

ORDINANCE NO. 746

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
AMENDING PROVISIONS OF CHAPTER 17.30 INDUSTRIAL DISTRICTS OF TITLE
17-ZONING OF THE SOLEDAD MUNICIPAL CODE TO ALLOW RESTAURANTS,
CAFES, COFFEEHOUSES AND DRIVE-THROUGH FACILITIES AS
CONDITINALLY PERMITTED USES IN THE M ZONING DISTRICT**

WHEREAS, pursuant to existing provisions of Chapter 17.30 of the Soledad Municipal Code, restaurants, cafes and coffeehouses are permitted as an accessory use and drive-through/drive-in facilities are generally prohibited ; and

WHEREAS, as the City develops, the need to increase economic vitality is becoming a priority and vacant lots in the industrial district can provide a central location for new restaurants, cafes, coffeehouses and drive-through/drive-in facilities; and

WHEREAS, Staff is proposing to modify Chapter 17.30 of Title 17-Zoning of the Soledad Municipal Code to allow restaurants, cafes and coffeehouses in the M Zoning District under a conditional use permit; and

WHEREAS, Staff is also proposing to modify Chapter 17.30 of Title 17-Zoning of the Soledad Municipal Code to remove the prohibition on drive-through/drive-in facilities; and

WHEREAS, the Planning Commission held a noticed public hearing on June 9, 2022 consistent with all requirements of Chapter 17.48 of the Soledad Municipal Code and Government Code section 65854 to consider the proposed amendments and found that they were consistent with the City's General Plan, including but not limited to policies L-39, and L-22, and recommended, based on the whole record, that the City Council approve the proposed amendments; and

WHEREAS, the City Council held a noticed public hearing on [INSERT DATE] consistent with all requirements of Chapter 17.48 of the Soledad Municipal Code and Government Code section 65856 to consider the proposed amendments and found, based on the whole record, that Ordinance 746 is consistent with the City's General Plan, including but not limited to policies L-39 and L-22, and therefore introduced and read (by title only) Ordinance 746; and

WHEREAS, it can be seen with certainty that there is no possibility that the proposed amendments to SMC Chapter 17.30, Title 17 will have a physical impact on the environment, that any construction in the Industrial Zoning Districts will remain subject to the rest of the requirements in Title 17 and Chapter 17.30 of the SMC, that the proposed amendments are anticipated to result in the development of commercial uses on property that is already zoned for such use, that the amendments should only result in new construction of small structures, and all proposed new stand-alone commercial development in the Industrial Zoning Districts will be subject to a conditional use permit, and that therefore, the proposed amendments to Chapter 17.30 are exempt from further environmental analysis per CEQA Guidelines Sections 15061(b)(3), 15303, and 15305.

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Soledad as follows:

Section 1 – Recitals and Findings. All of the recitals set forth above are true and correct to the best of the Council’s knowledge and by this action are made findings and incorporated herein by reference.

Section 2 – Purpose and Intent. The purpose and intent of this Ordinance is to amend provisions of Chapter 17.30- Industrial Districts of Title 17- Zoning of the Soledad Municipal Code to allow restaurants, cafes and coffeehouses through a conditional use permit as well to remove the prohibition of drive-through/drive-in facilities. This will help with new development opportunities on vacant lots in the industrial zoning district and create businesses on the southern end of the city, thus stimulating the local economy.

Section 3 - Amending Chapter 17.30 of Title-17 Zoning. Chapter 17.30 of the Soledad Municipal Code is hereby amended to read as follows. Deletions are noted in ~~striketrough~~ type; additions are noted in underline type. Provisions not so marked or explicitly listed are unchanged.

17.30.030 – Allowable uses- Permitted and conditional uses

Table 17.30-1 below identifies allowable uses in the industrial districts, contingent upon compliance with all other provisions of this title and all other applicable regulations of this code. It is the intent of this chapter to group similar or compatible land uses and to categorize them as either a permitted use or a conditional use authorized by approval of a conditional use permit (CUP) in the respective industrial district. Uses not listed as permitted or conditional are not allowed except where the uses are first determined by the director or by the commission, upon referral by the director, as materially similar to those uses permitted or conditionally permitted in the zone.

Permitted use—indicated as "P";

Conditionally permitted use—indicated as "C"; and

Uses not allowed—indicated as "N."

Certain uses listed in Table 17.30-1 lack notation indicating whether such uses are allowable or not allowed. ~~These particular uses~~ Noted uses are allowed only as an accessory use that is clearly incidental to the principal use on the site, subject to any floor or lot area limitations and all other provisions of this chapter.

TABLE 17.30-1 ALLOWABLE USES

<i>Principal Land Use</i>	<i>BP District</i>	<i>M District</i>	<i>Additional Use Regulations</i>
<i>Residential Uses</i>			
<i>Caretaker dwelling unit</i>	<i>C</i>	<i>C</i>	<u>Section 17.38.045.</u>
<i>Live-work unit</i>	<i>N</i>	<i>C</i>	
<i>Public and Semi-Public Uses</i>			

<i>Ambulance service</i>	<i>P</i>	<i>P</i>	
<i>Clubs and lodges</i>	<i>P</i>	<i>N</i>	
<i>Day care center</i>			<i>Applies to day care for adults or children.</i>
• <i>Institutional</i>	<i>C</i>	<i>N</i>	<u>Section 17.38.050.</u>
• <i>Commercial or non-profit stand-alone facilities</i>	<i>P</i>	<i>N</i>	<i>Day care centers allowed only as an accessory use in "M" district.</i>
<i>Government office</i>	<i>P</i>	<i>P</i>	
<i>Hospital</i>	<i>C</i>	<i>C</i>	
<i>Medical clinic—Urgent care and outpatient facility</i>	<i>P</i>	<i>C</i>	<i>Excludes medical marijuana dispensaries.</i>
<i>Open space, parks and recreational facilities</i>	<i>P</i>	<i>P</i>	
<i>Public safety facility</i>	<i>P</i>	<i>P</i>	
<i>Public corporation yard</i>	<i>C</i>	<i>P</i>	<u>Section 17.30.060(D).</u>
<i>Religious assembly</i>	<i>C</i>	<i>C</i>	
<i>School—Trade or specialized training</i>	<i>P</i>	<i>P</i>	
<i>School—Post secondary education</i>	<i>C</i>	<i>N</i>	
<i>Social service facilities:</i>			
• <i>Substance abuse recovery and treatment facility</i>	<i>P</i>	<i>P</i>	
• <i>Community food center</i>	<i>P</i>	<i>P</i>	
• <i>Emergency shelter—50 beds or fewer</i>	<i>P</i>	<i>P</i>	<i>Exclusive of disaster relief facilities.</i> <u>Section 17.30.070.</u>
• <i>Emergency shelter—50+ beds</i>	<i>C</i>	<i>C</i>	<i>Exclusive of disaster relief facilities.</i> <u>Section 17.30.070.</u>
• <i>Social services agency—Welfare, charitable, emergency and relief, family, senior and youth</i>	<i>P</i>	<i>P</i>	

Transportation, Utilities and Telecommunications Facilities			
<i>Antenna, wireless communication</i>	<i>P</i>	<i>P</i>	<i>Endnote (1)</i>
<i>Bus stop shelter</i>	<i>P</i>	<i>P</i>	
<i>Bus or truck maintenance facility or fueling station</i>	<i>N</i>	<i>P</i>	
<i>Broadcasting and recording studio</i>	<i>P</i>	<i>P</i>	
<i>Park and ride lot</i>	<i>C</i>	<i>P</i>	
<i>Parking structure, multi-storied or underground</i>	<i>C</i>	<i>C</i>	
<i>Satellite earth station</i>	<i>P</i>	<i>P</i>	<i>Endnote (1)</i>
<i>Tower, communication</i>	<i>C</i>	<i>P</i>	<i>Endnote (1)</i>
<i>Transit station or terminal</i>	<i>C</i>	<i>P</i>	
<i>Utilities—Major</i>	<i>N</i>	<i>C</i>	<i>Includes power generation facilities, electrical substations and transmission lines, and similar large-scale facilities.</i>
<i>Utilities—Minor</i>	<i>P</i>	<i>P</i>	<i>Includes utility distribution lines/structures, drainage facilities, wells, water tanks, and pump stations, etc. All new utility lines shall be placed underground.</i>
<i>Wind Turbine</i>			
• <i>Roof- or Building-Mounted</i>	<i>P</i>	<i>P</i>	<i>Endnote (12)</i>
• <i>Freestanding tower</i>	<i>C</i>	<i>C</i>	<i>Endnote (12)</i>
Agricultural Uses			
<i>Crop production and similar agricultural activities</i>	<i>N</i>	<i>C</i>	<i>Endnotes (2) and (3)</i>
<i>Greenhouse</i>	<i>N</i>	<i>P</i>	<i>Endnote (3)</i>
<i>Animal husbandry</i>	<i>N</i>	<i>N</i>	<i>Endnote (2)</i>

<i>Stable and other equine-related facilities</i>	<i>N</i>	<i>N</i>	<i>Endnote (2)</i>
Commercial Uses—Sales and Services			
<i>Agricultural-related establishment—Sales and services</i>	<i>P</i>	<i>P</i>	
<i>Animal services and related uses:</i>			
• <i>Animal boarding and kennel</i>	<i>C</i>	<i>P</i>	
• <i>Animal hospital/veterinary clinic</i>	<i>C</i>	<i>P</i>	Section 17.38.280
• <i>Animal supply establishment, retail sales</i>	<i>C</i>	<i>P</i>	<i>Includes feed stores.</i> Section 17.30.060(D) .
<i>Art studio</i>	<i>P</i>	<i>P</i>	
<i>Auto and vehicular sales and/or service:</i>			
• <i>Automotive rental and leasing</i>	<i>C</i>	<i>P</i>	
• <i>Automotive repair, minor</i>	<i>P</i>	<i>P</i>	<i>All work performed within an enclosed structure.</i>
• <i>Automotive repair, major (including body work)</i>	<i>C</i>	<i>P</i>	<i>All work performed within an enclosed structure.</i>
• <i>Truck, boat and RV sales and Leasing</i>	<i>C</i>	<i>C</i>	<i>Endnote (4)</i>
• <i>Automotive and vehicular storage</i>	<i>C</i>	<i>P</i>	<i>Storage of operable vehicles only.</i> <i>Endnote (6).</i> Section 17.30.060(D) .
• <i>Automotive towing and road service</i>	<i>C</i>	<i>P</i>	<i>Endnote (6).</i>
• <i>Auto washing and detailing</i>	<i>C</i>	<i>P</i>	Chapter 13.52 , <i>Stormwater Quality</i> .
<i>Building materials/home improvement sales and services, large format</i>	<i>C</i>	<i>C</i>	<i>90,000+ square feet of floor and sales area.</i> Section 17.30.060(D) .

Building materials/home improvement sales and services, small	<i>P</i>	<i>P</i>	<i>Less than 90,000 square feet of floor and sales area. Section 17.30.060-D.</i>
Business support service	<i>P</i>	<i>P</i>	<i>Includes printing, photo processing, photocopying, courier service, etc.</i>
Cabinet or woodworking shop	<i>P</i>	<i>P</i>	<i>All work performed within an enclosed structure. Outdoor storage limited in BP district—Endnote (6).</i>
Catering service	<i>P</i>	<i>P</i>	
Contractor's establishment	<i>P</i>	<i>P</i>	<i>Outdoor storage limited in BP district—Endnote (6).</i>
Equipment, construction, farm and heavy—Sales, services and rentals	<i>C</i>	<i>P</i>	<i>Endnote (6). Section 17.30.060(D).</i>
Equipment, small—Maintenance and repair	<i>P</i>	<i>P</i>	<i>All work performed within an enclosed structure.</i>
Fitness/health club or gym	<i>P</i>	<i>P</i>	
Food and beverage sales:			
• Convenience store	<i>N</i>	<i>N</i>	
• Restaurant, café, coffeehouse		<u><i>C</i></u>	<i>Allowed as accessory use only in industrial districts—Endnote (7). Drive through/drive-in facilities not allowed. <u>Allowed as an accessory use in the BP District End Note (7).</u> <u>In an M district, restaurants, drive through/drive-in facilities, cafes, coffeehouses allowed through a CUP.</u></i>
• Supermarkets/grocery store	<i>N</i>	<i>N</i>	
• Specialty food shop			<i>Allowed as accessory use only in industrial districts. May be established as separate facility on same site as principally permitted use</i>

			<i>subject to floor area limitations—See Endnote (7).</i>
• <i>Mobile food vendor</i>	<i>P</i>	<i>P</i>	<u>Chapter 5.40</u> <i>of the SMC.</i>
• <i>Warehouse/large format retail</i>	<i>C</i>	<i>C</i>	<i>Retail uses with 90,000 + square feet of floor and sales area.</i>
<i>Hotel, Motels (short-term rental)</i>		<i>C</i>	<i>Allowed as a conditional use in the M district. Rental rooms cannot exceed more than 30 days.</i>
<i>Laboratory, medical and dental</i>	<i>P</i>	<i>P</i>	
<i>Landscaping materials sales and service</i>	<i>C</i>	<i>P</i>	<i>Endnote (6)</i>
<i>Nursery</i>	<i>C</i>	<i>P</i>	<i>Endnote (6)</i>
<i>Office:</i>			<i>Administrative and business offices allowed as accessory use only in "M"- District—See Endnote (5).</i>
• <i>Business and professional</i>	<i>P</i>		
• <i>Medical and dental</i>	<i>P</i>	<i>N</i>	
<i>Personal storage (mini-storage)</i>	<i>C</i>	<i>P</i>	<i>Endnote (6)</i>
<i>Retail Sales</i>			<i>Retail sales, other than those specific uses identified by this section as allowable uses are allowed as accessory use only in industrial districts—Endnote (7).</i>
<i>Retail—Warehouse/large format</i>	<i>C</i>	<i>C</i>	<i>Retail uses with 90,000 + square feet of floor and sales area.</i>
<i>Service station:</i>			
• <i>With accessory retail</i>	<i>P</i>	<i>P</i>	
• <i>With mini-mart</i>	<i>C</i>	<i>C</i>	
• <i>With vehicle maintenance and repair</i>	<i>C</i>	<i>P</i>	<i>In the BP district, all work to be performed within an enclosed structure.</i>
<i>Taxi and limousine service</i>	<i>P</i>	<i>P</i>	
<i>Wine- or beer-tasting room</i>			<i>Allowed as accessory use only in industrial districts.</i>

<i>Entertainment and Recreational Uses</i>			
<i>Adult entertainment business</i>	<i>N</i>	<i>C</i>	<u>Chapter 17.38</u>
<i>Indoor sports and recreation, limited</i>	<i>P</i>	<i>P</i>	<i>Limited types of sports and recreational uses dependent on warehouse structural format are allowed—e.g., rock-climbing, skateboarding, indoor soccer, go-cart racing, etc.</i>
<i>Outdoor sports and recreation, commercial</i>			<i>Allowed as accessory use only in Industrial Districts.</i>
<i>Live entertainment/dances</i>	<i>N</i>	<i>N</i>	<i>Allowed as temporary use only pursuant to <u>Section 17.42.015</u>.</i>
<i>Manufacturing, Processing and Other Industrial Uses</i>			
<i>Agricultural processing facility</i>	<i>C</i>	<i>C</i>	<i>Exclusive of wineries (listed separately). In the BP district, all work performed within an enclosed structure. Slaughter facilities prohibited.</i>
<i>Construction/corporation yard</i>	<i>N</i>	<i>P</i>	<i>Public corporation yard allowed in BP district with CUP. <u>Section 17.38.220</u>.</i>
<i>Crematory</i>	<i>N</i>	<i>C</i>	
<i>Handcraft industry and small-scale manufacturing</i>	<i>P</i>	<i>P</i>	
<i>Hazardous materials handling</i>	<i>C</i>	<i>C</i>	<i>Endnote (8)</i>
<i>Light manufacturing</i>	<i>P</i>	<i>P</i>	<i>Endnotes (8) and (9)</i>
<i>Laundry, commercial</i>	<i>P</i>	<i>P</i>	
<i>Machine/welding/metal working shops</i>	<i>C</i>	<i>P</i>	<i>All work performed within an enclosed structure.</i>
<i>Microbrewery</i>	<i>C</i>	<i>P</i>	<i>Brewery that produces no more than 9,000 barrels of beer annually</i>
<i>Outside uses, industrial</i>	<i>N</i>	<i>C</i>	
<i>Printing and publishing</i>	<i>P</i>	<i>P</i>	

Recycling facilities:			
• Small collection facility	<i>P</i>	<i>P</i>	<i>Endnote (10)</i>
• Large collection facility	<i>N</i>	<i>C</i>	<i>Endnote (10)</i>
• Reverse vending machines	<i>P</i>	<i>P</i>	
• Processing facility	<i>N</i>	<i>C</i>	
• Salvage and dismantling facility	<i>N</i>	<i>C</i>	<i>Endnote (10)</i>
• Composting	<i>N</i>	<i>C</i>	<i>Composting of plant materials only.</i>
Research and development	<i>P</i>	<i>P</i>	<i>All work performed within an enclosed structure.</i>
Truck Depot	<i>N</i>	<i>C</i>	
Warehousing and storage:			
Warehousing	<i>P</i>	<i>P</i>	<i>CUP required for any warehousing/sales of firearms. Endnote (11).</i>
Wholesaling and distribution	<i>P</i>	<i>P</i>	<i>CUP required for wholesaling of firearms.</i>
Waste facilities, municipal:			
• Transfer stations (municipal waste)	<i>N</i>	<i>C</i>	
• Waste treatment and disposal	<i>N</i>	<i>C</i>	
Winery, large	<i>N</i>	<i>C</i>	<i>Wineries with production of more than 10,000 cases of wine annually.</i>
Winery, small	<i>C</i>	<i>P</i>	<i>Wineries producing 10,000 cases or less annually.</i>
Accessory and Support Uses			
Automated teller machines (ATMs)	<i>P</i>	<i>P</i>	<i>ATM's allowed only when completely enclosed in building.</i>
Accessory uses, facilities and activities customarily associated with or essential to allowed uses,	<i>P</i>	<i>P</i>	<i>Size and floor area limitations as specified by Endnotes (5), (6) and (7).</i>

<i>and operated incidental to the principal use.</i>			
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Endnotes:	
(1)	<i>Design review approval required for co-location on existing towers, and for all satellite earth stations and new communication structures or expansion of such structures.</i>
(2)	<i>Stock yards are not allowed. Animal husbandry and stables are prohibited due to potential contamination of agricultural produce from E. coli bacterium.</i>
(3)	<i>Produce sales allowed as accessory use.</i>
(4)	<i>Vehicle sales or rentals and services in the industrial districts shall be limited to large vehicles only, including commercial trucks, buses, trailers, campers, boats and mobile homes.</i>
(5)	<i>In the M district, accessory business and administrative offices shall be limited to thirty percent of the gross floor area of all buildings on a site or two thousand five hundred square feet, whichever is less, when considered in aggregate with all other accessory and incidental uses. Exceptions may be allowed through approval of a conditional use permit for large-scale industrial complexes provided that the aggregate total of all office, retail and restaurant ancillary uses does not exceed thirty-five percent of the gross floor area.</i>
(6)	<i>In the BP district, outside storage areas amounting to not more than ten percent of the total parcel or building site area is allowed as an incidental and accessory use. This size limitation does not apply to permitted or conditionally permitted uses involving the storage of plants, vehicles/large equipment for sale, storage or lease, or other for-sale goods and materials related to landscaping and building construction. All outdoor storage must be in compliance with the requirements of Section 17.30.060(D).</i>
(7)	<i>With the exception of those uses identified as permitted or conditionally permitted, retail sales, on-site restaurants and other food establishments involving the sales of pre-packaged foods and/or foods prepared onsite are allowed only as an incidental and accessory use in the industrial districts. <u>BP District. Retail sales, on-site restaurants and other food establishments involving the sales of pre-packaged food and/or foods prepared onsite are allowed as an accessory use through a CUP in the M District.</u> Incidental uses are limited to thirty percent of the total square footage of all buildings on a site in aggregate, or two thousand five hundred square feet, whichever is less.</i>

Endnotes:	
	<i>Exceptions may be allowed through approval of a conditional use permit for large-scale industrial complexes or operations where additional floor area for retail or food establishments are needed to serve the employee population, provided that the aggregate total of all such ancillary uses, including offices, does not exceed thirty-five percent of the gross floor area. Goods being sold as retail shall be directly related to the principal use(s) on the site.</i>
(8)	<i>A CUP is required for all uses involving the handling of hazardous materials that are subject to the requirement for a risk management prevention program as defined by the California Health and Safety Code, Section 25534. Semiconductor manufacturing is an example of such a regulated use.</i>
(9)	<i>Light manufacturing includes but is not limited to: The manufacture, testing and assembly of electronic and communication equipment and products, optical equipment and devices, fabric products, food and beverage products, furniture and fixtures, and pharmaceuticals; metal products fabrication, and similar uses. The manufacture of food products excludes the processing and/or production of meat or fish products or fats and oils.</i>
(10)	<i>Small collections facilities shall not exceed five hundred square feet in size. Facilities larger than five hundred square feet shall be classified as large collection facilities. Salvage and wrecking operations shall not adjoin or be visible from U.S. Highway 101 or from any residential or commercial district.</i>
(11)	<i>Warehousing: With the exception of propane or gasoline engine or storage tanks, or any boat or vehicle containing these components, or incidental or other allowable outside storage pursuant to Endnote (6), all storage shall be conducted within a completely enclosed structure in the BP district. All propane or gasoline components shall be stored in designated screened areas. No retail sales are allowed.</i>
(12)	<i>(a) Number of wind energy systems: One wind energy system allowed on each parcel; two or more wind energy systems may be allowed subject to approval of a conditional use permit and compliance with development standards of this section. (b) Location: No free-standing wind turbine shall be located closer than three hundred fifty feet from any residential district. (c) Setback: The minimum setback from all property lines to the base of the tower shall be equal to one hundred fifteen percent of the total height of the wind energy system.</i>

Endnotes:

(d) Maximum height of roof or building-mounted systems: No more than fifteen feet above the structure ridgeline. Exceptions to height limitations may be allowed through approval of a conditional use permit.

(Ord. No. 670, § 2, 5-5-10)

Section 4. Severability. Every section, paragraph, clause, and phrase of this Ordinance is hereby declared severable. If, for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining section, paragraphs, clauses, or phrases.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days following its final passage. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code section 36933.

Section 6. Codification. Section 3 of this Ordinance shall be codified in the Soledad Municipal Code. Sections 1, 2, 4, 5, and 6 shall not be so codified.

This Ordinance was introduced and first read by the City Council of the City of Soledad at a regular meeting on June 15, 2022, and **PASSED AND ADOPTED** by the City Council of the City of Soledad at a regular meeting on July 20, 2022 by the following vote:

AYES, and in favor thereof, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

ANNA M. VELAZQUEZ, MAYOR

ATTEST:

BRENT SLAMA, CITY CLERK