

**RESOLUTION NO. \_\_\_\_\_ (N.C.S.)**

**A RESOLUTION OF THE CITY OF SALINAS CITY COUNCIL DENYING A ZONING CODE AMENDMENT TO AMEND ZONING CODE SECTION 37-40.310(A)(2) TO ALLOW RELIGIOUS ASSEMBLY USES ON THE GROUND FLOOR OF BUILDINGS FACING MAIN STREET WITHIN THE DOWNTOWN CORE AREA OF THE CENTRAL CITY OVERLAY DISTRICT; AND A CONDITIONAL USE PERMIT TO ESTABLISH AND OPERATE A RELIGIOUS ASSEMBLY WITHIN AN EXISTING TWO-STORY BUILDING CONSISTING OF RETAIL AND RELIGIOUS SERVICES ON THE FIRST FLOOR AND CLASSROOM AND OFFICES ON THE SECOND FLOOR LOCATED AT 344 MAIN STREET IN THE MIXED USE – CENTRAL CITY OVERLAY – DOWNTOWN CORE AREA (MX-CC-DC) (ZCA 2018-001 AND CUP 2018-004)**

**WHEREAS**, on August 15, 2018, the Salinas Planning Commission, at the request of the Applicant, Ignacio Torres, New Harvest Fellowship of Salinas, held a duly noticed public hearing to consider the following applications:

1. Zoning Code Amendment 2018-001; Request to amend Zoning Code Section 37-40.310(a)(2) to allow Religious Assembly uses on the ground floor of buildings facing Main Street within the Downtown Core Area of the Central City Overlay; and
2. Conditional Use Permit 2018-004; Request to establish and operate a Religious Assembly within an existing 11,343 s.f. two story building consisting of the following: First Floor: seating for 299 persons, 176 s.f. (11'x16') bookstore, three offices, and restrooms; Second Floor: Three classrooms, six offices, storage space, and a kitchen area. An existing mezzanine is shown above the first floor and labeled "not for public use", located at 344 Main Street (Assessor's Parcel Number 002-341-006-000); 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 recommended to the City Council denial of Zoning Code Amendment 2018-001 and Conditional Use Permit 2018-004; and

**WHEREAS**, the City Council held a duly noticed public hearing on November 6, 2018 and weighed the evidence presented at said public hearing, including the Staff Report and all attachments and exhibits thereto, along with the record of environmental review.

**NOW, THEREFORE, BE IT RESOLVED** that the Salinas City Council denies Zoning Code Amendment 2018-001 and Conditional Use Permit 2018-004 because the City Council could not establish the findings required by Zoning Code Section 37-60.1120 (for a Zoning Code Amendment) and Zoning Code Section 37-60.520 (for a Conditional Use Permit) and herein adopts the following as the basis for its determination of denial:

For Zoning Code Amendment 2018-001:

1. ***The amendment is not consistent with the Salinas General Plan and other plans and policies adopted by the Salinas City Council.***

The following policy documents including, but not limited to, the Economic Development Element of the Salinas General Plan, City of Salinas Downtown Vibrancy Plan, and Zoning Code support the retention of Zoning Code Section 37-40.310(a)(2).

2. ***The amendment will 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.***

The Amendment would reverse existing policies. The Economic Development Element of the Salinas General Plan, City of Salinas Downtown Vibrancy Plan, and Zoning Code support the retention of Zoning Code Section 37-40.310(a)(2) and the continued prohibition on assembly uses on the first floor of buildings located in the Central City Overlay Area of the Downtown Core Area.

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

The proposed Amendment would not create any additional zoning districts.

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, including those of the proposed religious assembly use.

For Conditional Use Permit 2018-004:

1. ***The proposed location of the use is not 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 site is designated Mixed Use by the 2002 Salinas General Plan. Per the General Plan, Mixed Use provides for a mixture of retail, commercial, office and residential uses in the same building, parcel, or area. The proposed Religious Assembly use on the ground floor facing Main Street in the Central City Overlay – Downtown Core Area is inconsistent with Salinas General Plan land use designation of Mixed Use and Economic Development Element. The intent of the mixed-use designation is to create activity centers with pedestrian-oriented uses.

The recently adopted Economic Development Element includes the following applicable policies:

Action LU-1.3.1 – Utilize the Downtown Vibrancy Plan as a tool to work towards revitalizing the downtown area (Economic Opportunity Areas P and Q) to create a desired destination for people and businesses. Revise existing City policies and regulations as needed to incorporate the Downtown Vibrancy Plan recommendations and incentivize and streamline new investment (e.g. develop a signage and gateway program, provide pedestrian amenities, create a façade program(s), parking management plan, explore form-based codes etc.).

Action LU-1.3.2 – Support key catalyst development projects in the downtown area (Economic Opportunity Areas P and Q), such as the Taylor Farms Corporate Headquarters and other development projects that bring more people into and help revitalize the downtown.

Action RET-1.1.6 – Locate new commercial uses in strategic locations to capture tourist/visitor spending (e.g. quality hotels and/or retail commercial at gateways to City, within downtown, within themed districts, or along U.S. Highway 101).

Action RET-3.1.6 – Create and promote the downtown and Alisal Marketplace as entertainment and tourism districts.

As shown on the official Zoning Map, the site is located in the base MX-CC-DC (Mixed Use – Central City Overlay – Downtown Core Area) District. Per Section 37-30.230, the purpose of the Mixed Use District is to provide opportunities for commercial uses that emphasize retail and service activities and promote compact development that is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk. The proposed Religious Assembly use on the ground floor does not conform with the provisions of the Zoning Code.

The proposed Religious Assembly use would adversely affect the welfare of the surrounding neighborhood. The proposed location is in a neighborhood with a mix of retail uses. The proposed Religious Assembly use would be detrimental to public health, safety, and welfare of the area.

2. ***The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained are not consistent with the Salinas General Plan and would be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use, and detrimental to properties or improvements in the vicinity or the general welfare of the City of Salinas;***

The site is designated Mixed Use by the 2002 Salinas General Plan. Per the General Plan, Mixed Use provides for a mixture of retail, commercial, office and residential uses in the same building, parcel, or area. The proposed Religious Assembly use on the ground floor facing Main Street in the Central City Overlay – Downtown Core Area is inconsistent with Salinas General Plan land use designation of Mixed Use and Economic Development Element. The intent of the mixed-use designation is to create activity centers with pedestrian-oriented uses.

The recently adopted Economic Development Element includes the following applicable policies:

Action LU-1.3.1 – Utilize the Downtown Vibrancy Plan as a tool to work towards revitalizing the downtown area (Economic Opportunity Areas P and Q) to create a desired destination for people and businesses. Revise existing City policies and regulations as needed to incorporate the Downtown Vibrancy Plan recommendations and incentivize and streamline new investment (e.g. develop a signage and gateway program, provide pedestrian amenities, create a façade program(s), parking management plan, explore form-based codes etc.).

Action LU-1.3.2 – Support key catalyst development projects in the downtown area (Economic Opportunity Areas P and Q), such as the Taylor Farms Corporate Headquarters and other development projects that bring more people into and help revitalize the downtown.

Action RET-1.1.6 – Locate new commercial uses in strategic locations to capture tourist/visitor spending (e.g. quality hotels and/or retail commercial at gateways to City, within downtown, within themed districts, or along U.S. Highway 101).

Action RET-3.1.6 – Create and promote the downtown and Alisal Marketplace as entertainment and tourism districts.

The proposed Religious Assembly use would adversely affect the welfare of the surrounding neighborhood. The proposed location is in a neighborhood with a mix of retail uses. The proposed Religious Assembly use on the ground floor facing Main Street would be detrimental to public health, safety, and welfare of the area because Religious Assembly on the ground floor in the Downtown Core Area would conflict with the above cited policy documents. Religious Assembly would not result in uses consistent with the Mixed Use land designation, which calls for uses that create activity centers that are pedestrian-oriented such as a mix of retail, office, and residential uses.

3. ***The proposed conditional use would not comply with the provisions of the Salinas Zoning Code, including any specific conditions required for the proposed use;***

The proposed Religious Assembly use would not comply with the provisions of Zoning Code Section 37-40.310(a)(2) because the proposed plans show a Religious Assembly seating area for 299 persons on the ground floor facing Main Street, which is not allowed. Clubs, lodges, places of religious assembly, and similar assembly uses shall only be permitted above the ground floor of buildings facing Main Street with the Downtown Core Area.

**PASSED AND ADOPTED** this 7<sup>th</sup> day of November 2018 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED

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Joseph Gunter, Mayor

ATTEST

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Patricia M. Barajas, City Clerk

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