



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

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**DATE:** DECEMBER 3, 2019

**DEPARTMENT:** COMMUNITY DEVELOPMENT DEPARTMENT

**FROM:** MEGAN HUNTER, COMMUNITY DEVELOPMENT DIRECTOR

**THROUGH:** COURTNEY GROSSMAN, PLANNING MANAGER

**BY:** BOBBY LATINO, ASSOCIATE PLANNER

**TITLE:** GENERAL PLAN AMENDMENT 2017-002 (GPA 2017-002); REZONE 2017-001 (RZ 2017-001); AND CONDITIONAL USE PERMIT (CUP 2017-019) LOCATED AT 10 SIMAS STREET IN THE IGC-F (INDUSTRIAL-GENERAL COMMERCIAL – FLOOD PLAIN OVERLAY) ZONING DISTRICT

### RECOMMENDED MOTION:

A motion to adopt the proposed Mitigated Negative Declaration, approve a Resolution for General Plan Amendment 2017-002, adopt an Ordinance for Rezone 2017-001, and approve a Resolution for Conditional Use Permit 2017-019.

### RECOMMENDATION:

Staff recommends that the City Council affirm the findings and adopt the proposed Mitigated Negative Declaration in accordance with the California Environmental Quality Act, approve a Resolution for General Plan Amendment 2017-002, adopt an Ordinance for Rezone 2017-001, and approve a Resolution for Conditional Use Permit 2017-019.

### EXECUTIVE SUMMARY:

Simas-East Market Street LLC, Applicant and Property Owner, is requesting approval of a General Plan Amendment 2017-002 (GPA 2017-002) to change the General Plan designation of 94,235 square feet (2.16 acres) of a 401,197 (9.21 acres) lot from General Commercial/Light Industrial to Arterial Frontage, Rezone 2017-001 (RZ 2017-001) to change the Zoning designation of 94,235 square feet (2.16 acres) of a 401,197 (9.21 acres) lot from Industrial-General Commercial to Mixed Arterial Frontage, and a Conditional Use Permit (CUP 2017-019) to establish and operate a religious assembly use in an existing 18,150 square foot building.

### BACKGROUND:

A nonconforming religious assembly use has been operating at the subject site within an existing 18,150 square foot building (former seven-plex indoor movie theater) for approximately nine

years. Temporary Use of Land Permit 2010-045 initially approved the temporary use of religious assembly and Building Permit No. B10-0314 approved the tenant improvement. The building is part of a larger Industrial Complex that was approved by Conditional Use Permit (CUP 1987-028). The proposed CUP will modify CUP 1987-028 to replace the indoor theater with the religious assembly use. Religious Assembly uses are not permitted in the underlying base Zoning District of IGC but is conditionally allowed in the Mixed Arterial Frontage (MAF) District. The subject site is located immediately adjacent to a MAF zoned parcel and consistent with this zoning designation that has been established along Market Way. Thus, the proposed zone change to MAF zoning for a portion of the parcel nearest to Market Way is appropriate. Simas-East Market Street LLC has applied for the requested permits to achieve long term zoning compliance with the religious assembly use.

### DISCUSSION:

On November 6, 2019, the Salinas Planning Commission voted 7-0, to recommended that the City Council adopt the proposed Mitigated Negative Declaration, approve General Plan Amendment 2017-002, adopt Rezone 2017-001, and approve Conditional Use Permit 2017-019 (See attached Planning Commission Resolution 2019-16 and November 6, 2019 minutes). During the public hearing, ten people spoke in favor of the proposal. However, one member of the public expressed concern that the zone change would create a “spot zone”. Staff clarified to the Planning Commission that the proposed “Arterial Frontage” land use designation is not a “spot zone” and would be consistent with the adjacent lots to the west, which are designated the same “Arterial Frontage”. Although the parcel has a split zone designation, this type of zoning is fairly common with large parcels, which front busy streets as is the case with the subject property.

The proposed Amendment and Rezone is consistent with Salinas General Plan Policies. The proposed zoning amendment will not create an unrelated zoning district because the rezoning would extend the boundary of the existing and contiguous MAF base zoning district to include the proposed portion of the lot located at 10 Simas Street. The rezone results in an extension of the existing MAF zone to the west of the site.

Consistent with Land use Policy LU-3.7, the Amendment and Rezone allows for a formerly vacant 18,150 square foot theater building to be revitalized into a viable and compliant use. The infill development of establishing the religious assembly use in the former vacant theater building with no proposed exterior modifications is consistent with scale and character of the existing Industrial Complex development in conformance with Community Design Policy CD-2.3.

Upon the effective date of the General Plan Amendment and Rezone, a religious assembly use would be subject to a Conditional Use Permit in the proposed MAF Zoning District per Section 37-30.240, Table 37-30.110. This CUP will modify CUP 1987-028 to replace the subject 18,150 square foot theater with a religious assembly use and modify select conditions related to the former theater.

### CEQA CONSIDERATION:

The environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA). An Initial Study was prepared to evaluate the potential impacts associated with the project. Based upon review of the Initial Study, the proposed project will not have a significant effect on the environment because the mitigation measures outlined in the proposed Mitigation Monitoring Program have been included in the project (see attached Initial Study and Mitigated Negative Declaration). The Initial Study and Mitigated Negative Declaration were routed to responsible agencies and posted at the County Clerk's Office on September 26, 2019; the deadline for comments was October 16, 2019. Action on the environmental document should precede any action on the requested permits. Monterey County Planning Department provided "No Comments" on the Mitigated Negative Declaration during the review period.

### STRATEGIC PLAN INITIATIVE:

The proposed General Plan Amendment, Rezone, and Conditional Use Permit will assist the City Council's goal of Economic Diversity and Prosperity and Well Planned City and Excellent Infrastructure by facilitating an appropriate change of Land Use and Zoning designation to bring a nonconforming use into conformity and keeping a formally vacant theater building occupied with a conforming use.

### DEPARTMENTAL COORDINATION:

The Current Planning Division of the Community Development Department was the lead project manager for the proposed General Plan Amendment, Rezone, and Conditional Use Permit. The Legal Department was instrumental in the review of the proposed Resolutions and Ordinance and provided support to the Planning Commission.

### FISCAL AND SUSTAINABILITY IMPACT:

No significant impacts to the City's General Fund are anticipated with the application.

### ATTACHMENTS:

Draft Ordinance for Rezone 2017-001, including the following exhibit:

Exhibit A: Proposed Rezone 2017-001 Map for 10 Simas Street

Draft Resolution for General Plan Amendment 2017-002, including the following exhibit:

Exhibit A: Proposed General Plan Amendment 2017-002 Map for 10 Simas Street

Draft Resolution for Conditional Use Permit 2017-019

Draft Conditional Use Permit 2017-019, including the following exhibits:

Exhibit "A" Vicinity Map

Exhibit "B" Engineer's Report, dated May 15, 2018

Exhibit "C" Existing Site Plan with Proposed General Plan Amendment and Rezone

Exhibit "D" Existing Floor Plan (Sheet A101)

Exhibit "E" Revised Floor Plan for Sanctuary (Sheet A101B)

Exhibit "F" Mitigated Negative Declaration, Mitigation Monitoring Program, and Initial Study

Planning Commission Staff Report dated November 6, 2019 w/o Exhibits

Planning Commission Resolution 2019-016 for Rezone 2017-001, General Plan Amendment 2017-002, and Conditional Use Permit 2017-019, including the following exhibits:

Exhibit A: Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

Exhibit B: Proposed General Plan Amendment 2017-002 Map for 10 Simas Street

Exhibit C: Proposed Rezone 2017-001 Map for 10 Simas Street

Planning Commission Minutes for November 6, 2019

Initial Study for 10 Simas Street, including the following exhibits:

1. Vicinity Map
2. Engineer's Report, dated May 15, 2018
3. Existing Site Plan with Proposed General Plan Amendment and Rezone
4. Existing Floor Plan (Sheet A101)
5. Revised Floor Plan for Sanctuary (Sheet A101B)
6. Mitigation Monitoring and Reporting Program
7. Letter from Ohlone/Costanoan-Esselen Nation (OCEN), dated December 17, 2018