

# SALINAS PLANNING COMMISSION

## Staff Report

Planning Manager Approval	Agenda Item
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**City of Salinas**  
Community Development  
Department  
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**Director:**  
*Megan Hunter*

**Planning Manager:**  
*Courtney Grossman*

**Planning Commission:**

*Brad Griffin, Chair*  
*John Meeks, Vice-Chair*  
*George Anzo*  
*Joel Hernandez Laguna*  
*Matt Nohr*  
*Matthew Ottone*  
*Marcelino Rocamora Jr.*

**DATE:** November 6, 2019  
**TO:** Planning Commission  
**FROM:** Courtney Grossman, Planning Manager  
**BY:** Bobby Latino, Associate Planner  
**SUBJECT:** 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

### **RECOMMENDATION**

Staff recommends that the Planning Commission affirm the findings and approve the attached Resolution recommending that the City Council adopt the proposed Mitigated Negative Declaration, approve General Plan Amendment 2017-002, adopt Rezone 2017-001, and approve CUP 2017-019.

### **BACKGROUND**

Simas-East Market Street LLC, property owner and applicant, 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.

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 District. Simas-East Market Street LLC has applied for the requested permits to achieve long term zoning compliance with the religious assembly use.

The property is located in the Industrial-General Commercial (IGC) base District and Floodplain Overlay (F) overlay District. The following provides an overview of the land uses and zoning districts adjacent to the project site:

North: Park/P (Parks)

South: Minor Vehicle Repair, Vehicle Sales, and Vehicle-related Retail Sales and Services uses/IGC-F (Industrial-General Commercial – Flood Plain Overlay)

East: Building Materials and Service use/IGC-F (Industrial-General Commercial – Flood Plain Overlay)

West: Retail Sales/MAF-F (Mixed Arterial Frontage – Flood Plain Overlay)

## **ANALYSIS**

### **General Plan Amendment and Rezone**

The proposed Amendment and Rezone is consistent with Salinas General Plan Policies. 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.

### **Conditional Use Permit**

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.

## **ENVIRONMENTAL REVIEW**

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.

## **FINDINGS**

### **Mitigated Negative Declaration:**

Prior to recommending approval to the Council of the requested General Plan Amendment, Rezone, and Conditional Use Permit, the Planning Commission will need to confirm that the proposed environmental document is adequate for the proposed project by establishing the finding set forth in the attached Planning Commission Resolution.

### **General Plan Amendment/Rezone:**

The Planning Commission may recommend approval of a General Plan Amendment and Rezone if all of the findings set forth in the attached Planning Commission Resolution are established. Per Zoning Code Section 37-60.920(d)(2), an affirmative vote of a majority (no less than four (4) votes) of the Planning Commission is required for the Commission to make a recommendation of the General Plan Amendment to the City Council.

### **Conditional Use Permit:**

Per Section 37-60.505, the Planning Commission may recommend approval of an application for Conditional Use Permit to the Council, if all of the findings set forth in the attached proposed Planning Commission Resolution are established.

## **TIME CONSIDERATION**

The proposed project includes requests for a General Plan Amendment and a Rezone, which are both legislative acts and are not subject to the Permit Streamlining Act (PSA).

## **ALTERNATIVES AVAILABLE TO THE COMMISSION**

The Planning Commission has the following alternatives:

1. Affirm the findings set forth in the attached Resolution, recommending that the City Council adopt the Mitigated Negative Declaration, approve General Plan Amendment 2017-002, introduce and adopt Rezone 2017-001, and approve Conditional Use Permit 2017-019 with modifications; or
2. Find that the proposal applications are not appropriate and establish findings at the public hearing recommending that the City Council deny General Plan Amendment 2017-002, Rezone 2017-001, and Conditional Use Permit 2017-019.

## **CONCLUSION**

The proposed General Plan Amendment, Rezone, and Conditional Use Permit will be consistent with General Plan and Zoning Code policies. The proposed applications would allow for a religious assembly use in a former vacant theater building with no negative impacts to surrounding properties. The Initial Study and Mitigated Negative Declaration did not identify significant environmental impacts.

COURTNEY GROSSMAN  
Planning Manager

BY: \_\_\_\_\_  
Bobby Latino  
Associate Planner

Attachments: Proposed Planning Commission Resolution, 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  
Draft City Council Ordinance for Rezone 2017-001, including the following exhibit:  
Exhibit A: Proposed Rezone 2017-001 Map for 10 Simas Street  
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

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

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