

RESOLUTION NO. 2011-09 (N.C.S.)

**A RESOLUTION OF THE SALINAS CITY COUNCIL APPROVING THE
GATEWAY CENTER SPECIFIC PLAN (SPEC 2010-001)
[RELATED TO REZONE (RZ 2010-002), DEVELOPMENT AGREEMENT (DA 2011-
002) AND MITIGATED NEGATIVE DECLARATION]**

WHEREAS, Rexford Title, Inc. (Property Owner) and Cloverfield Mgmt, LLC (Applicant) submitted an application for consideration and approval of the Gateway Center Specific Plan (SPEC 2010-01), together with related applications for the Project that would permit development of the approximately 20.23 acre project site located at the northeast corner of East Boronda Road and San Juan Grade Road on portions of APNs 211-231-060 and 211-231-061 (Project); and

WHEREAS, the City has evaluated the Gateway Center Specific Plan and related applications pursuant to the California Environmental Quality Act (CEQA) and has determined that, with the incorporation of specific mitigation measures, as well as the application of previously adopted uniformly applied development policies or standards, the Project will have a less than significant impact on the environment. The Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program are both herein incorporated by reference; and

WHEREAS, on September 28, 2011, the Salinas Planning Commission held a duly noticed public hearing to review and to consider the Project, the Initial Study and related environmental documents, including the Mitigated Negative Declaration, Technical Appendices prepared in support thereof, Mitigation Monitoring and Reporting Program, and Responses to Comments (together the "Environmental Documents"), the staff report and the evidence presented at the hearing; and

WHEREAS, by Resolution No. 2011-09 approved by the Salinas Planning Commission on September 28, 2011, herein incorporated by reference, the Salinas Planning Commission recommended that the Salinas City Council adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program, which both address the Specific Plan; and

WHEREAS, by Resolution No. 2011-10 approved by the Salinas Planning Commission on September 28, 2011, herein incorporated by reference, the Salinas Planning Commission recommended that the Salinas City Council approve the proposed Specific Plan (SPEC 2010-001); and

WHEREAS, on October 11, 2011, at a duly noticed public hearing, the Salinas City Council weighed the evidence presented at the public hearing, including the staff presentation and the staff report which is on file at the Salinas City Clerk's Office, and all public testimony and documentary evidence introduced and received at the public hearing, together with the record of environmental review; and

WHEREAS, by Resolution adopted on October 11, 2011, the Salinas City Council adopted the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program, which address SPEC 2010-01; and

WHEREAS, the Applicant, with direction from City staff, has prepared the Gateway Center Specific Plan to implement and to guide development within the plan area; and

WHEREAS, the Gateway Center Specific Plan contains modifications of standards contained in the Salinas Municipal Code that are applicable within and only within the Specific Plan boundary; and

WHEREAS, the proposed Specific Plan has been found to be consistent with the goals, policies, and programs of the City of Salinas General Plan, as identified in the Project Findings set forth herein; and

WHEREAS, approval of the Specific Plan is contingent upon the approval of a rezone to change the existing zoning designation of the site from New Urbanism Interim (NI) with a Specific Plan Overlay to Commercial Retail (CR) with a Specific Plan Overlay and to Open Space (OS) with a Specific Plan Overlay and such request for rezoning is being considered in conjunction with the Specific Plan; and

WHEREAS, the Mitigation Monitoring and Reporting Programs adopted for the Salinas General Plan Final EIR and for the Final Supplement to the Salinas General Plan Final Program EIR remain in full force and effect; and the mitigation measures set forth in those environmental documents will also apply to this Project.

NOW, THEREFORE, BE IT RESOLVED that the Salinas City Council approves Specific Plan 2010-001 attached hereto as Exhibit "A"; and

BE IT FURTHER RESOLVED that the Salinas City Council adopts the following findings as the basis for its determination:

1. The Salinas City Council finds and determines that the foregoing recitals are true and correct and are included herein by reference as findings.
2. The Salinas City Council declares it has been provided with and has reviewed all evidence available in the administrative record to support the findings for project consideration, as well as the staff report and written and oral testimony (collectively the "Record of Proceedings") and hereby provides notification that the Record of Proceedings is on file with the Clerk of the City of Salinas, 200 Lincoln Avenue Salinas, California 93901.
3. The Salinas City Council finds the proposed location of the development and proposed conditions under which it will be operated or maintained is consistent with the goals

and the policies embodied in the Salinas General Plan and other applicable plans and policies adopted by the Salinas City Council.

The Project site is located within the North of Boronda Future Growth area (FGA). This area is designated under the General Plan to accommodate future growth in the City. As such, development of the Project site has been planned for and has been anticipated by the City as part of a coordinated long-term development process.

In accordance with the General Plan, the FGA is subject to the adoption of Specific Plans by the City Council prior to development. The Specific Plans are intended to specify the ultimate distribution, location, and intensity of land uses in these areas in accordance with total development capacities provided under the General Plan. The General Plan designations shown for land located within the FGA are provided for generally illustrative purposes and are subject to adjustment and refinement as a part of the Specific Plan approval process.

Under the Specific Plan, approximately 17.49 acres of the site will be designated as Commercial Retail and the remaining 2.74 acres will be designated as Open Space to accommodate a detention/retention basin. These land uses are consistent with the land uses envisioned under the General Plan for this area. The maximum square footage of proposed retail/commercial uses permitted under the Specific Plan is 207,500 square feet. This amount will not exceed the amount of retail development capacity provided for the FGA under the General Plan.

Pedestrian linkages have been incorporated into the Project to provide connection to anticipated future off-site residential neighborhoods located within the FGA to promote walkability as envisioned under the General Plan. Connection to on-street bicycle facilities will also be provided to ensure continuous east/west access along East Boronda Road and north/south access along San Juan Grade Road to promote the use of alternate forms of transportation. The Project also includes priority parking for fuel-efficient vehicles. An electric vehicle charging station will also be provided to promote energy conservation and reduce fossil fuel consumption as encouraged by the General Plan.

Appendix E of the Specific Plan further substantiates the Project's consistency with the General Plan and is hereby incorporated by reference

4. The Salinas City Council finds the development of the Project will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to such a development, nor detrimental to properties or improvements in the vicinity or the general welfare of the City.

The potential environmental effects of the Project were fully evaluated in the Mitigated Negative Declaration prepared for the Project. The Mitigated Negative Declaration found that with the incorporation of the mitigation measures, the Project would have a less than significant impact on the environment.

The proposed use is a commercial shopping center and retention/detention basin. A similar shopping center use is located directly to the south of the Project site. The Project site is separated from existing residential uses to the west and to the south by major arterial roadways. Future development and uses in the Project area will be required to comply with the performance and other standards set out in the Salinas Zoning Code to ensure there is no adverse impact on adjacent uses.

The Specific Plan incorporated Low Impact Development (LID) features and other water-quality features to ensure the Project is planned and is developed in accordance with the requirements of the General Plan and the City's Storm Water Management Program, including the City's National Pollutant Discharge Elimination System (NPDES) Permit. These requirements will ensure that the Project does not violate water quality standards or waste discharge requirements.

5. The Salinas City Council finds the Specific Plan and resulting development will be consistent with the provisions of Article 8 of Chapter 3 of the California Government Code, commencing with Section 65450, as may be subsequently amended by the State of California.

The California Government Code sections referenced above include Sections 65450 through 65457. Of these, Sections 65451, 65454, and 65455 are directly applicable to the adequacy of the Specific Plan and to discretionary actions related to its implementation.

California Government code Section 65451 addresses the content requirements of a specific plan. The Gateway Center Specific Plan has been reviewed by City staff and the City Attorney and has been found to be consistent with the content requirements of Section 65451.

California Government Code Section 65454 requires consistency with the General Plan otherwise the specific plan may not be adopted. As described above, the Gateway Center Specific Plan has been found consistent with the Salinas General Plan.

California Government Code Section 65455 provides that no public works project may be approved, no tentative map or parcel map may be approved, and no zoning ordinance may be adopted or amended within the areas covered by a specific plan unless consistent with the adopted specific plan. The on-site infrastructure needed or the Project has been designed to support the proposed uses and the development in the specific plan area. Any parcel map or

tentative map proposed for the site will be required to be consistent with the Specific Plan in order to be approved. Development within the specific plan area will be subject to the requirements of the Salinas Zoning Code, except as modified by the Specific Plan. Should any conflict arise between the two regulations, the Specific Plan regulations will prevail.

PASSED AND ADOPTED this 11th day of October 2011, by the following vote:

AYES: Councilmembers: Barrera, Craig, De La Rosa Lutes, McShane, Sanchez
and Mayor Donohue

NOES: None

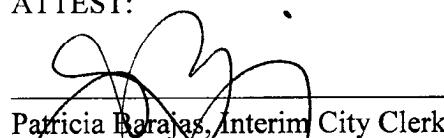
ABENT: None

ABSTAIN: None



Dennis Donohue, Mayor

ATTEST:



Patricia Barajas, Interim City Clerk