

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

**A RESOLUTION OF THE CITY OF SALINAS CITY COUNCIL APPROVING A MITIGATED NEGATIVE DECLARATION AND A PLANNED UNIT DEVELOPMENT PERMIT AUTHORIZING DEVELOPMENT OF 37 DETACHED SINGLE-FAMILY DWELLING UNITS WITH ALTERNATIVE DEVELOPMENT STANDARDS, AND TENTATIVE MAP SUBDIVIDING A 7.74-ACRE LOT INTO 37 LOTS WITH ALTERNATIVE STREET SECTIONS AND STREET FRONTAGE DESIGN FOR INTERIOR ROADWAYS LOCATED AT 11 HILL CIRCLE IN THE RESIDENTIAL – LOW DENSITY - AIRPORT OVERLAY – FLOOD OVERLAY (R-L-5.5–AR-F) ZONING DISTRICT
(PUD 2019-001 AND TM 2019-002)**

WHEREAS, William H. Coffey, Applicant and U4RIC Investments, LLC and The Thoeny Family Limited Partnership, Property Owners, submitted an application that was deemed complete on November 22, 2020 requesting to develop 37 detached single-family dwelling units with alternative development standards including, but not limited to: reduced lot size, setbacks, off-street parking, usable open space with 18,500 square-feet of usable open space, 38 off-street parking spaces (including two (2) accessible spaces), and three (3) affordable units and subdivide the 7.74-acre lot into 37 lots with one (1) common lot with alternative street sections and street frontage design for interior roadways located at 11 Hill Circle in the Residential – Low Density - Airport Overlay – Flood Overlay (R-L-5.5–AR-F) Zoning District and which is known as Planned Unit Development Permit 2019-001 and Tentative Map 2019-002; and

WHEREAS, on March 17, 2022, the Salinas Planning Commission, held a duly noticed public hearing to consider the proposed Planned Unit Development Permit 2019-001 and Tentative Map 2019-002; and

WHEREAS, the Planning Commission weighed the evidence presented at said public hearing, considered the staff report and determined that positive findings could be made for approval of the project and adopted Resolution No. 2021-08 recommending that the City Council 1) adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Exhibit 1) and 2) approve both the Planned Unit Development Permit 2019-001 and Tentative Map 2019-002 with modifications; and

WHEREAS, on April 13, 2021, the City Council held a duly noticed public hearing and weighed the evidence presented including the Staff Report which is on file at the Community Development Department together with the record of environmental review.

NOW, THEREFORE, BE IT RESOLVED that the Salinas City Council adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approves Planned Unit Development Permit 2019-001 and Tentative Map 2019-002; and

BE IT FURTHER RESOLVED that the Salinas City Council adopts 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 subject to the conditions stated in the Planned Unit

Mitigated Negative Declaration:

1. ***The City Council 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, with the conditions of approval and the proposed mitigation measures, 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 adopts the Mitigated Negative Declaration and 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 "1"). The Initial Study and Mitigated Negative Declaration were routed to responsible agencies and posted at the County Clerk's Office on February 10, 2021; the deadline for comments was March 12, 2021. The State Clearinghouse received the Initial Study and Mitigated Negative Declaration (SCH# 2021020281) on February 16, 2021; the deadline for comments was March 17, 2021.

Correspondence was received from public agencies. Paraphrased comments from the agencies are shown below:

1. The following comments were received from the Monterey County Agricultural Commissioner's Office on March 3, 2021.

Staff received an e-mailed response regarding the Initial Study from Nadia Garcia, Agricultural Resources and Policy Manager of the Monterey County Agricultural Commissioner's Office. The e-mailed indicates that the Monterey County Agricultural Commissioner's Office reviewed the Initial Study and that they agree with its analysis and conclusions and the proposed project would not pose a conflict with agricultural operations.

2. The following comments were received from the Transportation Agency for Monterey County (TAMC) dated March 8, 2021.

- a. TAMC supports the integration of bicycle and pedestrian elements into the project and encourages the development of comfortable and safe pedestrian access.

Staff Response: The project proposes a trail system to allow pedestrian access throughout the site.

- b. TAMC encourages the developer to consider installing bicycle racks and secure bicycle parking on-site.

Staff Response: Zoning Code Section 37-50.400 does not require residential developments to provide bicycle parking. However, staff encourages the Applicant or successor-in-interest to provide on-site bicycle parking as a part of the project.

- c. TAMC recommends that Mitigation Measure TR-2 of the Mitigation Monitoring and Reporting Program be modified to state (in underline): “pay a “fair share” contribution toward the East Laurel Drive – Saint Edwards Drive traffic signal or alternative intersection control device if determined to be more appropriate for the location following the completion of an Intersection Control Evaluation Study”.

Staff Response: Staff has revised Mitigation Measure TR-2 of the Mitigation Monitoring and Reporting Program to reflect TAMC’s request.

- d. Install electric vehicle charging stations on-site.

Staff Response: Unless it is required pursuant to State law, staff cannot require the Applicant or successor-in-interest to provide electric charging stations on-site. However, staff encourages the provision of electric vehicle charging stations on-site.

- e. TAMC encourages coordination with Monterey Salinas Transit (MST) to accommodate existing and planned transit connections to the project.

Staff Response: Staff encourages the Applicant or successor-in-interest to work with MST to provide access to transit from the project site.

- 3. The following comments were received from Pacific Gas and Electric (PG&E) dated March 25, 2021.

Staff received a written response from the PG&E Plan Review Team Land Management stating that per their review the proposed project does not appear to directly interfere with existing PG&E facilities or impact their easement rights. The response states that if any subsequent modifications are made to the design, that resubmitted plans need to be reviewed by PG&E.

In addition, prior to the February 17, 2021 Planning Commission hearing, staff received an anonymous e-mail indicating opposition to the proposed project due to an increase in crime. The proposed design of the site addresses CPTED (Crime Prevention Through Environmental Design) principals by providing front yard porches and primary entrances and windows on each side of the proposed residences. Per Condition No. 17 of the draft approval document, the Applicant, or successor-in-interest, shall consult with the Salinas Police Department regarding crime prevention and security prior to the issuance of any building permits.

For Planned Unit Development Permit 2019-001:

1. ***That the proposed location of the Planned Unit Development is in accord with the objectives of the Zoning Code and the purposes of the district in which the site is located;***

The subject site is located on a currently vacant in-fill site in the R-L-5.5-AR-F Zoning District. This district is intended for development of single-family dwelling such as the proposed residential use. The subject proposal would create a 37-unit small lot detached single-family residential subdivision ranging from 2,282.5 to 5,500.8 square-feet each, one (1) common lot, 38 off-street parking spaces, three (3) affordable units, and 18,500 square-feet of usable open space. The project proposes reduced front yard, side yard, rear yard, and corner side yard setbacks consisting of a minimum of three (3) in lieu of the minimum required in the Residential Low Density (R-L-5.5) District. The project includes single car garages with tandem uncovered parking and reduced usable open space. Development will be compatible with adjacent residential uses that currently exist to the north, east, and south of the subject property. The proposed project complies with General Plan Policy H-1.6, which encourages new residential development to be compatible with surrounding neighborhoods. Moreover, the proposed residences will be located away from any adjacent residential properties, which will further ensure compatibility with adjacent residential uses.

2. ***The Planned Unit Development and the proposed conditions under which it would be developed or maintained are consistent with the Salinas General Plan, applicable Specific Plan, and other plans and policies adopted by the Salinas City Council and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the Planned Unit Development, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city; and***

The 2002 General Plan designates the site as *Residential Low Density*. The project is consistent with General Plan Policies which encourages additional residential development in the City of Salinas, especially affordable housing. Moreover, the proposed development will convert 7.74 acres of land, currently surrounded by development into 37 detached single-family detached dwelling units with a common area, which is consistent with General Plan Policies LU-2.1 by maintaining a compact City form, LU-2.4, encouraging additional in-fill development. The proposed single-family residential project will be consistent with General Plan Policy CD-2.3, which requires infill development to be consistent with the scale and

character of existing neighborhoods.

3. ***The Planned Unit Development does not represent an exception to the standards of this Chapter but rather an alternative resulting in equal or superior design in comparison to development, which strictly complies with base district property development regulations.***

While the project will deviate from many of the minimum required development standards for the R-L-5.5 Zoning District, including but not limited to: lot size, setbacks, off-street parking, and usable open space, it represents an alternative that provides an overall design for the site that will provide additional residential units for expanded home ownership opportunities. The proposed reduction in usable open space per dwelling unit from 1,000 square-feet to 500 square-foot can be supported because the project includes Parcel A, a 4.95-acre common lot along with trails and a waterway known as the Sanborn Creek/Madeira Ditch.

For Tentative Map 2019-002:

4. ***The proposed map is consistent with the General Plan or any applicable Specific Plan, the Zoning Code, the Subdivision Ordinance, the Subdivision Map Act, and other applicable provisions of this Code.***

The proposed Tentative Map is a request to subdivide a 7.74-acre lot into 37 detached single-family dwelling units with alternative development standards and one approximately 4.95-acre square foot common area lot. The proposed reduced lot size would range from 2,282.5 to 5,500.9 square-feet in lieu of the minimum required 5,500 square-foot in the R-L-5.5. District. The proposed project also includes alternative street sections and street frontage design for interior roadways.

The proposed Tentative Map is consistent with the Salinas General Plan and Zoning Code. The site is designated as Residential Low Density by the Salinas General Plan and R-L-5.5 – AR - F (Residential Low Density – Airport Overlay – Flood Overlay) by the Salinas Zoning Map. The proposed density of one (1) detached single family dwelling unit per proposed lot complies with the maximum allowed density of both the General Plan and the Zoning Code. The varied topography and the waterway known as the Sanborn Creek/Madeira Ditch, which runs through the project site as well as existing various easement does not provide for additional detached single-family dwelling units on the project site. No Specific Plans or Precise Plans are applicable to the site.

5. ***The design or improvement of the proposed subdivision is consistent with the General Plan, standard specifications, design standards, standard plans, development regulations, and any applicable Specific Plan.***

There are no Specific Plans that regulate the site. The design and improvement of the proposed Map is consistent with the General Plan. The site is designated Residential Low Density by the 2002 Salinas General Plan. Per the General Plan, Residential Low Density provides for the development of single-family detached and attached homes. The proposed 37 detached single-family dwelling units is consistent with

General Plan Goals and Policies. Located on an in-fill site, the proposed Map would help maintain a compact City form, consistent with Land Use Goal LU-2 and Policy LU-2.4. Located on an in-fill site, the proposed Map is compatible with the scale and character of the existing neighborhood, consistent with Community Design Goal CD-2 and Policy CD-2.3. With 37 detached single-family dwelling units, the proposed Map would contribute to providing a range of housing opportunities and a variety of housing types, designs, and prices throughout the City, consistent with Land Use Goal LU-1 and Policy LU-1.1 and Housing Goal H-1 and Policy H-1.1. No Specific Plans or Precise Plans are applicable to the site.

6. *The site is physically suitable for the proposed type of development.*

The site is topographically varied and includes a waterway known as the Sanborn Creek/Madeira Ditch and is encumbered by various easements. The project is proposing 18,500 square-feet of usable open space (500 square-feet x 37 units). In addition to the usable open space areas, there would be a common lot which is located through the project site. Each proposed detached single-family dwelling unit would include a one-car garage, with one (1) tandem uncovered stall located in front. The building setbacks will a minimum of three (3) feet. The project includes alterative street sections and street frontage design for interior roadways including curbs, gutters, sidewalks, driveway approaches pedestrian curb ramps, streetlights, street trees, and street intersections. The project will also include the construction of a trail in lieu of street frontage sidewalks, and reduction of roadway and cul-da-sac widths. Vehicular access to the project will be provided from Hill Circle and Madeira Drive. Therefore, the site is physical suitable for the proposed type of development.

7. *The site is physically suitable for the proposed density of development.*

The site is designated as Residential Low Density by the Salinas General Plan and R-L-5.5 – AR – F (Residential Low Density – Airport Overlay – Flood Overlay) by the Salinas Zoning Map. The proposed density one (1) detached single-family dwelling unit for each of the proposed 37 lots complies with maximum allowed density of one (1) such unit per lot. Therefore, the site is physically suitable for the proposed density of development.

8. *The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. However, the City Council may approve a Tentative Map even it is usable to make this finding if an Environmental Impact Report was prepared for the project, and a finding was made that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Environmental Impact Report that would mitigate damage to the environment or to fish and wildlife and their habitat.*

Located on an in-fill site in an urbanized area surrounded by existing residential development. Sanborn Creek/Madeira Ditch runs through the project site. Per the Initial Study for the project, there are no sensitive plant or animal species located on the project site. The proposed project is not expected to degrade scenic resources nor

degrade the visual character of the area. Although 0.28 acres of the existing 0.47 acres of the riparian habitat would be removed, 0.19 acres would remain undisturbed and 0.87 acres would be restored. Approximately 55 percent (i.e., 4.02 acres of 7.19 net acres) of the site would be landscaped at project completion, which includes the existing riparian habitat to remain and the additional riparian habitat to be added.

- 9. *The design of the subdivision or the type of improvements is not likely to cause serious public health problems.***

The site is currently vacant, is proposed to be developed with 37 detached single-family dwelling units, is surrounded by residential uses, and is served by existing infrastructure. Conditions of approval will ensure compliance with requirements of the City's Public Works Department. The project is not likely to cause public health problems.

- 10. *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the City Council may approve the map if it finds that alternative easements for access through, or for use of, the property will be provided, and that these will be substantially equivalent to ones previously acquired by the public. The subsection shall apply only to easements established by judgment of a court of competent jurisdiction.***

The site is surrounded by residential uses and is served by existing infrastructure. There are various easements on site, but they will not be adversely impacted by the proposed development. The proposed Tentative Map includes new public utility and common area easements and access easements.

- 11. *The waste discharge from the proposed subdivision into a municipal separated sewer system will not result in or add to violations of existing requirements prescribed by the Regional Water Quality Control Board. Sanitary sewers must meet acceptance by Monterey Regional Water Pollution Control Agency (MRWPCA).***

The site is surrounded by residential uses and is served by existing infrastructure. As conditions of approval will ensure compliance with requirements of the City's Public Works Department and waste discharge into the sewer system would not result in violations of Regional Water Quality Control Board requirements.

- 12. *Storm drainage system meets the City's NPDES permit and SWDS at the time of Council consideration.***

The storm drainage system of the project site meets with the City's NPDES and SWDS permit.

- 13. *If the land is subject to any of the development restrictions included in Section 66474.4(a) of the Subdivision Map Act (including, but not limited to, Williamson Act contracts, open-space easements, and conservation easements), then the findings required by Section 66474.4 must be made to approve or conditionally***

approve the Tentative Map.

The site is not in agricultural use, and no Williamson Act contracts exist on the site.

- 14. *If the Tentative Map is subject to the water supply requirements included in Section 66473.7 of the Subdivision Map Act, then the findings required by Section 66473.7 must be made to approve or conditionally approve the Tentative Map.***

The project site is not subject to the water supply requirements of Section 66473.7 of the Subdivision Map Act because the proposed project consists of less than 500 units.

PASSED AND APPROVED this 13th day of April 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED

Kimbley Craig, Mayor

ATTEST

Patricia M. Barajas, City Clerk

Attach:

Exhibit 1: Revised Mitigation Monitoring and Reporting Program for PUD 2019-001 and TM 2019-002 dated March 9, 2021