

# SALINAS PLANNING COMMISSION

## Staff Report

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*Brad Griffin*  
*Matthew Ottone*  
*Jyl Lutes, Vice-Chair*  
*John Meeks*

Planning Manager Approval



Agenda Item

ID#18-424

**DATE:** August 15, 2018

**TO:** Planning Commission

**FROM:** Courtney Grossman, Planning Manager

**SUBJECT:** ZONING CODE AMENDMENT 2018-001 AND  
CONDITIONAL USE PERMIT 2018-004; REQUEST  
TO AMEND THE ZONING CODE REGARDING  
RELIGIOUS ASSEMBLY USES ON THE GROUND  
FLOOR WITHIN THE DOWNTOWN CORE AREA  
AND ESTABLISH AND OPERATE A RELIGIOUS  
ASSEMBLY USE WITHIN AN EXISTING BUILDING  
LOCATED AT 344 MAIN STREET IN THE MIXED  
USE – CENTRAL CITY OVERLAY – DOWNTOWN  
CORE AREA (MX-CC-DC) DISTRICT

### RECOMMENDATION

Consider affirming the findings and adopting the attached Resolution recommending that the City Council deny the request for Zoning Code Amendment and Conditional Use Permit.

### BACKGROUND

The Central City Overlay District is subject to development regulations and design standards to meet certain purposes (Zoning Code Section 37-40.290):

1. Encourage and accommodate the increased development intensity for mixed use, commercial, retail, and office uses within the central city;
2. Increase opportunities for infill housing and innovative retail while transforming and aesthetically improving transportation corridors into pedestrian-oriented civil boulevards with mixed use projects;

3. Promote live entertainment uses in the downtown core area of the city without adversely impacting adjacent land uses; and

4. Encourage pedestrian-oriented neighborhoods where local residents and employees have services, shops, entertainment, jobs, and access to transit within walking distance of their homes and workplace.

Consistent with these purposes, Zoning Code Section 37-40.310(a)(2) currently prohibits assembly uses and similar uses on the first floor of buildings facing Main Street within the Downtown Core Area. This prohibition includes “[c]lubs, lodges, places of religious assembly, and similar assembly uses.”

The New Harvest Christian Fellowship of Salinas desires to establish and to operate a religious assembly use in the building located at 344 Main Street (formerly occupied by Beverly’s Fabrics). Retail, service, and similar uses mostly surround the property. New Harvest Christian Fellowship of Salinas purchased the property earlier this year as shown in a Grant Deed dated March 19, 2018. While not officially designated as a historic resource, the building is included in the City’s 2016 Historic Survey (see attached). If designated, the site could be subject to the historic building code, which could provide certain relief to applicable building code regulations.

Because of its location within the Downtown Core Area of the Central City Overlay District, this building is subject to the restrictions of Zoning Code Section 37-40.310(a)(2). In order to establish a religious assembly use at this location Ignacio Torres, on behalf of the New Harvest Christian Fellowship of Salinas, is requesting approval of the following:

1. ZCA 2018-001: An amendment to 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 (Applicant’s amendment requests that the restriction on Religious Assembly and similar assembly uses be deleted – see attached); and

2. CUP 2018-004: Approval of a Conditional Use Permit to establish and to operate a Religious Assembly within an existing 11,343 s.f. two story building consisting of the following:

*Ground Floor.* seating for 299 persons, 176 s.f. (11’x16’) bookstore, three offices, and restrooms; and

*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”.



As required, the Community Development Department provided notice to properties within 300 feet of the proposed Zoning Code Amendment and Conditional Use Permit. In response, the Community Development Department received a number of letters in opposition to the amendment (The letters are attached for reference).

The requested Conditional Use Permit cannot be approved as proposed because Zoning Code Section 37-40.310(a)(2) does not allow places of religious assembly on the ground floor within the Downtown Core Area. Therefore, the applicant is requesting that the Zoning Code be amended. If the Zoning Code Amendment is not approved by the Planning Commission and the City Council, the Conditional Use Permit cannot be approved and the religious assembly use cannot be established on the ground floor of this building.

## **ANALYSIS**

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) as currently written (prohibiting assembly uses and other uses on the ground floor of buildings located in the Central City Overlay Area of the Downtown Core Area):

### **General Plan:**

Policy LU-1.3: Make provision in residential areas for institutional uses that are needed near homes or which benefit from a residential environment, including places of religious assembly, day-care homes, homes for physically or developmentally disabled persons, and care facilities in accordance with the provisions of State Law. The Downtown Core Area of the Central City Overlay is not a residential area. The Mixed Use designation allows a mixture of retail, office and residential uses in the same building, on the same parcel or in the same area. The intent of the mixed use designation is to create activity centers with pedestrian-oriented uses in certain portions of the City.

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.

City of Salinas Downtown Vibrancy Plan: Section 1.1 of the Vibrancy Plan states that the Plan has been developed to restore activity, commerce and vitality to downtown Salinas. Section 5.2 Creating Catalyst Sites identifies priority development to include developments that add base employment, housing and/or an urban grocery use downtown.

#### Zoning Code:

A focus of the mixed use (MU) district is on commercial development on the ground floor and housing on the upper floors. Per Section 37-30.230(a), the purpose of the mixed use district is to promote and to provide development opportunities for integrated, complementary housing and employment opportunities in the same building, on the same parcel or within the same block. The emphasis of nonresidential uses is primarily on locally oriented/neighborhood serving retail, service, and office uses. Development is encouraged to provide businesses on the ground floor with housing on upper stories and provides incentives to assist in achieving this goal. However, stand-alone commercial, public and semipublic, and residential development is also permitted. Per Section 37-30.230(e)(2), the mixed use district provides opportunities for mixed use, office, public and semipublic uses, and commercial uses that emphasize retail, entertainment, and service activities.

As discussed above, per Zoning Code Section 37-40.290, the purpose of the Central City Overlay District regulations is to provide development regulations and design standards as follows:

- (a) Encourage and accommodate the increased development intensity for mixed use, commercial, retail, and office uses within the central city;
- (b) Increase opportunities for infill housing and innovative retail while transforming and aesthetically improving transportation corridors into pedestrian-oriented civic boulevards with mixed use projects;



- (c) Promote live entertainment uses in the downtown core area of the city without adversely impacting adjacent land uses; and
- (d) Encourage pedestrian-oriented neighborhoods where local residents and employees have services, shops, entertainment, jobs, and access to transit within walking distance of their homes and workplace.

#### Alternative Zoning Code Amendment.

Religious Assembly uses; however, could be considered on the second floor pursuant to the existing zoning regulations with a minor revision to the definition of Religious Assembly. This alternative clarifies that incidental office and retail would be permissible on the ground floor. This creates an issue with the current Zoning Code definition of Religious Assembly which should be addressed.

Office space exists on the ground floor of several buildings throughout the Downtown Core Area. The current Zoning Code definition of Religious Assembly prohibits the New Harvest Christian Fellowship of Salinas from establishing office space on the first floor of their building. The Zoning Code definition of Religious Assembly should be changed to make clear that the Church, like all other businesses, can establish office space on the first floor.

As an alternative to the Zoning Code Amendment proposed by Mr. Torres, and to better effect this direction, staff suggests a minor revision to the definition of Religious Assembly as shown below. This proposed amendment would allow office space on the first floor, but would continue the prohibition on religious assembly on the first floor. That use would continue be limited to the second floor.

***Religious Assembly.*** Facilities for religious worship and assembly, incidental religious education, meeting halls, gymnasiums, and similar uses. Religious assembly does not include public and private schools, day care centers, incidental professional and business offices, and retail as defined in this division.

This alternative Zoning Code Amendment is presented for the Commission's consideration. It is recommended that the definition be amended as presented here by staff so that incidental office and retail associated with religious assembly would be permitted on the ground floor of buildings within the Downtown Core Area of the Central City Overlay.

#### ENVIRONMENTAL REVIEW

Zoning Code Amendment: The environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA). The proposed Zoning Code Amendment is categorically exempt (Class 5) from further environmental

analysis per CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations).

Conditional Use Permit: The environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA). The proposed request to establish and operate a religious assembly use within an existing building is categorically exempt (Class 32) from further environmental analysis per CEQA Guidelines Section 15332.

## **FINDINGS**

### **Zoning Code Amendment:**

The Planning Commission may recommend that the City Council approve or deny an application for a Zoning Code Amendment. Findings for denial are set forth in the attached resolution.

### **Conditional Use Permit:**

The Planning Commission may approve or deny an application for a Conditional Use Permit. Findings for denial are set forth in the attached resolution.

## **TIME CONSIDERATION**

The proposed project depends on a request for a Zoning Code Amendment, which is a legislative act. Projects involving legislative acts are not subject to the Permit Streamlining Act (PSA).

## **ALTERNATIVES AVAILABLE TO THE COMMISSION**

The Planning Commission has the following alternative relative to the proposed Zoning Code Amendment and Conditional Use Permit:

Find that the Zoning Code Amendment and the Conditional Use Permit are appropriate and direct staff to establish findings recommending that the City Council approve the Zoning Code Amendment and that the Conditional Use Permit be prepared and put forth for consideration by the Planning Commission at a subsequent Planning Commission meeting.

The Planning Commission has the following alternative relative to an alternative Zoning Code Amendment:

Find that the Zoning Code Amendment and the Conditional Use Permit are not appropriate as proposed and direct staff to establish findings for consideration at a subsequent Planning Commission meeting recommending (a) that the City



Council approve an alternative Amendment with a revised Zoning Code definition for Religious Assembly as discussed above in this report and (b) a revised Conditional Use Permit with Religious Assembly on the second floor. This alternative would require revised exhibits to the Conditional Use Permit to reflect modifications to the floor plan prior to the issuance of a building permit.

## **CONCLUSION**

As identified above, the proposed project is inconsistent with several City policy documents and the Zoning Code. Religious Assembly on the ground floor in the Downtown Core Area cannot be supported. In denying the proposed Zoning Code Amendment and Conditional Use Permit, it is important to note that the religious assembly use would not be entirely prohibited within this building: religious assembly could occur on the second floor of the building. The first floor would need to be occupied by other, permitted uses. This means that the new Harvest Christian Fellowship of Salinas could establish a religious assembly use within this building, as they desire. They would simply have to do so on the second floor. The same restriction applies to *all other* assembly uses within this Zoning District and is not unique or solely applicable to religious assembly uses.

COURTNEY GROSSMAN  
Planning Manager



### Attachments:

Proposed Planning Commission Resolution

Applicant's Zoning Code Amendment request (strike out version)

2016 Historic Survey: 344 Main Street

### Correspondence Received:

Letter dated April 10, 2018 from Moxxy! Marketing opposing the amendment

Letter dated July 24, 2018 from Salinas City Center opposing the amendment

Letter dated July 30, 2018 from Salinas Valley Chamber of Commerce opposing the amendment

E-mail dated August 1, 2018 from Furey's Old Town Barber opposing the amendment

Letter dated August 1, 2018 from Kobrinsky Group opposing the amendment