

City of Salinas

COMMUNITY DEVELOPMENT DEPARTMENT * 65 W. Alisal Street * Salinas, California 93901 * (831) 758-7206 *
Fax (831) 758-7215

September 14, 2018

Taylor Fresh Foods, Inc.
c/o Jerrett Stoffel
150 Main Street, Suite 400
Salinas, CA 93901

RE: VARIANCE 2018-002; A REQUEST FOR A VARIANCE FROM THE MINIMUM REQUIRED ZONING CODE REQUIREMENTS FOR STREET FRONTAGE LANDSCAPING FOR AN EXISTING AGRICULTURAL PROCESSING FACILITY LOCATED AT 745 AIRPORT BOULEVARD IN THE INDUSTRIAL – GENERAL – AIRPORT OVERLAY (IG-AP) ZONING DISTRICT

Dear Mr. Stoffel:

On August 17, 2018, the Community Development Department received the subject application requesting approval of a Variance from the minimum depth of 20-feet from the property line to a unknown proposed depth (no dimensions provided from property line) for a required landscaped planter along the Airport Boulevard frontage of an existing agricultural processing facility located at the above referenced address. If you would like to meet to discuss any of the below comments, please call me to schedule a meeting.

On October 29, 2014, Minor Modification 2014-016 was approved by the Community and Economic Development Department. The Minor Modification approved a 20-foot landscaped planter along the Airport Boulevard frontage. On October 2, 2017, Grading Permit GP17-0008 was issued by the City of Salinas. One of the conditions of GP17-0008 from the Development Engineering Section of the Public Works Department dated September 29, 2017, required a landscape and irrigation plan to be submitted to Planning for review and approval within 30-days of issuance of the Grading Permit (November 1, 2017). Per City records, a landscape and irrigation plan was not submitted to Planning for review. Building Permit B17-0495 was issued on January 5, 2018, to remove and replace existing light poles foundation, with the removed light poles to be saved for reinstallation. Planning approved B17-0495 with a condition that a subsequent separate building permit be submitted for landscaping and irrigation.

The application has been reviewed for completeness pursuant to California Government Code Section 65943. Based on our review, the application has been determined to be incomplete as of the date of this letter. The following issues need to be addressed prior to consideration of the Variance:

1. **VARIANCE FINDINGS.** In order to approve a Variance, all of the following findings stated in Zoning Code Section 37-60.620, which is included with attached Division 9 of the Zoning Code, shall be established. Please provide a written justification for the proposed Variance from the minimum required Zoning Code requirements for this project

that addresses each of the required findings stated in Zoning Code Section 37-60.620 (see attached Zoning Code Division 9).

Response: _____

2. PROPERTY LINE. Show and label the property line along Airport Boulevard on the revised plans and the proposed depth of the landscaped planter.

Response: _____

3. LANDSCAPING. On Sheet L1.0, the planting area for the "California Fuschia" needs to be expanded to include the entire fenced in area along the Airport Boulevard frontage (property line to fence).

Response: _____

4. FENCE DETAIL. The plans need to show details of the proposed six-foot high chain-link fence located between the parking lot and the property line along the Airport Boulevard frontage. The fence needs to be shown as painted black, with black vinyl slats.

Response: _____

5. TREE STAKING. The revised plans need to show that the proposed trees are double staked per Zoning Code Section 37-50.700(d). The Planter Box details need to be provided on the revised plans.

Response: _____

6. REVISED PLANS. Submit four sets of folded 24" x 36" revised plans, a copy of this letter with responses, one set of reduced 8 ½" x 11" plans, and electronic copies of the reduced plans (.jpg or .pdf format) for review by the Community Development Department. Please send electronic copies of the reduced plans to "thomaswi@ci.salinas.ca.us".

Response: _____

Revised plans submitted in response to the above comments will be subject to the zoning regulations in effect at the time when revised plans are submitted. If the Community Development Department does not receive revised plans within 180 days from the date of this letter, the application for a Variance will be considered withdrawn and there will be no refund of fees.

If there are any questions or additional information is requested, please call me at (831) 758-7206. I look forward to resolving these issues so that you can proceed with the proposed Variance.

Sincerely,



Thomas Wiles
Senior Planner

Attachment: Zoning Code Division 9 (Variances)

cc: V 2018-002 file, Oaktree Property Company, Property Owner

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Division 9. - Variances.

Sec. 37-60.570. - Purpose.

- (a) The purpose of this division is to establish procedures for the approval, conditional approval, or disapproval of administrative and non-administrative variance applications;
- (b) To achieve flexibility in application of land use and development regulations necessary to achieve the purposes of the Zoning Code; and
- (c) To provide a process for resolving 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. **Figure 37-60.50** illustrates the variance process.

(Ord. No. 2463 (NCS).)

Sec. 37-60.580. - Application.

An application for a variance (administrative or non-administrative) shall be initiated by submitting an application to community planning and development in accordance with *Division 2: Application Procedures* of this article.

(Ord. No. 2463 (NCS).)

Sec. 37-60.590. - Authority.

The city planner and the planning commission shall have authority to grant administrative and non-administrative variances as provided in this division.

(Ord. No. 2463 (NCS).)

Sec. 37-60.600. - City planner duties.

- (a) **Administrative Variances.** The city planner shall have the authority to administratively grant variances without a public hearing in accordance with the requirement of Section 37-60.605: Administrative variances subject to the following requirements:
 - (1)

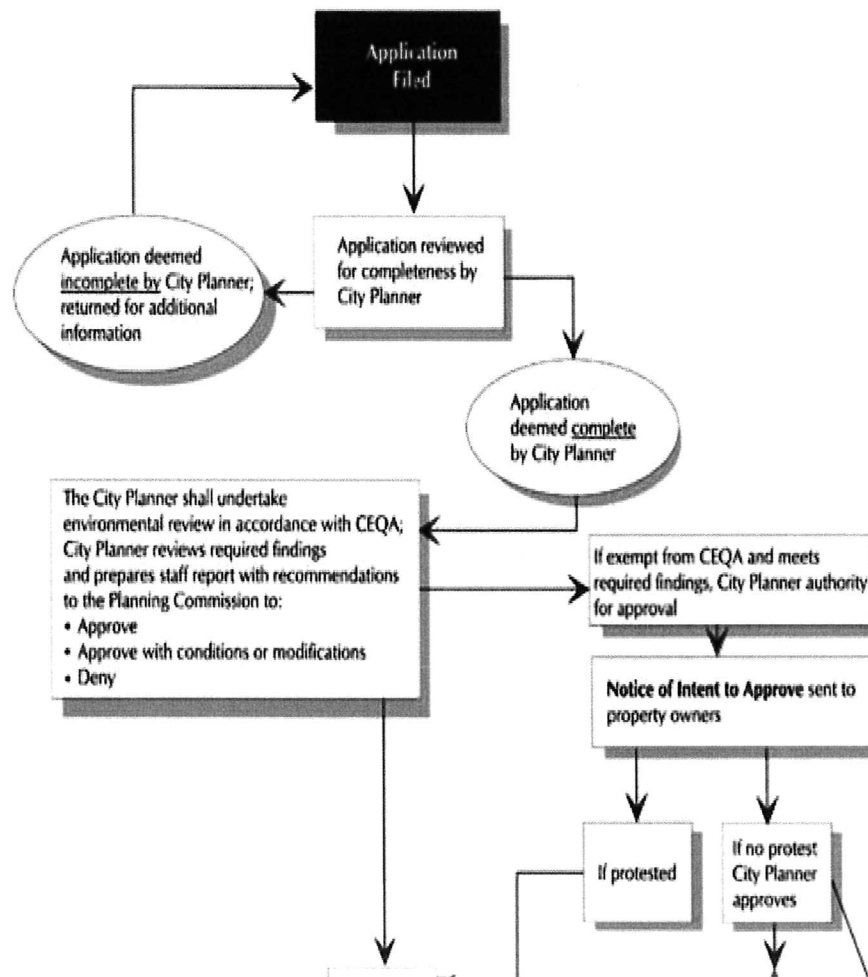
In addition to those findings required by Section 37-60.620: Required findings of this division, the city planner determines in written findings that the proposed use or structure is statutorily or categorically exempt from the California Environmental Quality Act; and

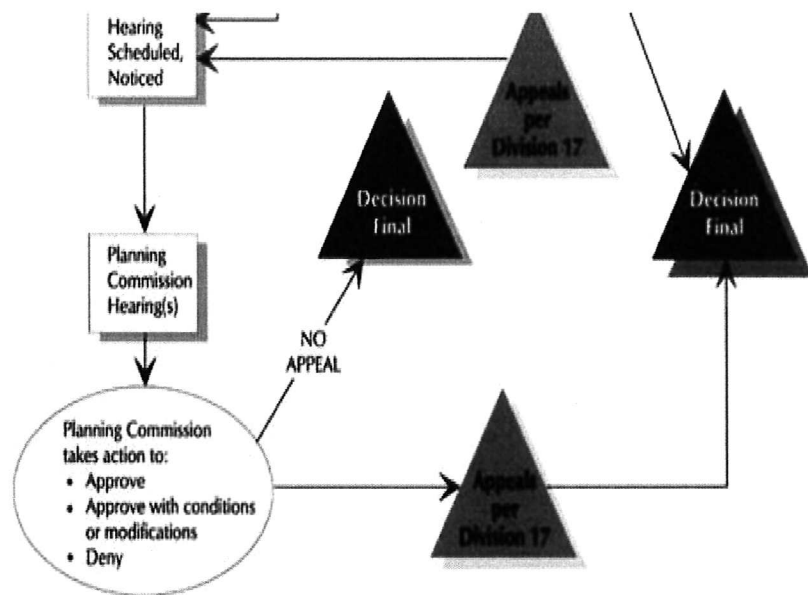
- (2) No protest of the city planner's decision is received prior to or on the date intended for approval as indicated in Section 37-60.605(b) of this division.

(b) **Non-administrative Variances.** The city planner shall not have the authority to grant non-administrative variances in accordance with Section 37-60.607: Non-administrative variances; however, the city planner shall:

- (1) Set the time, date, and location of the planning commission hearing.
- (2) Undertake environmental review in regard to the proposal, and, upon completion of such review, transmit the application, together with a staff report containing a recommendation to the planning commission.

(Ord. No. 2463 (NCS).)





**Figure 37-60.50
Process for Variances**

Sec. 37-60.605. - Administrative variances.

- (a) **City Planner Review of Administrative Variances.** The city planner shall have the authority to administratively grant a variance without a public hearing based on their review of the application, plans, materials, and use if the proposed project meets the following requirements:
- (1) In addition to those findings required by Section 37-60.620: Required findings of this division, the city planner determines in written findings that the proposed uses or structure is statutorily or categorically exempt from the California Environmental Quality Act; and
 - (2) No protest of the city planner's decision is received prior to or on the date intended for approval as indicated in Section 37-60.605(b) of this division.
- (b) **Notice of Intent to Approve.** Following acceptance of a completed application and the city planner's determination to approve the application without a public hearing, notice shall be mailed or delivered by the city planner to all owners of real property as shown on the latest equalized assessment roll (or other reliable method as approved by the city council) within three hundred feet of the subject property at least ten days prior to the city planner's intended date of approval of the variance.

- (c) **Decision.** Following the conclusion of the ten-day notice period and if no protest is received, the city planner shall approve or approve with conditions or modifications, the application for a variance and shall make written findings supporting the reason for the decision in accordance with Section 37-60.620: Required findings . The city planner's decision shall be subject to a ten-day appeal period in accordance with Division 17: Appeals. The city planner shall have the discretion to refer any decision on an application for a variance to the planning commission if the city planner determines that a public hearing would better serve the public's interest or if the application raises substantial land use issues.
- (d) **Effective Date.** The effective date of the variance shall be in accordance with Section 37-60.630: Effective date—Appeals of this division .

(Ord. No. 2463 (NCS).)

Sec. 37-60.607. - Non-administrative variances.

Non-administrative variances are subject to the review and approval of the planning commission in accordance with Section 37-60.610: Planning commission duties . Non-administrative variances typically apply to development review proposals that the city planner has determined are not statutorily or categorically exempt from the California Environmental Quality Act (CEQA) and/or may involve substantial land use issues that warrant a public hearing. The city planner is not authorized to grant non-administrative variances.

(Ord. No. 2463 (NCS).)

Sec. 37-60.610. - Planning commission duties.

- (a) **Planning Commission Authority.** The planning commission shall approve, conditionally approve, or deny applications for non-administrative variances subject to the general purposes of this Zoning Code, the specific purposes of the base or overlay zoning district in which the development site is located, and the provisions of this division, unless authority for a decision on a variance is specifically assigned to the city planner in accordance with Section 37-60.600: City planner duties of this division.
- (b) **Public Hearing Required.** Following acceptance of an application, the planning commission shall conduct a public hearing for consideration of the application.
- (c) **Notice.** Notice of a hearing shall be given in accordance with Division 7: Public Hearing Notice of this article.

- (d) **Public Hearing.** The planning commission shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued without additional public notice.
- (e) **Decision.** Following the conclusion of a public hearing, the planning commission shall approve, approve with conditions or modifications, or deny the application for a variance and shall make written findings supporting the reason for the decision in accordance with Section 37-60.620: Required findings of this division.

(Ord. No. 2463 (NCS).)

Sec. 37-60.620. - Required findings.

The city planner or planning commission, as applicable, shall approve an application for a variance as it was applied for or in modified form if, on the basis of the application and testimony submitted, all of the following findings can be made:

- (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;
- (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;
- (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;
- (d) That any variance shall not be granted which authorizes a use or activity which is not otherwise expressly authorized within the zoning district;
- (e) That the hardship peculiar to the property was not created by any act of the current owner; and
- (f) That personal, family, or financial difficulties and loss of prospective profits are not hardships or reasons justifying a variance.

(Ord. No. 2463 (NCS).)

Sec. 37-60.630. - Effective date—Appeals.

A variance which has been signed by the permittee(s), returned to the city planner within ninety days from the date of approval by the city planner or planning commission, and filed for recordation with the Monterey County recorder's office, shall become effective at the end of the appeal period unless appealed in accordance with Division 17: Appeals of this article.

(Ord. No. 2463 (NCS).)

Sec. 37-60.640. - Expiration—Transferability—Recordation—Rescission—Revocation.

- (a) **Expiration of Approval.** A variance shall expire one year after its effective date, or at an alternative time as specified in the approval, unless any one of the following occurs first:
 - (1) A building permit has been issued and construction diligently pursued;
 - (2) A certificate of occupancy has been issued;
 - (3) The use is established;
 - (4) The city planner determines that other substantial action has been commenced to carry out the terms and intent of the variance; or
 - (5) The project is one hundred percent very-low or low income or otherwise qualifying pursuant to Civil Code Section 51.3.
- (b) **Transferability.** A variance shall not be affected by changes in ownership.
- (c) **Recordation.** The city planner shall file a variance for recordation with the Monterey County recorder's office.
- (d) **Rescission.** The city planner may rescind a variance in accordance with Section 37-60.1340: Rescission of permits .
- (e) **Revocation.** A revocation of a variance shall be in accordance with Section 37-60.1330: Revocation of permits .

(Ord. No. 2463 (NCS).)

Sec. 37-60.650. - Modified plans.

A request for a modification of an approved variance shall be subject to the requirements of Division 16: Modification of Approved Plans of this article.

(Ord. No. 2463 (NCS).)

Sec. 37-60.660. - Other required licensing or permits.

The issuance of a variance shall not relieve the permittee of any requirement to obtain other permits or licensing from the city, or any county, regional, state, or federal agencies.

(Ord. No. 2463 (NCS).)