

When recorded, return to:

CITY OF SALINAS  
Community Development Department  
65 West Alisal Street, Salinas, CA 93901  
Attn: Bobby Latino, Associate Planner

SPACE ABOVE FOR RECORDER'S USE ONLY

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Title of Document

**CONDITIONAL USE PERMIT NO. 2018-006  
and  
VARIANCE NO. 2018-003  
City of Salinas  
Community Development Department**

**WHEREAS**, the Salinas Planning Commission, at a public hearing duly noticed and held on June 19, 2019, found that the proposed location of the uses and structures is in accord with the objectives of the Salinas Zoning Code and the purposes of the zoning district in which the site is located; that the location of the use and structure and the proposed conditions under which it would be operated and maintained will be 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; that the uses and structures will comply with the provisions of the Salinas Zoning Code, including the specific conditions required for the proposed uses and structures; and that this conditional use has been evaluated in accordance with the California Environmental Quality Act, as amended; and that the Salinas Planning Commission has reviewed and considered an exemption from the California Environmental Quality Act; and

**WHEREAS**, the Salinas Planning Commission, at a public hearing duly noticed and held on June 19, 2019, has found, on the basis of the application, plans, materials, and uses, that the proposed Variance conforms to the intent of the Salinas Zoning Code and the Salinas General Plan; that because of special circumstances or conditions applicable to the development site, including shape, size, topography, location, or surroundings, strict application of the requirements of this chapter deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification; 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; that granting the application is consistent with the purposes of the Salinas General Plan and the Zoning Code and will not constitute a grant of special privilege inconsistent with limitation on other properties in the vicinity and in the same

zoning district; that any variance shall not be granted for a parcel which authorizes a use or activity which is not otherwise expressly authorized within the zoning district; that the hardship peculiar to the property was not created by any act of the current owner; that personal, family or financial difficulties and loss of prospective profits are not hardships or reasons justifying a variance; that this project has been evaluated in accordance with the California Environmental Quality Act, as amended; and that the Salinas Planning Commission has reviewed and considered an exemption from the California Environmental Quality Act.

**NOW, THEREFORE**, the Salinas Planning Commission hereby grants and issues Conditional Use Permit No. 2018-026 and Variance No. 2018-003 pursuant to *Article VI, Division 8: Conditional Use Permits*, of Chapter 37 of the Salinas City Code and upon the following terms and conditions and not otherwise, to wit:

**ISSUED TO PROPERTY OWNER:** Salvador Jimenez

**FOR USE:** Authorize uses allowed by the MAF District with a 43-space (45%) parking reduction, and a Variance to vary fence height from the maximum three feet to six feet within front and corner side yards.

**ON PROPERTY LOCATED AT:** 1 and 3 Bridge Street

**ASSESSOR'S PARCEL NO.:** 002-181-001-000

**ZONING DISTRICT:** MAF – FG-2 (Mixed Arterial Frontage – North Main Street/Soledad Street Focused Growth Overlay)

**ENVIRONMENTAL REVIEW ACTION & DATE:** Exempt from the California Environmental Quality Act (CEQA) under Section 15332 (In-Fill Development Projects) on July 17, 2019.

**EXPIRATION DATE:** None, once properly established, unless the subject uses cease operation for a continuous period of six (6) months or more, this Conditional Use Permit shall become null and void.

#### **RIGHT TO OPERATE/DEVELOP**

1. The Permittee shall have the right to establish and operate uses listed in the underlying zoning district as Permitted, Site Plan Review, or Conditional Use Permit within 20,560 square foot Building Two, 2,290 square foot Building Three and the continued operation of a Warehousing and Storage Limited use within the 34, 648 square foot Building One with a 43-space (45%) parking reduction, including a Variance to vary fence height from the maximum three feet to six feet in the front and corner side yards, on the

above-described property in accordance with the following exhibits incorporated herein by reference and made a part of this Permit:

**Exhibit "A" Vicinity Map**

**Exhibit "B" Title Sheet (Sheet A-0)**

**Exhibit "C" Site Plan (Sheet A-1)**

**Exhibit "D" Site Details (Sheet A-1.1)**

**Exhibit "E" First Floor Plan for Buildings One, Two, and Three (Sheet A-2)**

**Exhibit "F" Second Floor Plan of Building One (Sheet A-3)**

**Exhibit "G" Existing Building Elevation Photos (Sheet A-4)**

**Exhibit "H" Engineer's Report, dated February 8, 2019**

**Exhibit "I" Survey and Data for Parking Reduction**

### **LIMITATIONS ON USE**

2. Buildings Two and Three shall be limited to uses that are listed in the underlying zoning district as Permitted, Site Plan Review, or Conditional Use Permit. Building One shall be restricted to a Warehousing and Storage Limited use.
3. All storage shall be kept within an enclosed building. No outdoor storage, display, or sale of merchandise of any kind will be permitted.
4. One on-site dwelling unit shall be permitted for exclusive use as a manager's quarters for the Warehousing and Storage Limited use.
5. Office, animal-related uses and animal storage, manufacturing, assembly of goods, and retail or wholesale distribution of any item stored within the Warehousing and Storage Limited facility shall be prohibited
6. The repair, construction, or reconstruction of any boat, engine, motor vehicle, furniture, appliance, machinery and the storage of any propane or gasoline storage tank is prohibited within any structure designated for Warehousing and Storage Limited.
7. The City Planner may conduct a review of this Conditional Use Permit and/or Variance after inauguration, and may require modifications, if appropriate. The City Planner may also schedule a review by the Salinas Planning Commission, at a public hearing, if considered necessary. In the event that a public hearing is necessary, the Permittee shall reimburse the City of Salinas for all costs and expenses required to prepare for and conduct said hearing.
8. If the uses authorized by this Conditional Use Permit cease operation for a continuous period of six (6) months or more, this Conditional Use Permit

shall become null and void.

## **ENGINEERING REQUIREMENTS**

9. The development shall conform to all National Pollutant Discharge Elimination System (NPDES) and Low Impact Development (LID) requirements and standards in effect and required by the City Engineer when building permits are issued. The gate along East Lake Street shall be set 20-feet behind the right-of-way; at this location, the right-of-way is located 12-feet behind the curb face. Add signage to the Bridge Street gate prohibiting entrance. Placement of the fence will inhibit access to the landscape parklet; applicant shall be responsible for irrigation and maintenance of landscaping at park let (See Exhibit "H" Engineer's Report).

## **FIRE PROTECTION REQUIREMENTS**

10. All applicable requirements of the Salinas Fire Department and Titles 19, 24 and 25 of the California Administrative Code must be met and may include, but not be limited to, provisions for fire alarm systems, fire extinguishers, sprinkler systems, emergency vehicle access and installation of fire hydrants.
11. If required, all fire sprinkler apparatus shall be incorporated into the overall site plan and building design. Such apparatus shall be located within building interiors, garages, stairwells, utility areas, trash areas and/or other areas substantially out of the public view. Fire Department connection pipes shall be painted to match the adjacent building.

## **PARKING REQUIREMENTS**

12. The parking lot shall be closed off during non-business hours with a "post-and-chain" fence across the driveway entrances.
13. A minimum of 43 existing off-street parking spaces (including 2 accessible stalls), loading space (adjacent to Building Three), and 9 existing on-street parking spaces shall be provided in accordance with *Article V, Division 2: Parking, Loading, and Outdoor Lighting*. Bicycle parking (rack) shall be provided in accordance with Zoning Code Section 37-50.400. This Conditional Use Permit authorizes a 43-space 45 percent parking reduction as per Zoning Code Section 37-50.370(a)(1) because the parking and loading requirements for the existing building due to the exceptional size of the site is burdensome to the point where they prevent a reasonable range of uses similar to other properties in the same zoning district; and per Section 37-50.370(a)(4) because survey or other data exists which supports a reduction in parking spaces for uses which, by their nature, are not likely to be converted to another use with greater parking demand (see attached

Exhibit "I" Survey and Data for Parking Reduction).

14. All off-street parking and loading areas shall be graded, paved, drained, landscaped, striped, and maintained in accordance with *Article V, Division 2: Parking, Loading, and Outdoor Lighting* of the Salinas City Code.

## **SIGNS**

15. A Master Sign Plan issued in accordance with *Article V, Division 3: Signs* of the Salinas City Code, shall be required for all signs.
16. A Sign Permit issued in accordance with *Article V, Division 3: Signs* of the Salinas City Code, shall be required for all signs.
17. No canvas signs, banners, pennants, flags, streamers, balloons or other temporary or wind signs; no mobile, A-frame, or portable signs; no roof or canopy signs extending above a building roof; no signs that resemble any official marker erected by the city, state or any governmental agency, or that by reason of position, shape, color or illumination would conflict with the proper functioning of any traffic sign or signal or would be a hazard to vehicular or pedestrian traffic; no signs which produce odor, sound, smoke, fire or other such emissions; and no animated, flashing, moving or rotating signs shall be permitted unless permitted in accordance with *Article 5, Division 3: Signs* of the Salinas Zoning Code, as may be amended from time to time.

## **OUTDOOR LIGHTING**

18. Exterior lighting may be installed in accordance with Zoning Code Section 37-50.480 under the following limitations:
  - a. No floodlighting will be allowed on any structure.
  - b. Parking lot lighting shall be shielded to confine light spread to within the site boundaries and shall not exceed 25 feet in height
  - c. Prior to the issuance of a Building Permit, the applicant shall submit a detailed lighting plan for review and approval by the Community Development Department.

## **LANDSCAPING**

19. On-site landscaping shall comply with the requirements of *Article V, Division 4* of the Salinas Zoning Code, including, but not limited to, standards, drought resistant plants and turf, irrigation, parking lot landscaping and installation and maintenance. Prior to the issuance of a Building Permit, the applicant shall submit detailed final landscape and irrigation plans for review and approval by the Community Development Department. The landscape

and irrigation plans shall include the following:

- a. Landscape plans shall show the location, type, size, and names of all plant materials and ground covers.
- b. Irrigation plans shall show size and location of irrigation pipe, heads, bibs, and backflow devices.
- c. Vines shall be planted along the exterior screen walls to discourage graffiti and to soften the impact of the walls facing public right-of-ways.
- d. Shrubs located within an Area of Unrestricted Visibility shall be maintained and trimmed to three feet in height within the fifteen-foot visibility triangles at the driveways.
- e. All landscape islands within the parking area shall include a minimum of one 15-gallon tree.
- f. Trees shall be double staked.
- g. Planters adjacent to the buildings shall be landscaped with shrubs of a minimum of 5-gallon size, 1-gallon containers for mass planting, and groundcover.
- h. Exposed soil shall be landscaped with drought resistant groundcover that will propagate and take root quickly. A minimum two-inch layer of mulch shall be applied except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
- i. Turf shall be limited to 25% of the total landscaping area. No turf shall be permitted in areas with a dimension of less than eight (8) feet, or on slopes exceeding ten percent.
- j. To soften the appearance of the fence and protect it from vehicular damage, a six-inch high curb and two and half-foot wide landscape planter shall be provided in front of parking stalls facing the fence along Bridge Street and the Cal Trans Right-of-Way.

## **RECYCLING AND SOLID WASTE DISPOSAL AREA**

- 20. A recycling and solid waste enclosure shall be provided with capacity adequate to achieve 50 percent recycling of the total recyclable wastes generated onsite. Instructional signs shall be provided for use of recycling

bins and containers. The enclosure shall be constructed with a six-foot high solid masonry walls and screened from public view with a minimum two-foot wide perimeter planter. Colors and materials of the enclosure shall match those of the primary structures (example: exterior plaster - stucco). Doors of the enclosure shall be constructed of a solid material and colored to match the buildings (chain-link fencing with slats is not allowed). The enclosure shall be designed to allow walk-in access without having to open the main enclosure gate.

## **MAINTENANCE**

21. All parking areas, driveways, other paved surfaces, accessways and grounds shall be regularly maintained and kept free of weeds, litter, and debris. All traffic signs and pavement markings shall be clear and legible at all times. All landscaped areas shall be maintained free of weeds, trash, and debris, and all plant material shall be continuously maintained in a healthy, growing condition. All exterior building and wall surfaces shall be regularly maintained, and any damage caused by weathering, vandalism, or other factors shall be repaired in conformance with the terms and conditions of this Permit.

## **PUBLIC IMPROVEMENTS**

22. All existing damaged and hazardous sidewalks, and unused driveways shall be reconstructed to City standards prior to issuance of a Certificate of Occupancy.
23. Public improvements to serve the development shall be reviewed and approved by the City Engineer and shall be installed in accordance with City standards. All utilities shall be installed underground with details to be included on the final improvement plans.

## **UTILITIES/EQUIPMENT SCREENING**

24. All new utility lines shall be placed underground and all new power transformers shall be placed underground where permitted by the utility company. Where transformers must be pad-mounted above ground, they shall be located away from the general public view or shall be effectively concealed by landscaping or a screen fence of a design approved by the utility company and the City Planner.
25. All new mechanical equipment and appurtenances (i.e. gas, water meters, electrical boxes, HVAC systems, refrigeration equipment, etc.), building or ground mounted, shall be screened from public view and adjacent properties. Roof vents shall be painted to blend with roof materials. Details shall be shown on the final construction and/or land plans and are subject

to the approval of the City Planner.

26. The Applicant, or successor-in-interest shall eradicate graffiti painted or marked on the facility within seventy-two (72) hours of occurrence pursuant to Municipal Code Section 5-03.19(a)(4).

#### **PERMIT NOT TO SUPERSEDE OTHER REQUIRED LICENSING OR PERMITS**

27. The issuance of this Permit shall not relieve the Permittee of any requirement to obtain permits or licensing from any county, regional, state or federal agencies. City Business Licenses shall be obtained prior to commencement of uses.
28. This Permit may be subject to water and sanitary sewer allocations. The Permittee will proceed at their own risk as water and sanitary sewer allocation may not be available at the time requested.

#### **CANCELLATION OF PREVIOUS PERMIT**

29. Upon execution of this Permit, Conditional Use Permit No. 1984-009 and Conditional Use Permit No. 1985-022 shall be rescinded and become null and void.

#### **MODIFICATION OF APPROVED USE AND PLANS**

30. Any modification to the terms and conditions of this Permit are subject to the issuance of a new Permit. The City Planner may approve minor modifications to this Permit if the City Planner finds the modification to be in substantial compliance with the original approval.

#### **VIOLATION; REVOCATION**

31. Use of the property shall be conducted in such a way that it does not constitute a nuisance to the use and enjoyment of surrounding properties or the City. Any permittee, person, firm, corporation, whether as principal, agent, employee or otherwise, violating, causing or maintaining the violation of any of the provision of this Permit shall be guilty of a misdemeanor or an infraction, as charged. Alternatively, any violation of this Permit may be prosecuted administratively pursuant to the City's Administrative Remedies Ordinance and/or other applicable laws, regulations or codes. Upon determination by the City Planner that there are reasonable grounds for revocation of this Permit, a revocation hearing shall be set to be heard before the Salinas Planning Commission in accordance with *Article VI, Division 18: Enforcement and Penalties* of the Salinas Zoning Code or such codes as may be subsequently adopted.



## SUBSTANTIAL ACTION TIME LIMIT

32. This Permit shall expire one year after its effective date unless:
- a. A building permit has been issued and construction diligently pursued;
  - b. A certificate of occupancy has been issued;
  - c. The use is established in conformance with the provisions of the Zoning Code; or
  - d. The City Planner determines that substantial action has commenced to carry out the terms and intent of the Conditional Use Permit.

## PERMIT VALIDATION

33. Pursuant to Zoning Code Section 37-60.530, this Permit shall be null and void and all terms and conditions shall have no force or effect unless this Permit is signed by the Permittee(s) and returned to City of Salinas Community Development Department within 90 days of approval. ***It is the applicant's responsibility to track the 90-day expiration date. No notice will be sent.***

## STANDARD CONDITIONS

34. Pursuant to **Salinas City Code Section 1-8.1: Civil action enforcement**, and **Section 1-8.2: Liability for costs**, permittee shall reimburse the City of Salinas for all costs and expenses (including but not limited to fees and charges of architects, engineers, attorneys, and other professionals, and court costs) incurred by the City in enforcing the provisions of this Permit.
35. The applicant shall defend, indemnify, and hold harmless the City of Salinas or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of this project/use. The City shall promptly notify the applicant of any such claim, action, or proceeding. The City shall cooperate in the defense. Nothing contained in this condition shall prohibit the City from participation in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.
36. Notwithstanding any of the provisions in this permit, all improvements and uses shall comply with all other ordinances and regulations of the City of Salinas and all local, state and federal laws and regulations.
37. No further development other than that shown on this permit or attached exhibits shall be allowed unless or until an amendment to this permit has

been approved. Requests for a minor modification of an approved permit may be granted by the City Planner provided the modification is substantially in compliance with the original approval and conditions.

## **NOTICE OF CHALLENGE LIMITATIONS**

38. Code of Civil Procedure Section 1094.6 requires all Court challenges to the decision to grant this Permit be initiated within 90 days of the final decision of the City in this matter.

## **EXECUTIONS**

**THIS CONDITIONAL USE PERMIT AND VARIANCE** *was approved by action of the Salinas Planning Commission on July 17, 2019, and shall become effective on the following date unless appealed to the City Council of the City of Salinas in accordance with Article VI, Division 17: Appeals:*

Effective Date: July 29, 2019

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Courtney Grossman  
Planning Manager, City of Salinas

(Signatures Listed Below on Page 11 Must Be Notarized)

**THIS CONDITIONAL USE PERMIT AND VARIANCE** is hereby accepted upon the express terms and conditions hereof, and the undersigned Permittee agrees to strictly conform to and comply with each and all of this Permit's terms and conditions.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Salvador Jimenez  
Permittee / Property Owner

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| A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document. |
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STATE OF CALIFORNIA  
COUNTY OF MONTEREY

On \_\_\_\_\_ 201\_\_, before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

\\SalSvr44\DeptPvt\ComDev\robert\Documents\CUPs\CUP 2018-026 (1 & 3 Bridge St.)\PC\CUP 2018-026 and V 2018-003 (1 & 3 Bridge St.).docx