

RESOLUTION NO. _____ (N.C.S.)

**RESOLUTION BY THE SALINAS CITY COUNCIL ADOPTING A MITIGATED
NEGATIVE DECLARATION, MITIGATION MONITORING AND REPORTING
PROGRAM AND APPROVING AN AMENDMENT TO THE SALINAS GENERAL
PLAN TO CHANGE THE GENERAL PLAN DESIGNATION FROM RESIDENTIAL
MEDIUM DENSITY (8-15 UNITS/ACRE) TO RESIDENTIAL HIGH DENSITY (15-24
UNITS/ACRE) OF A VACANT 2.6-ACRE LOT LOCATED AT 1 PRESTON STREET
(GPA 2022-001 RELATED TO RZ 2022-001)**

WHEREAS, on June 13, 2023, the Salinas City Council held a duly noticed public hearing to consider General Plan Amendment 2022-001 and related 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. The related 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 City, in accordance with requirements of CEQA and CEQA Guidelines prepared an Initial Study Mitigated Negative Declaration, for General Plan Amendment 2022-001 and related Rezone 2022-001 herein incorporated by reference and included as Exhibit “1”; and

WHEREAS, the City completed and filed a Notice of Intent to Adopt a Mitigated Negative Declaration with the Monterey County Clerk on January 27, 2023 which commenced a 30-day local public review period starting on January 27, 2023 and ended on February 26, 2023; mailed a Notice of Public Hearing to all property owners located within 300-feet the project site on January 27, 2023; and posted the Notice of Intent to Adopt a Mitigated Negative Declaration in locations throughout the City of Salinas City Hall and administrative offices on January 27, 2023; and

WHEREAS, the City mailed the Mitigated Negative Declaration to the State Clearinghouse on January 27, 2023, which commenced a 30-day local public review period starting on January 27, 2023, and ending on February 26, 2023 (SCH Number 2023010626); and

WHEREAS, on April 19, 2023, the Salinas Planning Commission, held a duly noticed public hearing to consider Rezone 2022-001 and related GPA 2022-001; and

WHEREAS, the Planning Commission considered a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) prepared for the proposed GPA 2022-001 and RZ 2022-001 and independently determined that all impacts were adequately addressed in accordance with the California Environmental Quality Act; and

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, and this error has been subsequently corrected in the Ordinance; and

WHEREAS, the Planning Commission weighed the evidence presented at said public hearing, considered the staff report, determined that positive findings could be established for approval of the General Plan Amendment 2022-001 (GPA 2022-001), and adopted Resolution No. 2023-03 recommending that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approve RZ 2022-001 and related GPA 2022-001; and

WHEREAS, on May 16, 2023, the 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 the Community Development Department, and all public testimony and documentary evidence introduced and received at the public hearing, together with the record of environmental review; and

NOW, THEREFORE, BE IT RESOLVED that the Salinas City Council hereby approves a resolution:

- a. Adopting the proposed Mitigated Negative Declaration; and
- b. Adopting the Mitigated Monitoring and Reporting Program (MMRP) contained in Exhibit "2"; and
- c. Approving General Plan Amendment 2022-001; and
- d. Adopting 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:

The City Council hereby finds that a Mitigated Negative Declaration 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 Council 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 Council finds that there is no substantial evidence that the Amendments will have a significant effect on the environment as the mitigation measures outlined in the proposed Mitigation Monitoring and Reporting Program reduce future project related impacts to less than significant level (see Exhibit "2" of attachment 1) and that the Mitigated Negative Declaration reflects the Council's independent judgment and analysis. On this basis, the City Council adopts the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program.

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 “2”). The Initial Study and Mitigated Negative Declaration were routed to responsible agencies on January 27, 2023, 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 comment was received via email on February 9, 2023, from Mr. Gavin McCreary, Project Manager, Site Evaluation and Remediation Unit, Site Mitigation and Restoration Program, Department of Toxic Substance Control. Comments and response to comments are paraphrased below with complete comment and response being provided as attachments to this report.

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: The CEQA consultant (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.¹ 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:

1. ***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.

2. *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.

PASSED AND APPROVED this 13th day of June 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Kimbley Craig, Mayor

ATTEST:

Patricia M. Barajas, City Clerk

Attachments:

- Reso Exhibit 1: Initial Study/Mitigated Negative Declaration (ISMND), dated March 2023
- Reso Exhibit 2: Mitigation Monitoring and Reporting Program
- Reso Exhibit 3: Proposed General Plan Amendment 2022-001 and Rezone 2022-001 Map