

SALINAS PLANNING COMMISSION

Staff Report

City of Salinas

Community Development
Department

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Planning Manager Approval

Agenda Item

DATE: July 17, 2019

TO: Planning Commission

FROM: Courtney Grossman, Planning Manager

BY: Bobby Latino, Associate Planner

SUBJECT: CONDITIONAL USE PERMIT 2018-026; REQUEST TO AUTHORIZE MAF USES WITH A 43-SPACE (45%) PARKING REDUCTION AND VARIANCE 2018-003 TO INCREASE FENCE HEIGHT LOCATED AT 1 AND 3 BRIDGE STREET IN THE MAF – FG-2 (MIXED ARTERIAL FRONTAGE – NORTH MAIN STREET/SOLEDAD STREET FOCUSED GROWTH OVERLAY) ZONING DISTRICT

RECOMMENDATION

Staff recommends that the Planning Commission affirm the findings and adopt the attached Resolution finding the Conditional Use Permit and the Variance exempt from the California Environmental Quality Act (CEQA), 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 in 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.

BACKGROUND

Sal Jimenez, Applicant/Property Owner, is requesting approval of the following:

- 1) Amendment to CUP's 1984-009 and 1985-022 to authorize uses that are listed in the underlying MAF zoning district as

Permitted, Site Plan Review, or Conditional Use Permit in Buildings Two and Three and the continued operation of a Warehousing and Storage Limited use in Building One with a 43-space (45%) parking reduction; and

2) Variance for fence height.

The CUP application is submitted in response to a code violation for unauthorized land uses consisting of Minor and Major Vehicle Repair, which are currently not allowed by the existing land use entitlements: CUP 1984-009 and CUP 1985-022. The Variance is a request by the Applicant to install a fence along the property line to secure the property. The existing fence was authorized by Temporary Use of Land Permit 2018-171 for a temporary wrought-iron fence, which was approved on November 30, 2018 and expired on May 31, 2019.

Property Characteristics

The property is developed with three buildings and is located in the MAF (Mixed Arterial Frontage) base Zoning District and FG-2 (North Main Street/Soledad Street Focused Growth Overlay) overlay Zoning District. Per the site plan attached as Exhibit C to the draft CUP, the property is developed as follows:

Building One: 34,684 square feet warehousing and storage limited use;
Building Two: 20,262 square feet of speculative use; and
Building Three: 1,976 square foot of speculative use.

The project site consists of 1.73 acres with access from Bridge Street and access from a Cal-Trans right-of-way from East Lake Street. Other vehicle repair uses are located nearby in the same Zoning District (southeast of the site) and across North Main Street located within an Industrial Complex to the west of the subject site. The following provides an overview of the land uses and zoning districts adjacent to the project site:

North:	Mixed Use Building / MX – FG-2 (Mixed Use – North Main Street/Soledad Street Focused Growth Overlay)
South:	Union Pacific Railroad
East:	Vacant building and Vacant Land / MAF – FG-2 (Mixed Arterial Frontage – North Main Street/Soledad Street Focused Growth Overlay)
West:	Industrial Complex / IGC (Industrial – General Commercial)

Land Use Entitlements

The property is encumbered by three land use entitlements dating back to 1984. The following describes the existing regulatory environment:

Conditional Use Permit (CUP) 1984-009

CUP 1984-009 was approved by the Chief of Planning on April 27, 1984 and authorized operation of an interior mini-warehouse within an 11,900 square foot portion of a 32,000 square foot warehouse and to allow the redevelopment of a commercial/manufacturing warehouse facility for speculative uses. Mini-warehouse was conditionally allowed in the M-G Zoning District during the time of the processing of CUP 1984-009. Condition No. 3 states: "All uses within the speculative warehouse portion of this building shall be limited to those uses listed as principally permitted in the "M-G" (General Manufacturing) zoning district. Uses listed as principally permitted in the former M-G (General Manufacturing) zoning district are as follows:

1. Manufacture, processing and packing of food products when major operation takes place in unenclosed structures and where products, materials and equipment are stored in the open.
2. Accessory labor camp housing.
3. Accessory brokerage offices.
4. Produce cooling and freezing plants.
5. Manufacture, repair, sale, lease or storage of farm and general agricultural tools, equipment and vehicles.
6. Wholesaling, storage and warehousing, including brokerage offices.
7. Printing, publishing and bookbinding plants.
8. Railroad freight yards and terminal facilities.
9. Public utility buildings and substations.
10. Other manufacturing, assembly, processing and packaging or other industrial operation determined by the Planning Commission to not be a nuisance.
11. Bulk plants.
12. Farm labor vehicle parking lot.

On December 5, 1985, a Letter of Agreement in the form of a Minor Modification to CUP 1984-009 was approved by the Chief of Planning and authorized conversion of a 2,200 square foot area to allow principally permitted uses in the "CG" (General Commercial) district with a parking demand not greater than 1 space for each 1,000 square feet of floor area. The Minor Modification includes four separate areas each having exterior access onto the adjoining frontage road. Principally permitted uses in the former CG District include the following:

1. Wholesale business, storage, or warehousing.
2. Automobile, truck, trailer, boat and farm implement establishments including major repair.
3. Building material sales yard not including concrete mixing.
4. Public utility buildings, service yards, telephone booths and substations.
5. Contractor's equipment storage yard, or storage and rental of equipment commonly used by contractors.

6. Carpenter, electrical, plumbing, heating or machine shop; printing, publishing, or lithographic shop; cemetery, mausoleum, mortuary, crematorium, or columbarium; furniture upholstery shop, greenhouse or horticultural nursery.
7. New and used automobile sales and automobile service stations.
8. Animal hospitals, veterinary clinics and kennels.
9. Bakery, creamery, soft drink bottling plant; laundry, cleaning and dyeing plant.
10. Truck depots.
11. Any other commercial use or service establishment determined by the Commission to be of the same general character as the above permitted uses.

Conditional Use Permit (CUP) 1985-022

On July 16, 1985, CUP 1985-022 was approved by the Chief of Planning and amended CUP 1984-022. This CUP approved an expansion of the previously approved mini-warehouse portion of the development by adding a vehicular access ramp to the second floor, providing storage under the access ramp, and adding a manager's apartment on the second floor. No use changes were authorized by this CUP. Condition No. 3 of CUP 1985-22 states: "There shall be no expansion of the approved use or the addition of new uses unless and until an amendment to this Use Permit has been approved by the Planning Commission".

ANALYSIS

CUP Amendment

The subject amendment would authorize uses that are listed in the current 2006 MAF – FG-2 zoning district as Permitted, Site Plan Review, or Conditional Use Permit in Buildings Two and Three. Currently, only Minor Utilities are listed as Permitted uses. Per Section 37-30.240, Table 37-30.110 Warehousing and Storage, Limited and Major or Minor Vehicle Repair uses are subject to a Conditional Use Permit.

Off-Street Parking: Reduction

For the determination of required off-street parking spaces, the Applicant has identified vehicle repair uses in Buildings Two and Three (except for two small tenant spaces to be used for storage). Vehicle repair has one of the highest parking demands (1 parking space per 250 square feet of floor area) and would subject the project to a 43-space (45%) parking reduction from the off-street parking requirements. In this case, a 45% Parking Reduction requires Planning Commission consideration through the Conditional Use Permit process. Parking requirements for the project are as follows:

Parking Table

	Use	Area (s.f.)	Ratio	Number of Stalls Required	Number of Stalls Provided
Building One	Warehousing and Storage, Limited	32,472	1 space for resident manager; plus 4 for up to 150 storage units	5 (96 storage units and 1 for resident manager)	
	Warehousing and Storage, Wholesale Distribution	2,212	1:1,000	2	
Building Two	Warehousing and Storage, Wholesale Distribution	311	1:1,000	.3	
	Minor or Major Vehicle Repair	19,951	1:250	79.8	
Building Three	Minor or Major Vehicle Repair	1,976	1:250	7.9	
Total				95	52 (43 off-street and 9 on-street)

Per Zoning Code Section 37-50.370(b), the Planning Commission may approve a Parking Reduction greater than 30% through the Conditional Use Permit process if the Commission finds that any of the conditions listed in Section 37-50.370(a) are established as follows:

1. Parking and loading requirements for an existing building(s), due to the exceptional shape or size of the site or other unusual site conditions, are burdensome to the point where they prevent a reasonable range of uses similar to other properties in the same zoning district;
2. The use or activity is participating in a facilities trip reduction plan in accordance with Section 37-50.330: Vehicle trip reduction;
3. Multiple uses with different peak parking hours are sharing the same parking and loading spaces; or

4. Survey or other data exists which supports a reduction in parking and loading spaces for uses which, by their nature, are not likely to be converted to another use with greater parking requirements.

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.

The project includes 43 existing off-street parking spaces (including 2 accessible stalls), loading space (adjacent to Building Three), and 9 existing on-street parking 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.

Variance: Fence Height

The Applicant is requesting a Variance from the maximum three-foot height requirement located in the front and corner side yard in a Mixed Use District per Zoning Code Section 37-50.090(d)(2)(A).

Per Zoning Code Section 37-50.090(d)(2)(A), the maximum height for a fence located within the front and corner side yards in a Mixed Use District is three feet. The Applicant is requesting an increase in height from three feet to six feet to enhance security of the property from loiterers and prevent property damage by trespassers. Due to existing site conditions, the parking lot and circulation areas prevent placement of the proposed fence in a code compliant position. The fence is proposed to be located one foot from the East Lake Street property line and the one and a half-feet from the Bridge Street property line. Staff supports the increase in fence height along the front and corner side yard setbacks. 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 will be required in front of parking stalls facing the fence along Bridge Street and the Cal Trans Right-of-Way.

ENVIRONMENTAL REVIEW

The environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA). The proposed project is categorically exempt (Class 32) from further environmental analysis per CEQA Guidelines Section 15332 (In-Fill Development Projects).

FINDINGS

The Planning Commission may approve an application for a Conditional Use Permit, including a 43-space (45%) Parking Reduction, and a Variance if all of the findings set forth in the attached proposed Planning Commission Resolution are established.

TIME CONSIDERATION

The project was deemed complete on June 2, 2019. Final action is required by August 1, 2019 pursuant to Government Code Section 65950(a)(4).

ALTERNATIVES AVAILABLE TO THE COMMISSION

The Planning Commission has the following alternatives:

1. Affirm the findings set forth in the attached Resolution, finding the Conditional Use Permit and the Variance exempt from the California Environmental Quality Act (CEQA), and approving Conditional Use Permit 2018-026 and/or Variance 2018-003, with modifications; or
2. Find that the Conditional Use Permit and/or Variance are not appropriate and establish findings at the public hearing stating the reasons for not approving Conditional Use Permit 2018-026 and Variance 2018-003.

CONCLUSION

The proposed project is generally consistent with the Zoning Code and the General Plan. The proposed Conditional Use Permit and Variance will provide a range of uses compatible with the underlying zoning district while providing additional security at the site.

COURTNEY GROSSMAN
Planning Manager

BY:

Bobby Latino
Associate Planner

Attachments: Proposed Planning Commission Resolution
Draft Conditional Use Permit 2018-026 and Variance 2018-003, including the
following exhibits:
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
CUP 1984-009
Minor Modification to CUP 1984-009
CUP 1985-022
Zoning Code List of 2006 MAF Uses

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