

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

**AN ORDINANCE AMENDING THE ZONING MAP TO RECLASSIFY ONE (1)
SITE FROM RESIDENTIAL MEDIUM DENSITY (R-M-3.6) TO RESIDENTIAL
HIGH DENSITY (R-H-2.1)
(RZ 2022-001 RELATED TO GPA 2022-001)**

WHEREAS, on May 16, 2023, the Salinas City Council held a duly noticed public hearing to consider Rezone (Rezone 2022-001) to change the Zoning designation to 1 Preston Street, a vacant 2.6-acre (approximately 129,202 square feet) lot from Residential Medium Density (R-M-3.6) to Residential High Density (R-H-2.1) and related General Plan Amendment 2022-001 as described in more detail below:

1. Rezone 2022-001 (RZ 2022-001); Request to change Zoning designation of the above referenced 129, 202 square feet lot from Residential Medium Density (R-M-3.6) to Residential High Density (R-H-2.1); and
2. General Plan Amendment 2022-001 (GPA 2022-001); Request to change the General Plan designation of an approximately 129,202 square feet lot 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 the CEQA Guidelines prepared an Initial Study Mitigated Negative Declaration, for Rezone 2022-001 and related General Plan Amendment 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 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

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 Declaration and MMRP prepared for General Plan Amendment 2022-001 and related RZ 2022-001; and

WHEREAS, the proposed RZ 2022-001 would change the zoning designation of the subject parcel from "Residential Medium Density (R-M-3.6) to Residential High Density (R-H-2.1)", as further described above and shown on Exhibit "1", 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” 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 comments were received from public agencies: Department of Toxic Substance Control 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: 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.

For Rezone 2022-001:

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 "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 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.

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. 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 addition, Residential- High Density (R-H-2.1) provides for high density multifamily dwelling units where the minimum density is more than fifteen dwelling units per net acre and the maximum density is not more than twenty dwelling units per net acre without density bonus.

The proposed Rezone request to change the Zoning designation of one (1) site consisting of a vacant 2.6-acre (approximately 129,202 square feet) from Residential Medium Density (R-M-3.6) to Residential High Density (R-H-2.1), which per R-M-3.6 Zoning Code Section 37-30.100 (j)(1), the minimum density is more than 8 dwelling units per net acre and the maximum density is not more than 12 dwelling units per net acre without density bonus. 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 20 dwelling units per net acre without density bonus. 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 proposed rezoning of the project site would be consistent with Residential High Density (R-H) District and Focused

Growth (FG) Overlay District. It 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. Encourage 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.

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 as a result of this amendment. There are no Specific Plans or Precise Plans applicable to the site.

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 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 districts “Residential High Density (R-H-2.1)”.

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.

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 2022-001 Map” classified Residential Medium Density (R-M-3.6) is hereby reclassified as shown on the attached exhibit to Residential High Density (R-H-2.1).

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 one (1) site from Residential Medium Density (R-M-3.6) to Residential High Density (R-H-2.1)”.

This ordinance was introduced and read on May 16, 2023, and passed and adopted on June 16, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Kimbly Craig
Mayor

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney

ATTEST:

Patricia M. Barajas
City Clerk

EFFECTIVE DATE: _____

Attachments:

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

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