

**SALINAS PLANNING COMMISSION  
RESOLUTION NO. 2023-03**

**RESOLUTION RECOMMENDING TO THE SALINAS CITY COUNCIL APPROVAL  
OF A GENERAL PLAN AMENDMENT (GPA) TO CHANGE THE LAND USE  
DESIGNATION FROM RESIDENTIAL MEDIUM DENSITY (8-15 UNITS/ACRE) TO  
RESIDENTIAL HIGH DENSITY (15-24 UNITS/ACRE) AND REZONE (RZ) FROM  
RESIDENTIAL MEDIUM DENSITY (R-M-3.6) TO RESIDENTIAL HIGH DENSITY (R-  
H-2.1) OF A VACANT 2.6-ACRE LOT LOCATED AT 1 PRESTON STREET  
(GPA 2022-001, RZ 2022-001, ER 2022-009)**

**WHEREAS**, on April 19, 2023, the Salinas Planning Commission held a duly noticed public hearing to consider General Plan Amendment 2022-001 and Rezone 2022-001 of a vacant 2.6-acre lot located at 1 Preston Street as described in more detail below:

1. General Plan Amendment 2022-001 (GPA 2022-001); Change the land use designation from Residential Medium Density (8-15 units/acre) to Residential High Density (15-24 units/acre); and
2. Rezone 2022-001 (RZ 2022-001); Change the Zoning designation from Residential Medium Density (R-M-3.6) to Residential High Density (R-H-2.1).

**WHEREAS**, the Planning Commission weighed the evidence presented at said public hearing, including the Staff Report which is on file at the Community Development Department together with the record of environmental review; and

**WHEREAS**, the Planning Commission has reviewed and considered the information contained in the Initial Study and related environmental documents including the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, which is known as ER 2022-009.

**WHEREAS**, the circulated Initial Study and Mitigated Negative Declaration incorrectly stated the maximum density as 15-20 units/acre when the actual Residential High Density designation is 15-24 units/acre.

**NOW, THEREFORE, BE IT RESOLVED** by the Salinas Planning Commission that it recommends that the City Council adopt the proposed Mitigated Negative Declaration, approve General Plan Amendment 2022-001 and Rezone 2022-001, adopt the following findings as the basis for its determination, and that the foregoing recitations are true and correct, and are included herein by reference as findings:

For the Mitigated Negative Declaration:

1. *The Planning Commission hereby finds that a Mitigated Negative Declaration (MND) has been prepared with respect to the project in compliance with the California Environmental Quality Act (CEQA) of 1970, as amended, and the guidelines promulgated thereunder. Further, this Commission has independently reviewed and considered the information contained in the Initial Study and related environmental documents, together with the comments received during the public review process. On the basis of the whole record before it, the Commission finds that there is no substantial evidence that the project will*

***have a significant effect on the environment and that the MND reflects the Commission's independent judgment and analysis. On this basis, the Commission recommends that the City Council adopt the Mitigated Negative Declaration.***

The environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA). An Initial Study was prepared to evaluate the potential impacts associated with the project. Based upon review of the Initial Study, the proposed project will not have a significant effect on the environment because the mitigation measures outlined in the proposed Mitigation Monitoring and Reporting Program have been included in the project (see Exhibit "1"). The Initial Study and Mitigated Negative Declaration were routed to responsible agencies and posted at the County Clerk's Office on January 27, 2023; the deadline for comments was February 26, 2023. The State Clearinghouse received the document on January 27, 2023; the deadline for Clearinghouse comments was February 26, 2023 (SCH Number 2023010626).

Public comments were received from interested parties and public agencies during the comment period as described below:

1. Comments received via email from Mr. Gavin McCreary, Project Manager, Site Evaluation and Remediation Unit, Site Mitigation and Restoration Program, Department of Toxic Substance Control, On February 9, 2023 with comments attached to the email, stating: The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the 1 Preston Street Project (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the MND:

1. A State of California environmental regulatory agency such as DTSC, a Regional Water Quality Control Board (RWQCB), or a local agency that meets the requirements of Health and Safety Code section 101480 should provide regulatory concurrence that the Project site is safe for construction and the proposed use.
2. The MND should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The MND should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
3. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure

that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 Information Advisory Clean Imported Fill Material.

4. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the MND. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision).

*Staff Response:* Consultant firm (Rincon Consultants, Inc.) prepared the following response comments to the comments made by Mr. McCreary and Staff provided comments via email to Mr. McCreary.

1. Health and Safety Code section 101480 authorizes a responsible party, as defined, to request that a local officer supervise remedial action if a release of waste occurs, and remedial action is required. As stated in Section 9, Hazards and Hazardous Materials, of the Initial Study, no items of potential environmental concern were identified at the project site. Therefore, oversight of a qualified regulatory investigation and no remedial action would be required at this time. No revisions to the IS-MND are required in response to this comment.
2. Please refer to Section 5, Cultural Resources, of the Initial Study for additional information on historic uses of the project site. As discussed therein, it was found that the project site was generally undeveloped until the 1970s. As stated in Section 9, Hazards and Hazardous Materials, of the Initial Study, future operation activities on the project site are not anticipated to release hazardous wastes or substances, but construction activities could result in the transport, storage, or use of potentially hazardous materials. The project would be required to comply with various federal, state, and local regulations, including those set forth by DTSC, which are designed to reduce risks associated with hazardous materials, including potential risks associated with upset or accident conditions. No items of potential environmental concern were identified at the project site. Therefore, there are no required investigations or remediation needed, and no revisions to the IS-MND are warranted.
3. According to DTSC, there are currently no established standards within applicable statutes and regulations that address environmental requirements for imported fill material.<sup>1</sup> Sampling of backfill soil would not be required. Additionally, the property owner would be liable if contaminated soil were imported to the site. No revisions to the IS-MND are required in response to this comment.
4. Based on review of historical topographic maps from 1910 to 1964, the project site has not been used for agricultural purposes. Furthermore, the project site has not been used for weed abatement or related activities. As discussed within Section 9, Hazards and Hazardous Materials, compliance with existing DTSC regulations would reduce the risk of potential release of hazardous materials during demolition, dewatering, soil disturbance/grading, and

construction. No revisions to the ISMND are required in response to this comment.

For General Plan Amendment 2022-001:

- 2. That the proposed General Plan Amendment is in conformance with all other goals, policies, programs, and land uses of the Salinas General Plan.***

The proposed Amendment is consistent with Salinas General Plan Policies. The proposed General Plan Amendment would change the existing designation for the project site and amend the General Plan Land Use and Circulation Policy Map to align with the proposed rezoning of the site to Residential High Density (15-24 units/acre). The Amendment would be consistent with the General Plan land use designation of the adjacent sites of the subject site. The proposed “Residential High Density (15-24 units/acre)” land designation for the project site is consistent with General Plan Goal H-1, by providing a range of housing opportunities to adequately address existing and projected needs to Salinas. The project also complies with General Plan Policy H-1.3, by identify adequate sites to facilitate and encourage housing production for the existing and projected housing needs of the City. In addition, the project complies with General Plan Goal H-2, by maintaining and improving existing neighborhoods and housing stock.

- 3. That the proposed General Plan Amendment promotes the public necessity, convenience, and general welfare.***

The General Plan Amendment promotes the public necessity, convenience, and general welfare because the proposal will create additional housing units the City of Salinas.

For Rezone 2022-001:

- 4. The amendment is consistent with the Salinas General Plan, any applicable Specific Plan, and other plans and policies adopted by the Salinas City Council.***

Per the 2002 Salinas General Plan, the “High-Density Residential” designation allows for development of row houses, condominiums, and apartments. The designation allows a maximum of 24.0 units per net acre (30 with density bonus). Uses such as mobile and modular homes, public facilities, day care, churches and others that are compatible with and oriented toward serving the needs of the high-density neighborhood may also be considered. The maximum density of this land use designation may be increased in accordance with the density bonus provisions of the California Government Code and the City's Zoning Ordinance.

Per the 2002 Salinas General Plan, Focused Growth Areas are existing urbanized areas where additional growth and/or redevelopment and revitalization would be appropriate and provide

benefits to the community. By selectively increasing density of development in a manner compatible with the surrounding neighborhoods, the pressure to develop agricultural lands is also reduced.

The project site is currently designated “Residential Medium Density (8-15 du/ac)”. The proposed Amendment is consistent with Salinas General Plan policies. The proposed General Plan Amendment would change the existing designation for the project site and amend the General Plan Land Use and Circulation Policy Map to align with the proposed rezoning of the site to Residential High Density (15-24 du/ac). The Amendment would be consistent with the General Plan land use designation of the adjacent site to the east of the subject site.

The proposed “Residential High Density” land use designation is consistent with General Plan Goal H-1, by providing a range of housing opportunities to adequately address existing and projected needs in Salinas. The project also complies with General Plan Policy H-1.3, by identifying adequate sites to facilitate and encourage housing production for the existing and projected housing needs of the City. In addition, the project complies with General Plan Goal H-2, by maintaining and improving existing neighborhoods and housing stock.

Residential- High Density (R-H-2.1) provides for high density multifamily dwelling units where the minimum density is more than 15 dwelling units per net acre and the maximum density is not more than 24 dwelling units per net acre without density bonus. Per Zoning Code Section 37-30.140, the purpose of the “Residential high density (R-H)” land use designation is to provide appropriately located areas for high density and multifamily dwellings consistent with the General Plan and with standards of public health and safety established by the Municipal Code. This includes:

- Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from the harmful effects of excessive noise, inappropriate population density, traffic congestion, and other adverse environmental impacts.
- Promote development of affordable housing, housing for qualifying residents, and day care facilities by providing a density bonus for projects, which meet state and/or city density bonus requirements.
- Achieve design compatibility through the use of site development regulations and design standards.
- Protect adjoining low and medium density residential districts from excessive noise or loss of sun, light, quiet, and privacy resulting from proximity to multifamily dwellings.
- Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment.
- Ensure the provision of public services and facilities needed to accommodate planned population densities.
- Encourage attractive and interesting residential streetscapes and high-density developments that are pedestrian-oriented and reflect traditional residential design principles and promote safe residential neighborhoods through the incorporation of crime prevention through environmental design (CPTED) features in dwelling and site design.

In order for the proposed Residential High Density Development Regulations to be permitted, the project site will need to be rezoned “Residential High Density” (R-H). The purpose of the proposed Rezone is to facilitate the production of housing which per R-H-2.1 Zoning Code Section 37-30.150(j)(1) the minimum density is more than 15 dwelling units per net acre and the maximum density is not more than 24 dwelling units per net acre without density bonus.

The proposed rezoning of the project site would be consistent with Residential High Density (R-H) District and Focused Growth (FG) Overlay District. The project would comply with the development regulations and design standards of both the R-H and FG-2 District by:

- Creating healthy neighborhood centers where residents of all economic and cultural backgrounds can live, work, walk, shop, exercise, and spend quality time outdoors.
- Increase pedestrian activity by creating neighborhood centers that are conveniently accessed by public transit.
- Encouraging creative architecture and public design that communicate a neighborhood's locale, purpose, priorities, and personality to those who use the space, and create revitalized neighborhoods through infill development and redevelopment activities.

**5. *The amendment will not have the effect of reversing the policies of the Salinas General Plan, any applicable Specific Plan, and other plans and policies adopted by the Salinas City Council.***

There are no policies within the Salinas General Plan that would be reversed as a result of this amendment. There are no Specific Plans or Precise Plans applicable to the site.

**6. *The amendment would not create an isolated district unrelated to adjacent zoning districts.***

The proposed rezoning will not create an unrelated zoning district because the rezoning of the project site from “from Residential Medium Density (R-M-3.6) to Residential High Density (R-H-2.1)” would be consistent with the adjacent zoning district to the east of the project site “Residential High Density (R-H-2.1)”.

**7. *The City has the capability to provide public utilities, roads, and services to serve the uses allowed by the proposed amendment.***

Salinas is an urbanized area and public infrastructure is presently in place to serve most uses. The proposed Rezone would not create the need for additional infrastructure.

**PASSED AND APPROVED** this 19th day of April 2023, by the following vote:

AYES: Chairperson Gonzalez, Commissioners Manzo, McKelvey, Meeks, and Purnell

NOES:

ABSTAIN:

ABSENT: Commissioner Donohue

THIS IS TO CERTIFY that the foregoing is a full, true, and correct copy of a Resolution of the Planning Commission of the City of Salinas, that said Resolution was passed and approved by the affirmative and majority vote of said Planning Commission at a meeting held on April 19, 2023, and that said Resolution has not been modified, amended, or rescinded, and is now in full force and effect.

SALINAS PLANNING COMMISSION

Date: \_\_\_\_\_

\_\_\_\_\_  
Courtney Grossman  
Secretary

Attach:

- Exhibit 1: Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
- Exhibit 2: Proposed General Plan Amendment 2022-001 (GPA 2022-001) Map and Proposed Rezone 2022-001 (RZ 2022-001) Map