with Current Planning and Code Enforcement Divisions of the Community Development Department, and Fire Prevention. Consultation was

provided by the Library and Community Services Department, Finance Department, and the Police Department. The City Attorney's office provided review of the proposed Ordinance Amendments.

ATTACHMENTS:

Attachment 1: Article XVI, Chapter 20 Ordinance Amendment

Attachment 2: Chapter 37 Ordinance Amendment (ZCA2021-004)

Attachment 3: Planning Commission Resolution (ZCA2021-004)

Attachment 4: Vendor Ordinance Update – Summary of Changes, dated June 14, 2021

Attachment 5: Food Truck Regulations for other Cities

Attachment 6: Proposed Vendor Designated Locations, dated June 14, 2021

Attachment 7: draft Vision Zero Action Plan, 10 High Collision Corridors

Attachment 8: draft Vision Zero Action Plan, 10 High Collision Intersections

Attachment 9: draft Vending Exhibits