

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

Resolution Denying 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 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 Statutorily Exempt from the California Environmental Quality Act (CEQA) and denies Variance 2018-002 because the findings for a Variance required pursuant to Zoning Code Section 37-60.620(a) – (f) cannot be established; 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:

1. ***The project has been found to be a Statutory Exemption pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines;***

The project has been determined to be exempt from the California Environmental Quality Act under Section 15270 (*Projects Which Are Disapproved*) of the CEQA Guidelines.

For the Variance:

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

2. ***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." There are no physical conditions on the site or in the immediate vicinity, or from street locations or traffic conditions in the immediate vicinity of the site that creates or results in practical difficulties or unusual physical hardships that prevent installation of the required 20-foot landscaped planter other than the fact that the Applicant has installed the existing concrete without the benefit of a required permit and was caught doing this work and cited with a stop-work order by the City of Salinas on August 25, 2017.

While not all nearby properties located along Airport Boulevard include 20-feet of landscaping along their frontages, many include greater areas of landscaping and irrigation than the subject property. Recent Caltrans improvements to the Airport Boulevard/U.S. 101 interchange project include trees, shrubs, and ground cover as well as nearby properties along Airport Boulevard frontage. These nearby properties include 730, 740, 772, and 780 Airport Boulevard.

Provision of landscaping would 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 only for areas of a lot not visible from a public or private street or U.S. Highway 101. Without complying to the minimum Zoning Code requirements for landscaping, the site would be in violation of the Zoning Code, because the proposed fencing would be clearly visible from Airport Boulevard.

For these reasons, there are no 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. By not requiring the Applicant to expand the planting area to be consistent with the minimum Zoning Code requirements, it could create a privilege not enjoyed by other properties located in the vicinity and under similar zoning. Therefore, this Variance finding cannot be established.

3. *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 would be detrimental to the surrounding neighborhood because it would result in insufficient landscape screening from the public view for 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. Other properties along Airport Boulevard, including the adjacent and recent Caltrans Airport Boulevard/U.S. 101 improvements include 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 allow the continuation of an existing large un-landscaped parking area, which would be injurious to properties nearby and the general welfare of the City, because it would be inconsistent with General Plan Policy CD-2.8.

4. *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 will be inconsistent with the purposes of the Zoning Code and will constitute a grant of special privilege. Approval of the Variance would allow the Applicant to retain insufficient front yard landscaping and screening of an outdoor industrial use, which fails to conform to the minimum Zoning Code requirements. In addition, allowance of the chain link fence along the Airport Boulevard within the public view is not in compliance with the screening requirements of the IG-AR District.

5. ***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. However, the lack of 20-feet of landscaping and irrigation along the Airport Boulevard frontage does not comply with Minor Modification 2014-016 or minimum Zoning Code requirements.

6. ***That the hardship peculiar to the property was not created by any act of the current owner; and***

The proposed Variance from the required 20-foot front-yard landscaped setback is the result of the Applicant not submitting a landscape and irrigation plan to the Community Development Department as required by Grading Permit GP17-0008 within 30-days of Grading Permit issuance and installing the concrete surfacing prior to submittal of this Variance application. The contractor and Applicant, on behalf of the owner by an agreement and/or lease, caused the hardship. Therefore, because this hardship was created by actions of the Applicant and current owner, this Variance finding cannot be established.

7. ***That personal, family, or financial difficulties and loss of prospective profits are not hardships or reasons justifying a variance.***

The Applicant has stated in correspondence dated October 2, 2018, the cost to remove the concrete and replace it with landscaping and irrigation is estimated to be \$31,000. The Applicant has stated in the same correspondence that the City of Salinas should pay for the concrete removal because the City issued Grading Permit GP17-0008, even though the Permit required that the Applicant submit a landscape and irrigation plan to the City within 30-days of the Permit approval. The plan was not submitted in a timely manner. Three (3) months elapsed before the plan was submitted and was well after the concrete was poured and cured. Financial difficulties are not hardships or reasons justifying a Variance, especially for a corporation with an estimated nearly two (2) billion dollars of yearly revenue based on an article from Haas School of Business dated Spring 2012. Therefore, this Variance finding cannot be established.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

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 March 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: _____

Courtney Grossman
Secretary