

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

**AN ORDINANCE AMENDING THE ZONING MAP TO RECLASSIFY FIVE (5)
“PROJECT SITES” TO MIXED USE (MX) (RZ 2022-002 – RELATED TO GPA
2022-002)**

City Attorney Impartial Analysis

This ordinance changes the zoning designation of five (5) sites located within the City’s boundaries from Commercial Retail (CR) and/or Industrial General Commercial (IGC) to Mixed Use (MU).

WHEREAS, on September 26, 2023, the Salinas City Council held a duly noticed public hearing to consider Rezone 2022-002 and related General Plan Amendment 2022-002 as described in more detail below:

1. Rezone 2022-002 (RZ 2022-002) changes the zoning designation of five (5) “Project sites” from Commercial Retail (CR) and/or Industrial General Commercial (IGC) to Mixed Use (MX) as described below; and
 - a. RZ 2022-002-A: Alisal Marketplace, located adjacent to East Alisal Street between Front Street and Griffin Street, consisting of 18 parcels that total 12.1 acres;
 - b. RZ 2022-002-B: Edge of Downtown/Front and John Streets, located adjacent to John Street between Abbott Street and Front Street, consisting of 8 parcels that total 3.7 acres;
 - c. RZ 2022-002-C: Foods Co Shopping Center, located on the southeast corner of East Alisal Street and South Sanborn Road, consisting of 8 parcels that total 13.5 acres;
 - d. RZ 2022-002-D: Laurel West Shopping Center, located east of North Davis Road between West Laurel Drive/Calle Del Adobe and Larkin Street, consisting of 6 parcels that total 16.2 acres; and
 - e. RZ 2022-002-D: Sears (Northridge Mall), located on the northwest corner of North Main Street and Madrid Street, consisting of a 8.41 acre portion of 1 parcel that totals 10.2 acres.
2. The related General Plan Amendment 2022-002 (GPA 2022-002) changes the General Plan Land Use designation of the same five (5) “Project sites” from Commercial Retail (CR) and/or Industrial General Commercial (IGC) to Mixed Use (MX) to align with Rezone 2022-002 (RZ 2022-002).

WHEREAS, the City, in accordance with requirements of CEQA and the CEQA Guidelines prepared an Initial Study Mitigated Negative Declaration [one (1) per site, five (5) total ISMNDs], for Rezone 2022-002 and related General Plan Amendment 2022-002 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 August 18, 2023, which commenced a 20-day local public review period starting on August 18, 2023 and ended on September 6, 2023; mailed a Notice of Public Hearing to all property owners located within 300-feet the Project sites on August 25, 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 August 25, 2023; and

WHEREAS, the City submitted the Mitigated Negative Declarations to the State Clearinghouse on August 18, 2023, which commenced a 20-day local public review period starting on August 18, 2023, and ending on September 6, 2023 (SCH Numbers 2023080480); and

WHEREAS, on September 6, 2022, the Salinas Planning Commission, held a duly noticed public hearing to consider Rezone 2022-002 and related GPA 2022-02; and

WHEREAS, the Planning Commission considered the Mitigated Negative Declarations and Mitigation Monitoring and Reporting Programs (MMRPs) prepared for the proposed GPA 2022-02 and RZ 2022-02 and independently determined that all impacts were adequately addressed in accordance with the California Environmental Quality Act; and

WHEREAS, the Planning Commission also weighed the evidence presented at said public hearing, considered the staff report, determined that positive findings could be established for approval of the Rezone 2022-002 (RZ 2022-002) and approved Resolution No. 2023-08 recommending that the City Council approve a resolution adopting the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for all “five (5) projects sites” and adopting an ordinance to rezone only “four (4) project sites” removing “one (1) project site” that being “Foods Co Shopping Center”; and

WHEREAS, on September 26, 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

WHEREAS, the City Council has reviewed and considered the information contained in the Initial Study and related environmental documents including the Mitigated Negative Declaration and MMRP; and

WHEREAS, by Resolution No. 2023-__ the City Council adopted the Mitigated Negative Declarations and MMRPs prepared for RZ 2022-002 and related GPA 2022-002; and

WHEREAS, the proposed RZ 2022-02 would change the zoning designation of the five (5) “Project sites” subject parcels to Mixed Use (MX), as further described above and shown on Exhibit 2, attached hereto and incorporated herein by reference; and

WHEREAS, the proposed Rezone has been found to be consistent with the goals, policies, and programs of the Salinas General Plan; and

WHEREAS, 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:

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”) 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 (one (1) per “Project site”, five (5) total ISMNDs) 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 Programs have been included in the project (Exhibit 2). The Initial Studies and Mitigated Negative Declarations were routed to responsible agencies on August 18, 2023, and posted at the County Clerk’s Office on August 18, 2023; the deadline for comments was September 6, 2023. The State Clearinghouse received the document on August 18, 2023; the deadline for Clearinghouse comments was September 6, 2023 (SCH Numbers 2023080480).

On June 14, 2022, the City of Salinas, pursuant to AB 52 (Chapter 532, Statutes 2014) and SB 18 (Chapter 905, Statutes 2004) sent via certified mail notification letters to 9 California Native American Tribes that are traditionally and culturally affiliated with the project area. The letter was sent to representatives of the Amah Mutsun Tribal Band, Amah Mutsun Tribal Band of Mission San Juan Bautista, Costanoan Rumsen Carmel Tribe, Esselen Tribe of Monterey County, Indian Canyon Mutsun Band of Costanoan, Ohlone/Costanoan-Esselen Nation, Wuksache Indian Tribe/Eshom Valley Band, Xolon-Salinan Tribe, and Rumsen Am:a Tur:ataj Ohlone. Consultation for AB 52 ended on July 14, 2022, and consultation for SB 18 ended on September 12, 2022.

Chairperson Louise Miranda-Ramirez of the Ohlone/Costanoan-Esselen Nation requested formal consultation on September 13, 2022. Formal consultation was held by telephone on June 21, 2023. Nine (9) mitigation measures were requested through the formal consultation. The requested mitigation measures have been incorporated into the proposed Mitigation Monitoring and Reporting Program for the project (Exhibit C). No requests for additional consultation were received.

It should be noted that the circulated Initial Study and Mitigated Negative Declaration for the Sears (Northridge Mall) site incorrectly shows the proposed land use designation and zoning district applying to the total acreage of the site. The Initial Study and Mitigated Negative Declaration shows the proposed land use designation of Retail and zoning district of CR – Commercial Retail being rezoned to Mixed Use for the entire 10.2-acre site; however, the proposed land use designation and zoning district would only apply to 8.41 acres. The remaining 1.79 acres would maintain the current land use designation and zoning district. The final ordinance for City Council consideration will reflect the correct acreage.

Further, removal of the 1.79 acres does not affect the analysis contained in the Initial Study and Mitigated Negative Declaration because the Initial Study and Mitigated Negative Declaration analyzed the maximum buildout of the entire 10.2 acres with mixed-use buildings. Therefore, the Initial Study and Mitigated Negative Declaration analyzed the “worst-case scenario” for development of the site with higher intensity uses.

Rezone 2022-002:

1. 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 “Mixed Use” designation allows for development including a mixture of retail, office, and residential uses in the same building, on the same parcel or in the same area. The intent of this designation is to create activity centers with pedestrian-oriented uses in certain portions of the City. The maximum intensity/density of development is 1.0 + 10 dwelling units per acre (for a total maximum allowable floor area ratio of 1.25) throughout the City. For retail or office development is a 3.0 FAR.

The proposed project is consistent with Salinas General Plan Goals and Policies. The proposed “Mixed Use” land designation for all five (5) “Project sites” 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 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, and complies with General Plan Policy H-2.6, by encouraging the retention,

rehabilitation and new construction of high-density, well-designed housing, as discussed in the Land Use and Community Design Element.

The proposed rezoning would be consistent with the Mixed-Use land use designation. Future development would comply with the development regulations and design standards of the MX District, by:

- Promoting and providing development opportunities for integrated, complementary housing and employment opportunities in the same building, on the same parcel or within the same block.
- Supporting transit use and providing a buffer between busy streets and residential neighborhoods and providing new housing opportunities in the city.
- Promoting compact development that is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk.
- Promoting residential development that is appropriate in an urban setting in mixed use buildings by providing incentives, as well as standards and regulations to minimize conflicts between different types of uses.

2. 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 because of this amendment. There are no Specific Plans or Precise Plans applicable to the sites.

3. 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 sites to Mixed Use (MX),” would be generally consistent with the adjacent zoning districts for residential, mixed use, and commercial uses.

4. 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. In addition, the infrastructure capacity was analyzed in the ISMNDs and mitigated accordingly.

NOW, THEREFORE, THE SALINAS CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The City of Salinas’s Zoning Map, a copy of which is on file with the City Clerk of the City of Salinas, and which copy constitutes the original record, is hereby amended to reflect the following:

That certain real property located in the City of Salinas, County of Monterey, State of California, and shown and designated on that certain map attached hereto as Exhibit 1 and made a part hereof, entitled “Rezone 2022-002 Map” is hereby reclassified as shown on the attached exhibit to Mixed Use (MX).

SECTION 2. The aforesaid map and all notations, references and other information shown thereon shall be as much a part of this ordinance as if the matters and information shown on said map were fully described herein.

SECTION 3. This ordinance shall take effect and be in force thirty days from and after its adoption.

SECTION 4. The Salinas City Clerk is hereby directed to cause the following summary of the ordinance to be published by one insertion in *The Monterey Herald*, a newspaper of general circulation published and circulated in the City of Salinas and hereby designated for that general purpose by the Salinas City Council:

“The City of Salinas’s Zoning Map has been amended by reclassifying five (5) “Project sites” to Mixed Use (MX).”

This ordinance was introduced and read on September 26, 2023, and passed and adopted on October 26, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Kimbley Craig
Mayor

ATTEST:

Patricia Barajas
City Clerk

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney

EFFECTIVE DATE: _____

Attachments:

- Exhibit 1: Mitigation Monitoring and Reporting Program
- Exhibit 2: Proposed GPA 2022-002 and Rezone 2022-002 Map