

**SALINAS PLANNING COMMISSION
RESOLUTION NO. 2019-**

Resolution Approving a Variance for Fence Height
in the Front Yard Located at 1072 Industrial Street (Variance 2019-001)

WHEREAS, on November 6, 2019, the Salinas Planning Commission, at the request of the Applicant, Kasavan Architects, held a duly noticed public hearing to consider Variance 2019-001 to vary fence height from the maximum three feet to eight feet in the front yard in connection with the construction of a fence setback five feet four inches measured from the front property line located at 1072 Industrial Street (Assessor's Parcel Number 003-572-005); and

WHEREAS, Variance 2019-001 was continued from the October 2 and October 16, 2019 Planning Commission hearings due to public notice and quorum complications; and

WHEREAS, the Planning Commission weighed the evidence presented at the November 6, 2019 public hearing, including the Staff Report which is on file at the Community Development Department; and

WHEREAS, the project is determined to be exempt from the California Environmental Quality Act (CEQA).

NOW, THEREFORE, BE IT RESOLVED by the Salinas Planning Commission that the Commission approves Variance 2019-001; and

BE IT FURTHER RESOLVED that the Salinas Planning Commission adopts the following findings as the basis for its determination, and that the foregoing recitations are true and correct, and are included herein by reference as findings:

1. ***That because of special circumstances or conditions applicable to the development site, including size, shape, topography, location, or surroundings, strict application of the requirements of this Zoning Code deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification;***

The subject property is highly non-conforming with regard to lot depth. The site is 40 feet deep. The minimum lot depth for the Industrial General Zone (Zoning Code Table 37-30-140) is 150 feet. The required front yard setback is 20 feet. Per Zoning Code Section 37-50.460, clear visibility is required for the areas between three feet and ten feet above the driveway grades, which lie 15 feet from the intersection of the edge of the driveway and the property line measured along both the driveway and the property line. Strict application of the Zoning Code would leave only 20 feet of usable area (40 foot lot depth minus 20 foot setback). Given that the required setback of 20 feet is 13.33 percent of the required lot size of 150 feet, a setback of five feet four inches, 13.33 percent of the 40 foot lot depth, is appropriate to vary the fence height from the maximum three feet to eight feet in the front yard.

2. ***That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare;***

The proposed fence would be within the 15-foot area that is required to provide clear visibility between three and ten feet in height above the driveway grade. However, the proposed fence is a wrought-iron fence (see-through, not solid). Per Zoning Code 37-50.460, the City Planer may allow exceptions to the unrestricted visibility for driveways following a determination by the city engineer that such exceptions will not adversely affect sign distance or pose a hazard to motorists and pedestrians. Per the City Engineer's report for the project's Site Plan Review (SPR2019-003) dated June 11, 2019, a deviation from driveway clearance and driveway visibility is acceptable given the low traffic volumes and low speeds of the adjoining street.

3. ***That granting the application is consistent with the purposes of the Salinas general plan and this Zoning Code and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district;***

The proposed variance is consistent with the purposes of the General Plan and the Zoning Code in that the ratio of front yard to overall lot depth (13.33 percent) is maintained. A denial of the variance would result in a fence no higher than 3 feet in the front yard, which would impair security. Due to the unusual character of the lot, which has a depth substantially narrower than the requirement, approval of the proposed variance would not constitute a grant of special privilege.

4. ***That any variance shall not be granted which authorizes a use or activity which is not otherwise expressly authorized within the zoning district;***

The variance to increase height for a fence does not authorize a use or activity which is not otherwise expressly authorized within the zoning district.

5. ***That the hardship peculiar to the property was not created by any act of the current owner; and***

The hardship peculiar to the property is an existing condition related to the dimensions of the lot and was not created by an act of the current owner.

6. ***That personal, family, or financial difficulties and loss of prospective profits are not hardships or reasons justifying a variance.***

The proposed variance is for the height of a fence. Personal, family, or financial difficulties or loss of prospective profits were not considered.

PASSED AND ADOPTED this 6th day of November 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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 adopted by the affirmative and majority vote of said Planning Commission at a meeting held on November 6, 2019, and that said Resolution has not been modified, amended, or rescinded, and is now in full force and effect.

SALINAS PLANNING COMMISSION

Date: _____

Courtney Grossman
Secretary