

**SALINAS PLANNING COMMISSION
RESOLUTION NO. 2019-16**

Resolution Recommending that City Council Approve a General Plan Amendment, Rezone, and Conditional Use Permit to Establish and Operate a Religious Assembly Use Located at 10 Simas Street (GPA 2017-002, RZ 2017-001, and CUP 2017-019)

WHEREAS, on November 6, 2019, the Salinas Planning Commission, at the request of the Applicant/Property Owner, Simas-East Market Street LLC, held a duly noticed public hearing to consider 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 Conditional Use Permit (CUP 2017-019) to establish and operate a religious assembly use in an existing 18,150 square foot building (Assessor's Parcel Number 003-091-011-000); and

WHEREAS, the Planning Commission 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 Planning Commission has reviewed and considered the information contained in the Initial Study and related environmental documents including the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

NOW, THEREFORE, BE IT RESOLVED by the Salinas Planning Commission that it recommends that the City Council adopt the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve General Plan Amendment 2017-002, Rezone 2017-001, and 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:

For the Mitigated Negative Declaration:

The Planning Commission hereby finds that a Mitigated Negative Declaration (MND) has been prepared with respect to the project in compliance with the California Environmental Quality Act (CEQA) of 1970, as amended, and the guidelines promulgated thereunder. Further, this Commission has independently reviewed and considered the information contained in the Initial Study and related environmental documents, together with the comments received during the public review process. On the basis of the whole record before it, the Commission finds that, with the conditions of approval and the proposed mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment and that the MND reflects the Commission's independent judgment and analysis. On this basis, the Commission adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

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. 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. Monterey County Planning Department provided "No Comments" on the Mitigated Negative Declaration during the review period.

For the General Plan Amendment:

- 1. The proposed general plan amendment is consistent with all other goals, policies, programs, and land uses of applicable elements of the general plan;***

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.

- 2. The proposed general plan amendment promotes the public necessity, convenience, and general welfare.***

The General Plan Amendment promotes the public necessity, convenience and general welfare because the project would result in conforming zoning for the continuation of an existing religious assembly use.

For the Rezone:

- 1. The amendment is consistent with the Salinas general plan, any applicable specific plan, and other plans and policies adopted by the Salinas city council;***

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.

- 2. *The amendment will not have the effect of reversing the policies of the Salinas general plan, any applicable specific plan, and other plans and policies adopted by the Salinas city council;***

There are no policies within the Salinas General Plan that would be reversed as a result of this amendment. There are no Specific Plans or Precise Plans applicable to the site.

- 3. *The amendment would not create an isolated district unrelated to adjacent zoning districts;***

The proposed rezone 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.

- 4. *The city has the capability to provide public utilities, roads, and services to serve the uses allowed by the proposed amendment.***

Salinas is an urbanized area and public infrastructure is presently in place to serve most uses. The proposed Rezoning would not create the need for additional infrastructure.

For the Conditional Use Permit:

- 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 to the existing Conditional Use Permit 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 project 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 an existing 6-foot high fence with two abutting landscape planters that separate the site from an existing retail use and a vacant lot.

Upon a successful General Plan Amendment and Rezone, a religious assembly use would be 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.

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 to the existing Conditional Use Permit 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 project 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 an existing 6-foot high fence with two abutting landscape planters separate the site from an existing retail use and a vacant lot.

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

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General Plan Amendment 2017-002, Rezone 2017-001, and Conditional Use Permit
2017-019

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mitigation measures contained in the Mitigation Monitoring and Reporting Plan (MMRP) shall be conditions of approval incorporated herein by reference.

PASSED AND ADOPTED this 6th day of November 2019, by the following vote:

AYES: Chairperson Griffin, Vice Chairperson Meeks, Commissioners Anzo, Hernandez, Nohr, Ottone, and Rocamora

NOES: None

ABSTAIN: None

ABSENT: None

THIS IS TO CERTIFY that the foregoing is a full, true, and correct copy of a Resolution of the Planning Commission of the City of Salinas, that said Resolution was passed and adopted by the affirmative and majority vote of said Planning Commission at a meeting held on November 6, 2019, and that said Resolution has not been modified, amended, or rescinded, and is now in full force and effect.

SALINAS PLANNING COMMISSION

Date: 11/15/19



Courtney Grossman
Secretary

Attach:

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

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CITY OF SALINAS
Community Development Department
65 West Alisal Street, Salinas, CA 93901

(MITIGATED) NEGATIVE DECLARATION

The project described below has been reviewed in accordance with the California Environmental Quality Act (CEQA) and has been determined to have a less than significant impact upon the environment.

Project's Common Name/Description: General Plan Amendment 2017-002 (GPA 2017-002) from General Commercial/Light Industrial to Arterial Frontage; and Rezone 2017-001 (RZ 2017-001) from Industrial-General Commercial to Mixed Arterial Frontage; Conditional Use Permit (CUP 2017-019) to establish and operate religious assembly use within an existing 18,150 square foot building.

File Nos.: GPA 2017-002; RZ 2017-001; CUP 2017-019

Project Applicant: Simas -East Market LLC

Project Location: 10 Simas Street in the IGC-F (Industrial-General Commercial – Flood Plain Overlay) Zoning District (APN 003-091-011-000)

Determination: The attached Initial Study has been prepared for the above project in accordance with the California Environmental Quality Act and procedures established in the *CEQA Guidelines* adopted by the City of Salinas. On the basis of the Initial Study, the City of Salinas makes the following determination:

- ☐ The above project will not have a significant effect on the environment, and a NEGATIVE DECLARATION is hereby approved.
- ☒ The above project could have a significant effect on the environment, but WILL NOT have a significant effect in this case because the attached mitigation measures have been made by or agreed to by the applicant which will avoid the effects or mitigate the effects to a point where clearly no significant effects will occur. Furthermore, there is no substantial evidence before the City of Salinas that the proposed project, as revised, may have a significant effect on the environment. A (MITIGATED) NEGATIVE DECLARATION is hereby approved.

Mitigation measures, if any, included in the project to avoid potentially significant effects are found in the attached Mitigation Monitoring Program. Further information about this project and about its probable environmental impact will be on file in the Community Development Department, 65 West Alisal Street, Salinas, CA 93901.

COURTNEY GROSSMAN
Planning Manager

By: 
Bobby Latino
Associate Planner

Date: 2/26/19

Attach: Mitigation Monitoring and Reporting Program

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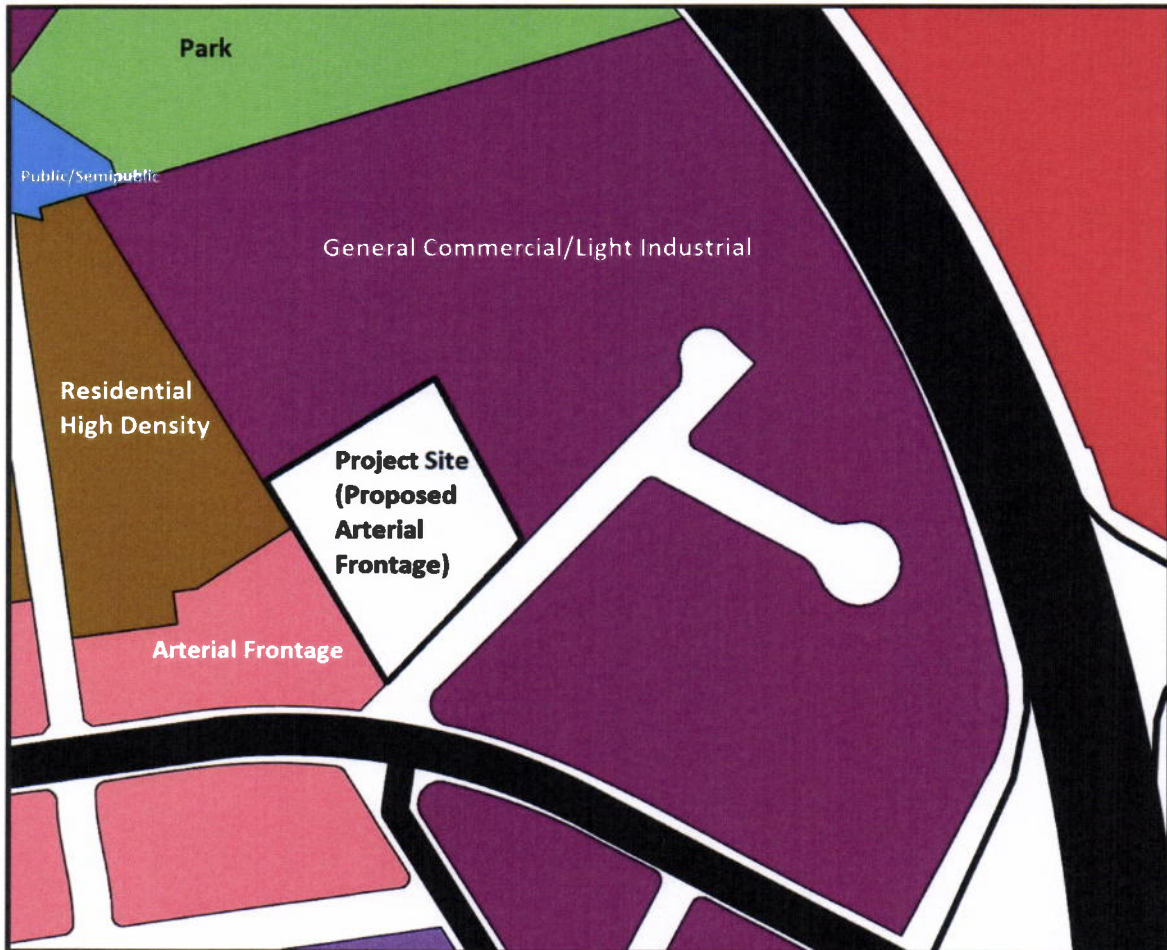
**GENERAL PLAN AMENDMENT 2017-002 (GPA 2017-002) FROM GENERAL COMMERCIAL/LIGHT INDUSTRIAL TO
ARTERIAL FRONTAGE; AND REZONE 2017-001 (RZ 2017-001) FORM INDUSTRIAL-GENERAL COMMERCIAL TO
MIXED ARTERIAL FRONTAGE; CONDITIONAL USE PERMIT (CUP 2017-019) TO ESTABLISH AND OPERATE
RELIGIOUS ASSEMBLY USE
MITIGATION MONITORING AND REPORTING PROGRAM
10 SIMAS STREET**

Mitigation Number	Nature of Mitigation	Result after Mitigation	Party Responsible for Implementing	Party Responsible for Monitoring: Method to Confirm Implementation	Timing for Implementation
CU-1	In the event that cultural materials are encountered during grading/construction, all work shall cease until the find has been evaluated and mitigation measures put in place for the disposition and protection of any find pursuant to Public Resources Code Section 21083.2.	To ensure compliance with Public Resources Code Section 21083.2	Applicant, or Successor in Interest	Community Development Department, Current Planning	During grading/ construction activities
TCR-1	In the event that cultural materials are encountered during grading/construction, all work shall cease until the find has been evaluated and mitigation measures put in place for the disposition and protection of any find pursuant to Public Resources Code Section 21083.2.	To ensure compliance with Public Resources Code Section 21083.2	Applicant, or Successor in Interest	Community Development Department, Current Planning	During grading/ construction activities

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North General Plan Amendment Map



GENERAL PLAN AMENDMENT 2017-002

(Related to Rezone 2017-001)

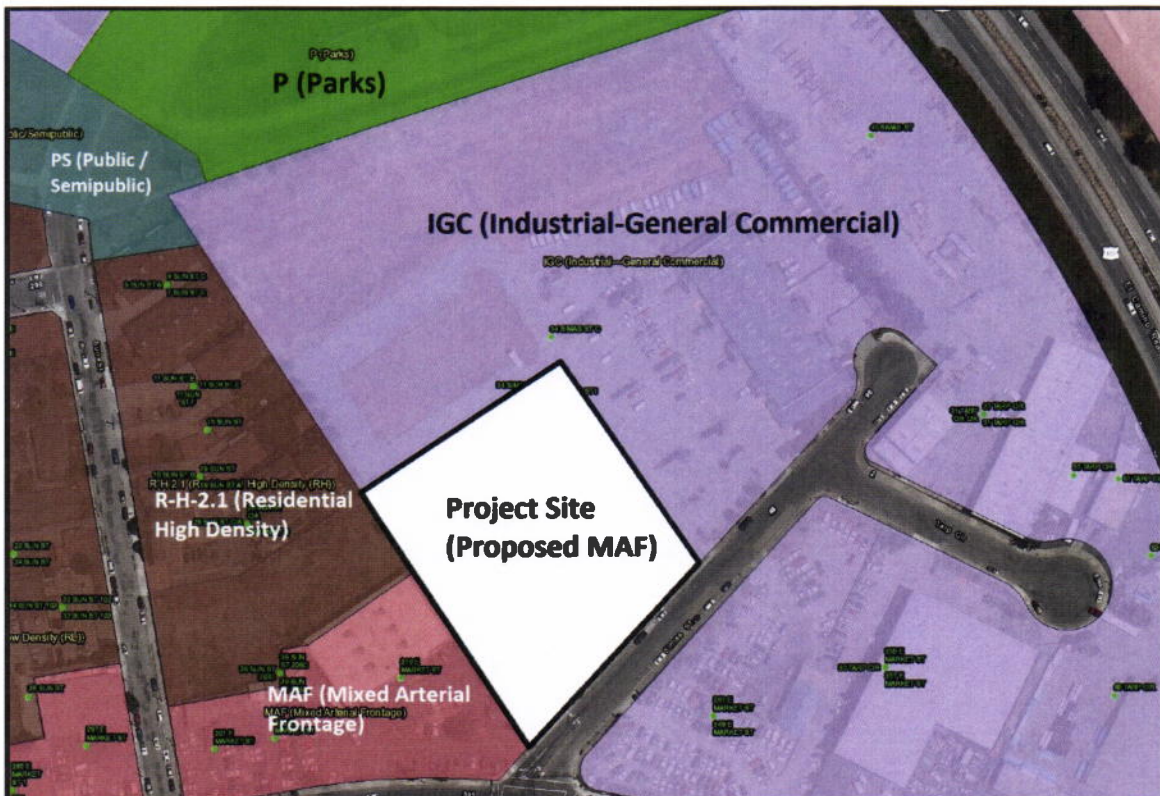
Project Description: Change 94,235 square feet (2.16 acres) of a 401,197 (9.21 acres) lot from General Commercial/Light Industrial to Arterial Frontage

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North

Rezoning Map



REZONE 2017-001

(Related to General Plan Amendment 2017-002)

Project Description: Change 94,235 square feet (2.16 acres) of a 401,197 (9.21 acres) lot from Industrial-General Commercial to Mixed Arterial Frontage.

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