

**SALINAS PLANNING COMMISSION  
RESOLUTION NO. 2019-\_\_\_\_**

Resolution Approving Conditional Use Permit 2018-026 to authorize MAF uses with a 43-space (45%) parking reduction, and approving Variance 2018-003 to vary fence height from the maximum three feet to six feet for a proposed wrought iron fence located within the front and corner side yards located in the MAF – FG-2 (Mixed Arterial Frontage – North Main Street/Soledad Street Focused Growth Overlay) Zoning District at 1 and 3 Bridge Street (CUP 2018-026 and V 2018-003)

**WHEREAS**, on July 17, 2019, the Salinas Planning Commission, at the request of the Applicant, Sal Jimenez, held a duly noticed public hearing to consider Conditional Use Permit 2018-026 to authorize MAF uses with a 43-space (45%) parking reduction, and approving Variance 2018-003 to vary fence height from the maximum three feet to six feet within the front and corner side yards located at 1 and 3 Bridge Street (Assessor's Parcel Number 002-181-001-000); and

**WHEREAS**, Conditional Use Permit 2018-026 and Variance 2018-003 were originally scheduled for consideration by the Salinas Planning Commission on June 19, 2019, but were continued to July 3, 2019 and then to July 17, 2019; and

**WHEREAS**, the Planning Commission weighed the evidence presented at the July 17, 2019 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 Categorically Exempt from the California Environmental Quality Act (CEQA) and approves Conditional Use Permit 2018-026 and Variance 2018-003; 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 Class 32 Categorical Exemption pursuant to Section 15332 of the California Environmental Quality Act (CEQA) Guidelines;***

The proposed projects are categorically exempt from further environmental analysis per CEQA Guidelines Section 15332 (In-Fill Development Projects).

Conditional Use Permit 2018-026:

1. ***The proposed location of the use is 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 project

is consistent with General Plan Goals and Policies. As the project includes the establishment of uses in three existing buildings, the project would help maintain a compact City form, consistent with Land Use Policy LU-2.4.

Per the official Zoning Map, the site is located in the Mixed Arterial Frontage – North Main Street/Soledad Street Focused Growth Overlay (MAF - FG-2) District. Per Section 37-30.230, the purpose of the MAF - FG-2 District is to provide a combination of mixed use, commercial, and small-scale non-nuisance industry along certain areas of North Main Street and Soledad Street, and other arterials that have highly mixed land use patterns of existing development.

Per Section 37-30.240, Table 37-30.110 Warehousing and Storage, Limited use and Major or Minor Vehicle Repair are subject to consideration of a Conditional Use Permit. Since the subject site is governed by CUP 1984-009 and CUP 1985-002 an amendment is required to establish and operate the Minor or Major Vehicle Repair uses in Buildings Two and Three and for the continued operation of the Warehousing and Storage, Limited use.

The project proposes 43 existing off-street parking spaces (including 2 accessible stalls), loading space (adjacent to Building Three), and 9 existing on-street parking spaces for a total of 52 spaces. Section 37-30.280(q)(3) states that existing on-street parking along the length of the MAF zoned lot shall be counted towards the required parking of adjacent buildings on the street abutting the uses. The number of provided spaces does not meet the minimum Zoning Code requirements and requires a 43-space (45%) parking reduction.

Per Section 37-50.370(a)(1), support for a parking reduction can be established due to the exceptional size of the building on the site. A total of 56,922 square feet of floor area on the 1.73-acre site results in a Floor Area Ratio of .755 ( $56,922/75,358.8=.755$ ). The remainder of the lot is allocated to parking, vehicular circulation, and landscaping. Due to the large existing building, there is insufficient space to provide additional parking to meet the zoning code requirements. Further in support of Section 37-50.370(a)(1), existing Vehicle Repair uses exist within the same MAF – FG-2 Zoning (JM Automotive Repair located 132 Market Way #C and Colima Muffler Shop located at 136 Market Way).

Additionally, the Applicant has provided survey and data in support of a parking reduction finding for Section 37-50.370(a)(4), which consists of a field observation that identified the following: minimal parking on Bridge Street, 1-2 employees per 5 tenant spaces observed operating from 8:00 a.m. to 5:00 p.m., and those 5 tenants using their own on-site parking spaces.

2. ***The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained are consistent with the Salinas General Plan and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or the general welfare of the City of Salinas; and***

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 project is consistent with General Plan Goals and Policies. As the project includes the establishment of uses in three existing buildings, the project would help maintain a compact City form, consistent with Land Use Policy LU-2.4. The proposed location of the uses will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood or general welfare of the city as it will be the continuation of an existing Warehousing and Storage, Limited use and the establishment on Vehicle Repair uses which already exist in the the vicinity and same Zoning District. Furthermore, the proposed Variance for the increase in maximum fence height from three to six feet on the front and corner side yard will provide further security for the subject site, prevent future loiterers and trespassers, and prevent future property damage to the site.

3. ***The proposed conditional use will comply with the provisions of the Salinas Zoning Code, including any specific conditions required for the proposed use.***

Conditions have been recommended for this permit to ensure that, when Implemented; the project will conform and comply with the provisions of the Salinas Zoning Code.

Variance 2018-003:

1. ***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 Applicant is requesting a Variance from the requirement of a maximum three-foot high fence within the front and corner side yards in a Mixed Use District per Zoning Code Section 37-50.090(d)(2)(A). 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 existing developed site, including the parking lot and vehicular circulation, prevent placement of the proposed 6 foot high fence in a code compliant location along East Lake Street and Bridge Street, which deprives the subject site of the privileges enjoyed by other properties. Other properties adjacent to and within the vicinity enjoy the privileges of having existing six-foot-high fences along the front and/or corner side yard setbacks, which include the adjacent properties of 2, 4, and 6 Bridge Street and 8 Soledad Street within proximity to the site.

2. ***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 commercial and residential uses. The proposed Variance will not be detrimental or injurious to property or improvements in the vicinity of the development site or to public health, safety, or general welfare as it will provide further security for the subject site, reduce loiterers and trespassers, and reduce property damage to the site.

3. ***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 the Variance will be consistent with the purposes of the Zoning Code and will not constitute a grant of special privilege. The Variance will allow the property owner to vary from the requirement of a maximum three-foot high fence to a six-foot-high fence within the front and corner side yards in a Mixed Use District, which other properties adjacent to and within the vicinity enjoy having the privilege of existing six-foot-high fences along the front and/or corner side yard setback.

4. ***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 modifies fence height and does not create uses or activities that are not authorized in the Mixed Use – North Main Street/Soledad Street Focused Growth Overlay (MAF – FG-2) Zoning District.

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

The proposed Variance to vary from the requirement of a maximum three-foot high fence to a six-foot-high fence in the front and corner side yards in a Mixed Use District is the result of the existing developed site including the parking lot and vehicular circulation preventing placement of the proposed fence setback more than the one-foot along East Lake Street and one and a half-foot along Bridge Street, which is not by any act of the current owner.

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

Personal, family, or financial difficulties and loss of prospective profits were not considered in the Variance from the maximum fence height of three feet to six feet within the front and corner side yards.

**PASSED AND ADOPTED** this 17th day of July 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 July 17, 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