

SALINAS PLANNING COMMISSION

Staff Report

City of Salinas

Community Development
Department

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Planning Manager Approval

Agenda Item

DATE: November 6, 2019

TO: Planning Commission

FROM: Courtney Grossman, Planning Manager

BY: Robert Latino, Associate Planner

SUBJECT: Variance 2019-001; Request to vary fence height from the maximum three feet to eight feet within the front yard at 1072 Industrial Street in the Industrial – General – Airport Overlay (IG-AR) Zoning District

RECOMMENDATION

Staff recommends that the Planning Commission reject the protest, affirm the findings and adopt the attached Resolution finding the Variance exempt from the California Environmental Quality Act (CEQA) and approving Variance 2019-001 to vary fence height from the maximum three feet to eight feet in the front yard of 1072 Industrial Street, located in the IG-AR (Industrial-General – Airport Overlay) Zoning District.

BACKGROUND

Kasavan Architects, on behalf of Ricky Cabrera, is requesting approval of a Variance to increase fence height to enhance security of the property and prevent property damage by trespassers. Site Plan Review (SPR) 2019-003 was administratively approved separately, and B19-0138 is pending. Improvements are sought to establish commercial cannabis operations. Mr. Cabrera was awarded CCP 2017-012 and CCP 2017-013, for retail and manufacturing operations, respectively, at the subject address, through the City's competitive commercial cannabis permitting process in 2017.

On July 24, 2019, a Notice of Intent to Approve Variance 2019-001

was distributed to the neighboring properties of 1072 Industrial Street. On August 5, 2019, staff received the attached written correspondence from Mr. Barry Kinman on behalf of business owners in the vicinity of the subject property requesting a public hearing with the Planning Commission.

The protest states that there is a homeless camp near the railroad tracks behind the subject property, and that the City is not actively regulating activity at the camp. The protest states that Mr. Kinman's clients are opposed to the Variance because it will draw attention to the presence of a cannabis business near the camp. The protest states that the Variance would result in attracting criminal activity (breaking/entering/stealing) to the cannabis business.

Staff recommends that the Planning Commission reject the protest and approve the Variance. The property will be a business that serves customers on-site. Therefore, attention and visibility of the property is inevitable and desirable. The Variance for fence height would not increase this attention, but would improve the site's security. The right of the applicant to operate a cannabis business at the property was established previously and separately from this Variance. The approval of a commercial cannabis permit included an extensive application process to establish the viability of the proposed business at the subject site. The presently considered Variance only concerns the height of a proposed fence. Approval of the Variance does not relate to the broader issues concerning homelessness that are described in the protest.

This item was continued from the October 2 and October 16, 2019 Planning Commission hearings due to public notice and quorum complications.

Property Characteristics

The property is developed with a one-story building and is located in the Industrial – General – Airport Overlay (IG-AR) District. Per the site plan attached as Exhibit B, the existing building is 4,200 square feet in size and the total lot size is 13,537 square feet. The existing building and lot were previously used for automotive towing and parts sales.

The following provides an overview of the land uses and zoning districts adjacent to the project site:

North:	Industrial General Use / Industrial-General – Airport Overlay (IG-AR)
South:	Railroad right of way
East:	Building Materials and Services use / Industrial-General – Airport Overlay (IG-AR)
West:	Vacant Lot / Industrial Industrial-General – Airport Overlay (IG-AR)

Land Use Entitlements

The site is regulated by Site Plan Review 2019-003, which authorized a manufacturing and accessory retail use with various site improvements including, but not limited to, a new parking lot, landscaping, and fencing (except that portion of the fence located within the minimum 20 foot front yard setback).

ANALYSIS

Variance: Fence Height

The Applicant is requesting a Variance from the maximum three-foot height requirement located in the 20-foot minimum front yard in an Industrial-General District per Zoning Code Section 37-50.090(d)(3)(A).

Per Zoning Code Section 37-50.090(d)(3)(A), the maximum height for a fence located within the 20 foot minimum front yard in an Industrial-General District is three feet. The Applicant is requesting an increase in height from three feet to eight feet to enhance security of the property and prevent property damage by trespassers. Due to existing site conditions, the narrow dimensions of the property prevent placement of the proposed fence in a code compliant position.

The site is highly non-conforming with regard to lot depth. Strict application of the Zoning Code would leave only 20 feet of usable area (40 foot lot depth minus 20 foot minimum setback). Given that the required setback of 20 feet is 13.33 percent of the required lot depth of 150 feet, a setback of five feet four inches, 13.33 percent of the 40 foot lot depth, is appropriate. Staff supports the increase in fence height in the front yard. The fence would be constructed of wrought-iron, allowing for visibility through the fence and reducing impacts on drivers seeing in and out of the entrance. The appearance of the fence would be softened by landscaping requirements, addressed separately in Site Plan Review 2019-003.

ENVIRONMENTAL REVIEW

The project has been determined to be exempt from the California Environmental Quality Act under Section 15301 (*Existing Facilities*) of the CEQA Guidelines.

FINDINGS

The Planning Commission may approve an application for a fence height 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 July 24, 2019. Final action should occur by September 24, 2019 pursuant to Government Code Section 65950(5). However, due to public notice and quorum complications, earlier action was not possible.

ALTERNATIVES AVAILABLE TO THE COMMISSION

The Planning Commission has the following alternatives:

1. Affirm the findings set forth in the attached Resolution, rejecting the protest, finding the Variance exempt from the California Environmental Quality Act (CEQA), and approving the Variance, with modifications; or
2. Find that the Variance is not appropriate and establish findings at the public hearing stating the reasons for not approving the Variance.

CONCLUSION

The proposed project is consistent with the Zoning Code and the General Plan. The proposed Variance will assist the applicant in providing enhanced security for the site.

COURTNEY GROSSMAN
Planning Manager

BY: _____
Robert Latino
Associate Planner

Attachments: Proposed Planning Commission Resolution
 Draft Variance 2019-001, including the following exhibits:
 Exhibit "A" Vicinity Map
 Exhibit "B" Site Plan (Sheet A1.2)
 Exhibit "C" Engineer Letter for SPR 2019-003, dated June 11, 2019
 Protest Letter from Mr. Barry Kinman, dated August 5, 2019

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