

RESOLUTION NO. _____

**RESOLUTION APPROVING CONDITIONAL USE PERMIT TO TO
ESTABLISH AND OPERATE A RELIGIOUS ASSEMBLY USE IN AN
EXISTING 18,150 SQUARE FOOT BUILDING LOCATED AT 10 SIMAS
STREET
(RELATED TO GPA 2017-002 AND RZ 2017-001)**

WHEREAS, on December 3, 2019, the Salinas City Council, at the request of the City of Salinas, Applicant/Property Owner, held a duly noticed public hearing to consider Conditional Use Permit 2017-019 to establish and operate a religious assembly use in an existing 18,150 square foot building located at 10 Simas Street (APN: 003-091-011-000); and

WHEREAS, on November 6, 2019, the Salinas Planning Commission, held a duly noticed public hearing to consider Conditional Use Permit 2017-019; and

WHEREAS, the Planning Commission considered a Mitigated Negative Declaration prepared for this project and independently determined that all impacts were adequately addressed in accordance with the California Environmental Quality Act; and

WHEREAS, on November 6, 2019, the Salinas Planning Commission weighed the evidence presented at said public hearing, considered the staff report, determined that positive findings could be made for approval of the project, adopted Resolution No. 2019-____ recommending adoption of the related Mitigated Negative Declaration and approval of Conditional use Permit 2017-019; and

WHEREAS, the City Council 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 City Council has reviewed and considered the information contained in the Initial Study and related environmental documents including the Mitigated Negative Declaration; and

WHEREAS, by Resolution adopted by the City Council on December 3, 2019, the City Council adopted the Mitigated Negative Declaration prepared for Conditional Use Permit 2017-019.

NOW, THEREFORE, BE IT RESOLVED by the Salinas City Council that the Council approve Conditional Use Permit 2017-019, and 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:

Conditional Use Permit 2017-019:

- 1. The proposed location of the use is in accordance with the objectives of the Salinas General Plan, this Zoning Code and the purposes of the district in which the site is located;*

The proposed Amendment is consistent with Salinas General Plan Policies. Consistent with Land use Policy LU-3.7, the Amendment allows for a formerly vacant 18,150 square foot theater building to be revitalized into a viable 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 on-site and conforms to Community Design Policy CD-2.3. The proposed “Arterial Frontage” land use designation is not expected to result in negative impacts or conflict with surrounding properties, because the adjacent lots to the west are designated “Arterial Frontage” and there is an existing 6-foot high fence with two abutting landscape planters that separate the proposed area for designation from an existing retail use and a vacant lot.

Upon a successful General Plan Amendment and Rezone, a religious assembly use is subject to a Conditional Use Permit in the MAF Zoning District per Section 37-30.240, Table 37-30.110. Per Section 37-30.230(e)(1) the purpose of the MAF District is to provide a combination of uses along certain areas on East Market Street. Per Section 37-60.505 non-administrative Conditional Use Permits are subject to the review and approval of the Planning Commission; Non-administrative Conditional Use Permits apply to development review proposals that the City Planner has determined are not statutorily or categorically exempt from the California Environmental Quality Act.

- 2. 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 will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or the general welfare of the City of Salinas; and*

The proposed Amendment is consistent with Salinas General Plan Policies. Consistent with Land use Policy LU-3.7, the Amendment allows for a formerly vacant 18,150 square foot theater building to be revitalized into a viable 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 on-site and conforms to Community Design Policy CD-2.3. The proposed “Arterial Frontage” land use

designation is not expected to result in negative impacts or conflict with surrounding properties, because the adjacent lots to the west are designated “Arterial Frontage” and there is an existing 6-foot high fence with two abutting landscape planters that separate the proposed area for designation from an existing retail use and a vacant lot.

It is the continued operation of a nonconforming use in an existing building. The proposed establishment and operation of a Religious Assembly use would not be detrimental to the public health, safety and general welfare of the people of the City. A six-foot high fence and abutting landscape planters separate the subject portion of the lot from adjacent uses on other lots. The project provides adequate off-street parking and meets the recycling and trash recycling provisions of the Zoning Code.

3. *The proposed conditional use will comply with the provisions of the Salinas 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 all environmental mitigation measures contained in the Mitigation Monitoring and Reporting Plan (MMRP) shall be conditions of approval incorporated herein by reference.

PASSED AND ADOPTED this 3rd day of December 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED

Joe Gunter, Mayor

ATTEST

Patricia Barajas, City Clerk