

From: Barry Kinman [<mailto:bkinman@walkerandreed.com>]
Sent: Monday, August 05, 2019 3:03 PM
To: Kelly Miller
Cc: Hansen Reed
Subject: 1072 Industrial Street Zoning variance-PROTEST

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Dear Mr. Miller:

Please accept this email as a timely written protest with regard to the 1072 Industrial Street zoning variance application by Mr. Ricky Cabrera. This law firm represents certain business owners with property/and or businesses in the immediate vicinity. The first point we wish to make is that we are not opposed to normal business activities in this industrial area of Salinas or in any way opposed to Mr. Cabrera engaging in business. Our clients see the issue in a broader fashion. If you look at the area from Google Earth you will see that the homeless camp adjacent to the railroad tracks immediately across from 1072 Industrial Street is quite large. This homeless camp has been the source of numerous complaints. It has grown so large and so established it was recently written that the residents wish to have services consistent with other City of Salinas addresses. The problem is this camp is not a proper address and has not been subject to proper oversight. Our clients have been told over time that Salinas has no jurisdiction over the railroad easement and that the Union Pacific Railroad controls this easement and therefore Salinas is powerless to solve this problem.

Our clients are in no way denigrating homeless camps or homeless people in general. With regard to this specific camp there have been plenty of problems. Fence cutting is frequent, as is theft and drug use. Our clients do not attribute the crime and drug use to homelessness per se. Rather it is the complete lack of regulation with regard to this particular camp that is at the heart of the problem. It is not part of the City of Salinas's stated "WHAT WE'RE DOING ABOUT HOMELESSNESS IN SALINAS" policies. When a government entity like the City of Salinas claims it is helpless to solve a problem due to jurisdiction and fails to resolve the jurisdictional dispute with another entity then a regulatory vacuum is created. Everyone, including the homeless, need to abide by our common rules and community values. When a group learns there are no regulations then it will appeal to those that wish to avoid regulations and community values. That is what has happened in this particular instance.

This brings us to the issue at hand, our clients oppose this request for variance because it will bring attention to the fact there will be a cannabis business immediately across from the homeless camp. Nearly every business in the area already has fences which are 6-7' tall. To the knowledge of our clients, no one in the vicinity follows a 3' high fence rule. The issue is with drug use already prevalent in this particular homeless camp, as established by various paraphernalia found over time, issuing a variance of a fence height will only alert persons already willing to break and enter and steal to break and enter and steal. A higher fence and fence construction will only serve as an attractive nuisance and invitation to cut into the property at 1072 Industrial and neighboring parcels. If the City of Salinas is willing to cure the problem which already exists then there would be no opposition to varying the height of the fence at 1072 Industrial Street. From our clients' perspective any fence alteration without curing the existing crime problem will only make things worse. For this reason our clients wish this matter to be brought before the Planning Commission of the City of Salinas.

Thank you for your attention to this matter,

Barry Alan Kinman

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