

**RESOLUTION NO. \_\_\_\_\_ (N.C.S.)**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR MINOR EXCEPTION TO EXTEND A LEGAL NONCONFORMING TWO-FOOT SIDE YARD SETBACK IN CONNECTION WITH A 220 SQUARE FOOT GARAGE ADDITION LOCATED AT 106 SAN JUAN DRIVE IN THE RESIDENTIAL LOW DENSITY (R-L-5.5) ZONING DISTRICT (CUP 2022-057)**

**WHEREAS**, on October 24, 2022, Mark Edwin Norris, on behalf of the Property Owners, Jerry Lee, Jr. and Dorothy Blakeman, submitted an application for a Conditional Use Permit for a Minor Exception to extend a legal nonconforming two-foot side yard setback in connection with a 220 square foot garage addition to the rear of an existing 480 square foot, detached two-car garage located at 106 San Juan Drive in the Residential Low Density (R-L-5.5) Zoning District, which is known as Conditional Use Permit 2022-057 (Assessor's Parcel Number 002-641-010-000); and

**WHEREAS**, on December 16, 2022, a Notice of Intent to Approve Conditional Use Permit 2022-057 was distributed to the neighboring properties within 300 feet of 106 San Juan Drive; and

**WHEREAS**, on December 21, 2022, the Community Development Department received correspondence from Ms. Rose Clark in protest of Conditional Use Permit 2022-057; and

**WHEREAS**, staff scheduled Conditional Use Permit 2022-057 for Planning Commission consideration at the next available public hearing on January 4, 2023; and

**WHEREAS**, on January 4, 2023, the Salinas Planning Commission continued Conditional Use Permit 2022-057 to the January 18, 2023 public hearing due to a flaw in the public notice; and

**WHEREAS**, due to a scheduling conflict, the Applicant requested a one-time 90-day extension pursuant to the Permit Streamlining Act per Government Code Section 65957 on January 5, 2023; and

**WHEREAS**, due to an Applicant scheduling conflict, the Salinas Planning Commission continued Conditional Use Permit 2022-057 from January 18, 2023 to February 1, 2023; and

**WHEREAS**, on February 1, 2023, the Salinas Planning Commission could not act on Conditional Use Permit 2022-057 due to a lack of quorum and accordingly Conditional Use Permit 2022-057 was forwarded to the Salinas City Council for final action; and

**WHEREAS**, on February 21, 2023, the Salinas City Council, held a duly noticed public hearing and weighed the evidence presented at said public hearing, including the Staff Report which is on file at the Community Development Department together with the record of environmental review; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Salinas City Council that the Council approves Conditional Use Permit 2022-057; and

**BE IT FURTHER RESOLVED** that the Salinas City Council 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. *The project has been found to be Exempt pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines:***

The project has been determined to be exempt from the California Environmental Quality Act under Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines. The project consists of an addition to a garage, an accessory (appurtenant) structure.

**2. *That the proposed location of the use is in accord with the objectives of the Zoning Code and the purposes of the district in which the site is located;***

The site is designated Low Density Residential by the 2002 Salinas General Plan. Per Page LU-31 of the General Plan, Low Density Residential provides for the development of single-family detached and attached dwelling units. The proposed project is consistent with General Plan Goals and Policies. Located on an infill site, the project would help maintain a compact City form, consistent with Land Use Policy LU-2.4. The proposed extension of a legal nonconforming two-foot side yard setback in connection with a 220 square foot garage addition conforms to Community Design Element Policy CD-2.3, which requires infill development to be consistent with the scale and character of existing neighborhoods. Other garages in the established neighborhood have been constructed with side yard setbacks less than the currently required minimum five (5) feet.

As shown on the official Zoning Map, the site is located in the Low-Density Residential District. Per Section 37-30.050, the purpose of the Low-Density Residential District is to provide appropriately located areas for single-family dwelling units, achieve design compatibility through the use of site development regulations and design standards, encourage attractive and interesting single-family residential streetscapes, and provide adequate light, air, privacy, and open space for each dwelling unit.

**3. *That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained are consistent with the Salinas General Plan and would not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use, not detrimental to properties or improvements in the vicinity or to the general welfare of the city; and***

The site is designated Low Density Residential by the 2002 Salinas General Plan. Per Page LU-31 of the General Plan, Low Density Residential provides for the development of single-family detached and attached dwelling units. The proposed project is consistent with General Plan Goals and Policies. Located on an infill site, the project would help maintain a compact City form, consistent with Land Use Policy LU-2.4. The proposed extension of a legal nonconforming two-foot side yard setback in connection with a 220 square foot garage addition conforms to Community Design Element Policy CD-2.3, which requires infill development to be consistent with the scale and character of existing neighborhoods. Other garages in the established neighborhood have been constructed with side yard setbacks less than the currently required minimum five (5) feet.

Existing single-family dwelling units surround the project site. The proposed residential garage addition would not be detrimental to the public health, safety and general welfare of the people of the City, because the design and scale is compatible with the varied designs of the adjacent dwelling units and is not expected to be in conflict with the surrounding neighborhood. The proposed walls, building colors, roof material, roof pitch, and windows of the garage addition will match the existing garage. The height of the garage's addition would be 14'-3", which is one inch (9") under the maximum 15' feet in height allowed for a detached accessory structure per Section 37-50.010(e)(2).

4. ***That the proposed conditional use complies with the provisions of the Zoning Code, including any specific conditions required for the proposed use.***

Conditions have been recommended for this permit to ensure that, when implemented, the project will conform and comply with the provisions of the Salinas Zoning Code. For example, a condition requires that a minimum of two garaged parking spaces are provided in accordance with Article V, Division 2: Parking, Loading, and Outdoor Lighting.

**PASSED AND APPROVED** this 21st day of February 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED

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Kimberly Craig, Mayor

ATTEST

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Patty M. Barajas, City Clerk