

**SALINAS PLANNING COMMISSION
RESOLUTION NO. 2019-003**

Resolution approving a Variance request from the required 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 (V 2018-002)

WHEREAS, on March 6, 2019, the Salinas Planning Commission, at the request Taylor Fresh Foods Incorporated, held a duly noticed public hearing to consider Variance 2018-002 (V 2018-002), to allow a Variance from Zoning Code required 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 (Assessor's Parcel Number 003-692-008-000); and

WHEREAS, the Planning Commission during the March 6, 2019 public hearing continued the public hearing on this item for consideration on March 20, 2019; and

WHEREAS, the Planning Commission March 20, 2019 public hearing was cancelled and this item was continued for consideration on April 3, 2019; 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

NOW, THEREFORE, BE IT RESOLVED by the Salinas Planning Commission that the Commission finds the project to be exempt from the California Environmental Quality Act (CEQA) per Section 15301 (*Existing Facilities*) of the CEQA Guidelines and approves Variance 2018-002 because the findings for a Variance required pursuant to Zoning Code Section 37-60.620(a) – (f) can be established as stated below; and

BE IT FURTHER RESOLVED that the Salinas Planning Commission 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:

- a. ***The project has been found to be a Categorical Exemption pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines;***

The project has been determined to be exempt from the California Environmental Quality Act under Section 15301 (*Existing Facilities*) of the CEQA Guidelines.

For the Variance:

Variations require that the following six (6) findings per Zoning Code Section 37-60.620 (a) – (f) must be established:

- a. *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.

b. 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.

- c. 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.

- d. 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.

- e. 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.

- f. 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.

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

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

NOES: None

ABSTAIN: Planning Commissioner Giffin

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 April 3, 2019, and that said Resolution has not been modified, amended, or rescinded, and is now in full force and effect.

SALINAS PLANNING COMMISSION

Date: _____

Courtney Grossman
Secretary