

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

Title of Document

CONDITIONAL USE PERMIT NO. 2017-019
City of Salinas
Community Development Department
(Amends Conditional Use Permit 1987-023)

WHEREAS, the Salinas City Council, at a public hearing duly noticed and held on December 3, 2019, found that the proposed location of the use and structure 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 use and structure will comply with the provisions of the Salinas Zoning Code, including the specific conditions required for the proposed use and structure; and that this conditional use has been evaluated in accordance with the California Environmental Quality Act, as amended; and that the Salinas City Council has reviewed and considered an Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

NOW, THEREFORE, the Salinas City Council hereby grants and issues Conditional Use Permit No. 2017-019 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: Simas-East Market Street LLC

FOR USE: Establish and operate a religious assembly use in an existing 18,150 square foot building.

ON PROPERTY LOCATED AT: 10 Simas Street

ASSESSOR'S PARCEL NO.: 003-091-011-000

ZONING DISTRICT: MAF -F (Mixed Arterial Frontage – Flood Plain Overlay)

ENVIRONMENTAL REVIEW ACTION & DATE: The environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA) on December 3, 2019. An Initial Study was prepared to evaluate the potential impacts associated with the project. Based upon review of the Initial Study, a Mitigated Negative Declaration was adopted that identified that the proposed project will not have a significant effect on the environment because the mitigation measures outlined in the proposed Mitigation Monitoring Program have been included in the project

EXPIRATION DATE: None, once properly established, unless the subject religious assembly use ceases operation for a continuous period of six (6) months or more.

RIGHT TO OPERATE/DEVELOP

1. The Permittee shall have the right to establish and operate a religious assembly use in an existing 18,150 square foot building 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" Engineer's Report, dated May 15, 2018

Exhibit "C" Existing Site Plan with Proposed General Plan Amendment and Rezone

Exhibit "D" Existing Floor Plan (Sheet A101)

Exhibit "E" Revised Floor Plan for Sanctuary (Sheet A101B)

Exhibit "F" Mitigated Negative Declaration, Mitigation Monitoring Program, and Initial Study

LIMITATIONS ON USE

1. "For Use" Section of CUP 1987-028 shall be revised to reflect the following changes (changes shown in strikethrough/underline format):

~~Seven-plex indoor theater~~ Religious Assembly use in 18,150 sq. ft building
79,570 sq. ft commercial service/
Industrial space

2. Condition No. 1 of CUP 1987-028 shall be revised to reflect the following changes (changes shown in strikethrough/underline format):

The permittee shall have the right to construct and operate a ~~seven-plex theater~~ Religious Assembly use (totaling 18,150 sq. ft.) and four commercial

service/industrial buildings totaling 79,570 square feet on the above-described property in accordance with the following exhibits attached hereto and made part of this permit:

Exhibit "A" – Site Plan

Exhibit "B" – Building Elevations and material Sample Boards

Exhibit "C" – Landscape Plan

Exhibit "D" – Master Sign Plan 2017-003

Exhibit "E" – Public works Memo dated 10/17/89

Exhibit "F" – Fire Department Memo dated 10/6/89

Exhibit "G" – Use List

3. Condition No. 4 of CUP 1987-028 shall be deleted in its entirety.
4. All remaining terms, requirements, and conditions of Conditional Use Permit 1987-028 remain in full force and effect.
5. The City Planner may conduct a review of this Permit 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.
6. If the subject religious assembly use ceases operation for a continuous period of six (6) months or more, this Conditional Use Permit shall become null and void.
7. This Permit shall not be effective until the effective date of the related Rezone 2017-001 and General Plan Amendment 2017-002. All provisions of the Rezone and General Plan Amendment adopted by action of the Salinas City Council shall be incorporated herein as conditions of approval into this Conditional Use Permit.

ENVIRONMENTAL MITIGATIONS

8. All environmental mitigation measures contained in the Mitigation Monitoring and Reporting Plan (MMRP), attached as Exhibit "F," shall be conditions of approval incorporated herein by reference.

FIRE PROTECTION REQUIREMENTS

9. 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

10. 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

11. A Sign Permit issued in accordance with *Article V, Division 3: Signs* of the Salinas City Code, shall be required for all signs.
12. 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

13. 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.

MAINTENANCE

14. 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

15. All existing damaged and hazardous sidewalks, and unused driveways shall be reconstructed to City standards prior to issuance of a Certificate of Occupancy.
16. 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

17. 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.
18. 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.
19. 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

20. 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. If applicable, a City Business License shall be obtained prior to commencement of use.
21. 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.

MODIFICATION OF APPROVED USE AND PLANS

22. 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

23. 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

24. This Permit shall expire one year after its effective date unless:
 - a. The use is established in conformance with the provisions of the Zoning Code; or
 - b. The City Planner determines that substantial action has commenced to carry out the terms and intent of the Conditional Use Permit.

PERMIT VALIDATION

25. 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

26. 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.

27. The applicant(s) 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 use. The City shall promptly notify the applicant(s) 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.
28. 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.
29. 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

30. 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 was approved by action of the Salinas City Council on December 3, 2019, and shall become effective:

Effective Date: January 2, 2020

Courtney Grossman
Planning Manager, City of Salinas

(Signatures Listed Below on Pages 8 Through 9 Must Be Notarized)

THIS CONDITIONAL USE PERMIT *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: _____

Bill Viera, President and COO
Simas-East Market Street LLC
Permittee / Property Owner

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.

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 _____

Dated: _____

Robert Atkinson, Senior VP Development
Simas-East Market Street LLC
Permittee / Property Owner

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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WITNESS my hand and official seal.

Signature _____

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