

SALINAS PLANNING COMMISSION

Staff Report

City of Salinas

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Planning Manager Approval	Agenda Item #19-212
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DATE: April 3, 2019
TO: Planning Commission
FROM: Courtney Grossman, Planning Manager
BY: Thomas Wiles, Senior Planner

SUBJECT: VARIANCE 2018-002; A REQUEST TO VARY FROM THE ZONING CODE REQUIREMENT FOR STREET FRONTAGE LANDSCAPING AND SCREENING FROM THE PUBLIC VIEW FOR AN EXISTING AGRICULTURAL PROCESSING FACILITY LOCATED AT 745 AIRPORT BOULEVARD IN THE INDUSTRIAL - GENERAL – AIRPORT OVERLAY (IG-AR) ZONING DISTRICT

RECOMMENDATION

That the Planning Commission consider affirming the findings and adopting the attached Resolution approving Variance 2018-002 because the required findings for approval of a Variance pursuant to Zoning Code Section 37-60.620 can be established.

BACKGROUND

Taylor Fresh Foods Incorporated, is requesting a Variance from the Zoning Code requirement for a minimum depth of 20-feet of street frontage landscaping and screening of outdoor industrial uses from the public view for an existing agricultural processing facility. The property owner is the Oaktree Property Company.

The property is located in the Industrial - General – Airport Overlay (IG-AR) District. The following provides an overview of the land uses and zoning districts adjacent to the project site:

North: Industrial/Industrial - General – Airport Overlay (IG-AR)

South: Industrial/Industrial -General – Airport Overlay (IG-AR)
East: U.S. Highway 101
West: Transportation/Industrial - General – Airport Overlay (IG-AR)

This item was reviewed by the Planning Commission during a public hearing that began on March 6, 2019. Further discussion on this item can be found in the attached March 6, 2019 Planning Commission Staff Report. During the public hearing, Planning staff and the Applicant provided information on the Variance application to the Commission. Subsequently, the Planning Commission unanimously continued the public hearing on this item to the next available meeting and requested that staff work with the Applicant to address outstanding issues concerning the Variance request (see attached March 6, 2019 Planning Commission Staff Report).

ANALYSIS

As stated in the March 6, 2019 Planning Commission Staff Report, Zoning Code Section 37-50.690(b), Table 37-50.190, requires that landscaping and irrigation be installed within the front yard setback of General Industrial (IG) zoned properties. Pursuant to Zoning Code Section 37-30.320, Table 37-30.140, the minimum front yard setback in the IG District is 20-feet from the property. This would require a minimum of 20-feet of landscaping along the front yard, Airport Boulevard frontage area. Zoning Code Section 37-50.170 requires a Conditional Use Permit (CUP) for the conduct of business outdoors unless the industrial use in the IG District is screened from public view. The 20-foot planter in conjunction with fencing provides screening for the outdoor operations of the existing agricultural process facility from Airport Boulevard. Zoning Code Section 37-30.330(c)(1)(E)(F) requires the screening of outdoor storage, work areas, and equipment and landscaped open space.

On March 14, 2019, Anthony Lombardo, the Applicant's legal counsel provided draft Variance findings. Per Mr. Lombardo's correspondence, justification for the Variance request can be established because the California Department of Transportation (Caltrans) has in the past condemned and taken some of the Applicant's Airport Boulevard frontage for the construction of improvements of the Airport Boulevard/U.S. 101 Highway interchange (see attached Proposed Applicant Variance findings received on March 14, 2019).

On March 18, 2019, Planning staff including the Community Development Director met with the Applicant's development team, including their legal counsel. During this meeting, the Applicant provided revised plans that showed additional tree planting along the proposed fencing located 10-feet from the front yard property. During the meeting, staff stated that instead of requiring the Zoning Code 20-feet of landscaping along the Airport Boulevard frontage, providing ten (10) feet of landscaping located within the existing concrete area between the front yard property line to the proposed fence could be supported (see below Findings and draft Resolution). On March 22, 2019, the Applicant's legal counsel stated that the Applicant would agree to remove the concrete in the 10-foot frontage and provide landscape area which will result in all of the vegetation shown on the plan being planted in the ground rather than in planters. Revised plans were provided to staff on March 25, 2019 and are included as exhibits in the draft Variance approval document (see

attached draft Variance 2018-002 approval document).

Findings for Variance 2018-002:

Staff can support the required findings for a Variance for 10-feet of landscaping along the Airport Boulevard frontage from the property line to proposed fencing in lieu of the minimum required 20-feet of landscaping along the Airport Boulevard frontage per the findings stated below. Zoning Code Section 37-60.620 requires in order to approve a Variance all of the six (6) findings as shown below shall be established:

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 application includes a Variance from the Zoning Code requirement for 20-feet of landscaping along the Airport Boulevard frontage. Zoning Code Section 37-50.690(b), Table 37-50.190, requires that landscaping and irrigation be installed within the front yard setback of Industrial - General (IG) zoned properties. Pursuant to Zoning Code Section 37-30.320, Table 37-30.140, the minimum front yard setback in the IG District is 20-feet. Per Zoning Code Section 37-50.170, a Conditional Use Permit is required for the conduct of business outdoors unless the industrial use is screened from public view.

Pursuant to Division 9 (Variances), Section 37-60.570, *Purposes of Variances*, states: "Variances are intended to resolve practical difficulties or unusual physical hardships that may result from the size, shape or dimensions of a site or the location of existing structures thereon; from geographic, topographic or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site." The Applicant is proposing to expand the planting area to include the entire approximately 10-foot wide area along the Airport Boulevard frontage (property line to fence) in lieu of the minimum required 20-foot of front yard landscaping.

Support for the Variance can be established because between 2009 and 2012, the California Department of Transportation (Caltrans) condemned and took Airport Boulevard frontage of the subject property for the redesigned Airport Boulevard/U.S. 101 interchange. The interchange design and improvements did not replace the lost landscaping, parking or circulation areas. This helped to create a physical condition on the site that resulted in practical difficulties and unusual physical hardships that prevented installation of the required 20-foot landscaped planter.

Most nearby adjacent properties have landscaping located along their Airport

Boulevard frontages, but do not meet the minimum required 20-feet. Many of these adjacent uses have been in operation prior to the current 2006 Zoning Code and were not required to comply with the current Code at the time of installation. The proposed Variance to allow the proposed 10-feet of landscaping along the Airport Boulevard frontage would be compatible with the landscaping of adjacent properties. The proposed landscaping would also be compatible with recent Caltrans improvements to the Airport Boulevard/U.S. 101 interchange.

The proposed 10-feet of landscaping along the Airport Boulevard frontage would allow the site to conform with Zoning Code Section 37-30.330(k)(3), which indicates that black power or vinyl-coated chain link fencing with black slatting is an acceptable screening material in Industrially-zoned Districts for areas of a lot not visible from a public or private street or U.S. Highway 101. In this case, the applicant is proposing to screen the chain link fence with plant material to create a green fence with the 10-foot landscaped area in front including trees. The proposed landscaping would adequately screen the fencing and assist in reducing its visibility from Airport Boulevard.

If the applicant is required to install a 20-foot-deep landscape area it would result in the removal of parking and circulation areas and would require removal of improvements recently installed pursuant to permits issued by the City, which is not imposed on neighboring properties.

For these reasons, there are special circumstances or conditions applicable to the development site, including the size, shape, topography, location, or surroundings that would prohibit strict application of the requirements of the Zoning Code and deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Therefore, this finding may be established.

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 project neighborhood is composed of industrial and transportation uses and is adjacent to U.S. Highway 101. Granting of this Variance to reduce the minimum required 20-feet of front yard landscaping to 10-feet would not be detrimental to the surrounding neighborhood because it would assist in providing screening from the public view of existing outdoor industrial uses. Zoning Code Section 37-50.170(c)(7) requires that industrial uses in an IG (Industrial – General) District be screened from a public street such as Airport Boulevard. The proposed 10-feet of landscaping along the Airport Boulevard frontage would be consistent with other properties along Airport Boulevard, including the adjacent and recent Caltrans Airport Boulevard/U.S. 101 improvements, which included the installation of trees, shrubs, and ground cover. General Plan Policy

CD-2.8 requires the avoidance of large un-landscaped parking areas and blank building walls facing streets or adjoining properties. Granting of this Variance would assist in providing enhanced landscaping along the Airport Boulevard frontage and assist in screening the industrial use from the public view and therefore, would not be detrimental or injurious to nearby properties and the general welfare of the City, and would be consistent with General Plan policy.

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 granting of this Variance is consistent with the purposes of the Zoning Code and will not constitute a grant of special privilege. Approval of the Variance would allow the Applicant to provide front yard landscaping and assist in the screening of an outdoor industrial use. In addition, the 10-feet of landscaping along the Airport Boulevard frontage will assist in screening the proposed chain link fence along the Airport Boulevard from public view. The proposed front yard landscaping along the Airport Boulevard frontage would be consistent with adjacent properties.

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 for an existing agricultural processing facility use does not create a use or activity that is not authorized in the Industrial – General Airport (IG-AR) District. No change of use is proposed or approved with this variance.

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

The Variance is proposed because of Caltrans project work on the Airport Boulevard/U.S. 101 interchange improvements constructed between 2009 and 2012 and not by any action of the current owners of this property.

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

The Variance is proposed because of Caltrans project work on the Airport Boulevard/U.S. 101 interchange between 2009 and 2012 by Caltrans, which resulted in the significant loss of frontage along Airport Boulevard leading to the infeasibility of providing the full 20-foot landscaped area.

ENVIRONMENTAL REVIEW

The environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA). The project has been determined to be exempt from the California Environmental Quality Act under Section 15301 (*Existing Facilities*) of the CEQA Guidelines.

FINDINGS

Variance 2018-002:

The Planning Commission may approve the application for a Variance if all of the required findings set forth in the attached proposed Planning Commission Resolution can be established.

TIME CONSIDERATION

The project was deemed complete on February 10, 2019. Final action is required by April 11, 2019 pursuant to Government Code Section 65950(a)(4).

ALTERNATIVES AVAILABLE TO THE COMMISSION

The Planning Commission has the following alternatives:

1. Affirm the findings set forth in the attached Resolution, finding the Variance exempt from the California Environmental Quality Act (CEQA), and approve Variance 2018-002, with modifications; or
2. Find that the Variance is not appropriate and establish findings at the public hearing stating the reasons for not approving Variance 2018-002.

CONCLUSION

The proposed Variance is consistent with the Zoning Code and the General Plan, will provide landscaping along the Airport Boulevard frontage that will be compatible with the surrounding neighborhood, U.S. Highway 101, and assist in screening an industrial use from the public view.

COURTNEY GROSSMAN
Planning Manager

BY:

Thomas Wiles
Senior Planner

Attachments: Proposed Planning Commission Resolution
Draft Variance 2018-002, including the following exhibits:
Exhibit "A" Vicinity Map
Exhibit "B" Landscape Plan (Sheet L1.0)
Exhibit "C" Irrigation Plan (Sheet L2.0)
Exhibit "D" Engineer's Report dated March 25, 2019
Planning Commission Staff Report dated March 3, 2019 without exhibits
Unofficial March 3, 2019 Planning Commission minutes
Proposed Variance findings from Mr. Anthony Lombardo received on March 14,
2019

Cc: Taylor Fresh Foods, Inc., Applicant
Oaktree Property Company, Property Owner

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