

RESOLUTION NO. (N.C.S.)

**RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION,
APPROVING AN AMENDMENT TO THE SALINAS GENERAL PLAN TO CHANGE
THE GENERAL PLAN LAND USE DESIGNATION, BOUNDARIES, A CONDITIONAL
USE PERMIT TO CONSTRUCT A 36-UNIT AFFORDABLE SENIOR HOUSING
PROJECT, A PARCEL MAP, AND A MINOR MODIFICATION TO CONDITIONAL
USE PERMIT 1977-031 LOCATED AT 98 KIP DRIVE IN THE PUBLIC/SEMPUBLIC
(PS) ZONING DISTRICT (GPA 2023-001, CUP 2022-059, RS 2022-006, AND MM 2022-
019 – RELATED TO RZ 2023-001)**

WHEREAS, on March 12, 2024, the Salinas City Council at the request of CHISPA Incorporated is requesting held a duly noticed public hearing to consider the following applications for a 100% affordable senior housing project located at 98 Kip Drive in the Public/Semipublic Zoning District (APN: 261-661-011-000).

1. General Plan Amendment 2023-001 (GPA 2023-001); Request to change the General Plan designation of a 0.85-acre portion of a 2.3-acre lot from “Public/Semipublic” to “Residential High Density”.
2. Rezone 2023-001 (RZ 2023-001); Request to rezone the same above referenced 0.85-acre portion of a 2.3-acre lot from “Public/Semipublic (PS)” to “Residential High Density (R-H-2.1)”.
3. Conditional Use Permit 2022-059 (CUP 2022-059); Request to construct a three-story, 36-unit, 36-foot high, one (1) bedroom multi-family residential use, 100% affordable senior housing project (St. Georges Senior Apartments) with a 100% density bonus, a manager’s unit, 31 off-street parking spaces with a five (5) space (14%) Parking Reduction, concession and waiver requests for usable open space, density, and off-street parking, and alternative means of compliance for landscaping along the east property line.
4. Resubdivision 2022-006 (RS 2022-006); Request for a parcel map (vesting tentative parcel map) to subdivide a 2.3-acre lot into two (2) lots of 1.45 and 0.85 acres each.
5. Minor Modification to Conditional Use Permit 1977-031 (MM 2022-019); Request to delete the terms and conditions of Conditional Use Permit 1977-031 (CUP 1977-031), from the proposed 0.85-acre lot, which currently applies the entire 2.3-acre lot; and

WHEREAS, the City, in accordance with requirements of CEQA and the CEQA Guidelines prepared a Mitigated Negative Declaration, dated March 17, 2023, for General Plan Amendment 2022-003, Rezone 2022-003, Conditional Use Permit 2022-005, Resubdivision 2022-006, and Minor Modification to CUP 197-031 (MM 2022-019) herein incorporated by reference and included as

Exhibit “4”; and

WHEREAS, the City completed and filed a Notice of Intent to Adopt a Mitigated Negative Declaration with the Monterey County Clerk on January 11, 2024, which commenced a 30-day local public review period starting on January 11, 2024 and ending on February 9, 2024; mailed a Notice of Public Hearing to all property owners located within 300-feet the project sites; and posted the Notice of Intent to Adopt a Mitigated Negative Declaration in locations throughout the City of Salinas City Hall and administrative offices; and

WHEREAS, the City mailed the Mitigated Negative Declaration to the State Clearinghouse on January 10, 2024, which commenced a 30-day local public review period starting on January 10, 2024, and ending on February 8, 2024 (State Clearinghouse No. 2024010222); and

WHEREAS, on February 21, 2024, the Salinas Planning Commission, held a duly noticed public hearing to consider General Plan Amendment 2023-001, Rezone 2023-00, Conditional Use Permit 2022-059, Resubdivision 2022-006, and Minor Modification 2022-019; and

WHEREAS, the Planning Commission considered the Mitigated Negative Declaration prepared for this project 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 project, adopted Resolution No. 2024-04 recommending that the City Council adopt the Mitigated Negative Declaration and approve General Plan Amendment 2023-001, Rezone 2023-001, Conditional Use Permit 2022-059, Resubdivision 2022-006, and Minor Modification 2022-019; and

WHEREAS, on February 27, 2024, the Housing and Land Use Committee recommended that the City Council adopt the Mitigated Negative Declaration and approve General Plan Amendment 2023-001, Rezone 20231-001, Conditional Use Permit 2022-059, Resubdivision 2022-006, and Minor Modification 2022-019; and

WHEREAS, the City Council weighed the evidence presented at said public hearing, including the Staff Report, which is on file at the Community Development Department, reviewed and considered the information contained in the Initial Study and related environmental documents including the Mitigated Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED by the Salinas City Council that the Council adopts the proposed Mitigated Negative Declaration and approves General Plan Amendment 2023-001, Conditional Use Permit 2022-059, Resubdivision 2022-006, and Minor Modification 2022-019 and 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 (ND) 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 project will have a significant effect on the environment and that the ND reflects the Council's independent judgment and analysis. On this basis, the City Council adopts 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. The Initial Study and Mitigated Negative Declaration were routed to responsible agencies and posted at the County Clerk's Office on January 11, 2024; the deadline for comments was February 9, 2024. The State Clearinghouse received the document on January 10, 2024; the deadline for Clearinghouse comments was February 8, 2024 (SCH# 2024010222).

Public comments were received from the following during the comment period as described below:

1. Comments received via email from Monterey Salinas Transit on January 25, 2024.

- a. Monterey Salinas Transit (MST) serves, operates and maintains two (2) existing stops within the project's vicinity for Line 41. Line 41 travels from the Salinas Transit Center to Northridge Mall via East Alisal Street. Per MST, the service operates every 30 minutes on weekdays and hourly on weekends. MST encourages the Applicant (CHISPA) to enroll in their Group Discount Program to offer employees and hotel guests bus passes at substantially reduced rates.

Staff Response: This information from MST has been provided to the Applicant for future reference.

2. Comments received via email from Monterey Bay Air Resources District (MBARD) on February 9, 2024.

- a. The emission estimates stated in Pages 6-7 of the Initial Study must be supported by substantial evidence, such as the use of the California Emissions Estimator Model (CalEEMOD).

Staff Response: Staff used the CalEEMOD model to calculate the average

daily emissions of VOC's or NO_x, CO, PM₁₀, and SO_x. Per the CalEEMOD the calculations for the proposed project as compared to the maximum allowed as per MBARD will be the following:

<u>Emission</u>	<u>Project Emission</u>	<u>MBARD Maximum</u>
VOC or NO _x	1 lb./day	137 lbs./day
CO	1.4 lbs./day	550 lbs./day
PM	.02 lb./day	82 lbs./day
SO _x	1 lb./day	150 lbs./day

As per the above table, the estimated emissions from the proposed project will be less than the maximum allowed MBARD emissions and will be compliant.

- b. Because of the project's proximity to sensitive receptors, fugitive dust should be mitigated during the construction phase of the project.

Staff Response: As a part of the building permit process, the Applicant will need to comply with the dust control measures stated in Zoning Code Section 37-50.180(j) and conform to the City's National Pollutant Discharge Elimination System (NPDES) requirements and stormwater management and discharge control Ordinance as per Zoning Code Section 37-50.180(k). In addition, as required by the draft CUP 2022-059, the Applicant or successor-in-interest shall obtain all applicable permits from MBARD and consult with them concerning any potential need for a diesel health risk assessment.

- c. If a generator, boiler, or other stationary sources of air pollutants are needed to support the construction process or will be installed for use in the operation of the project, a permit from MBARD may be required. In addition, any stationary piston-type internal combustion engine of greater than or equal to 50 brake horsepower (bhp) may also require a MBARD permit.

Staff Response: As per CUP 2022-059, if required, the Applicant or successor-in-interest shall obtain all applicable permits from MBARD.

- d. If older underground asbestos (Transite) piping is encountered during construction work, the requirements of MBARD Rule 424 National Emission Standards for Hazardous Air Pollutants (NESHAP) could be triggered.

Staff Response: As per CUP 2022-059, if required, the Applicant or successor-in-interest shall obtain all applicable permits from MBARD, including if older underground asbestos (Transite) piping is encountered during construction.

- e. The Applicant or successor-in-interest should consider making electric vehicle (EV) charging stations available in the facility's parking areas.

Staff Response: This comment has been forwarded to the Applicant for review and consideration.

For General Plan Amendment 2023-001:

- 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 change of a land use designation for a 0.85-acre portion of a 2.3-acre lot from "Public/Semipublic (PS)" to "Residential High Density (R-H-2.1)" is not expected to result in negative impacts or conflicts with surrounding properties, because it would be consistent with the designation of the adjacent property located of the project site at 90 Kip Drive and allow for uses prescribed by the City's 2002 General Plan land use designation of Residential High Density.

- 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 allow an existing lot to have a consistent designation and allow for a proposed multi-family residential use with 100% affordable housing.

For Conditional Use Permit 2022-059:

- 1. *The proposed location of the use is in accordance with the objectives of the 2002 Salinas General Plan, this Zoning Code and the purposes of the district in which the site is located;***

The project site is currently designated "Public/Semipublic" by the 2002 Salinas General Plan. The related General Plan Amendment will redesignate an approximate 0.85-acre portion of a 2.3-acre lot from "Public/Semipublic" to "Residential High Density". This would allow for increased density for the proposed multi-family residential use with 100% affordable housing. Per the General Plan, Residential High Density provides for the development of row houses, condominiums, and apartments. The proposed project is consistent with General Plan Goals and Policies. Located on an in-fill site, the project would help maintain a compact City form, consistent with Land Use Policy LU-2.4. The proposed General Plan Amendment is also consistent with Policies H-1.1, because it encourages a variety of housing types, designs, and prices throughout the City, H-1.9, which encourages the development of higher density apartments in locations that are served by major transit corridors and have good pedestrian and cyclist facilities, and Policy H-3.3, which encourages and supports the development of senior housing and assisted facilities on sites within

proximity to public transportation and services. The related General Plan Amendment is consistent with Salinas General Plan Policies.

As shown on the official Zoning Map, the project site is zoned Public/Semipublic (PS). The related Rezone would change the Zoning designation of an approximate 0.85-acre portion of a 2.3-acre lot from Public/Semipublic (PS) to Residential High Density (R-H-2.1). This would allow the project increased density, because in the PS District, all residential development must comply with the Residential Medium Density (R-M-2.9) development regulations, which only allows for one (1) unit for every 2,900 square-feet of lot area, whereas, the R-H-2.1 District allows for a minimum density one (1) unit for every 2,100 square-feet of lot area. In addition, upon approval of the related General Plan Amendment and Rezone, the proposed affordable senior housing project with a 100% density bonus can be approved through the CUP process. Per Section 37-30.150, the purposes of the Residential High Density are 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, the additional purposes of the R-H-2.1 District is to provide 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 a density bonus. The proposed multifamily residential use with 100% affordable housing will comply with the purposes of the R-H-2.1 Zoning District.

2. ***The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained are consistent with the Salinas General Plan and will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or the general welfare of the City of Salinas; and***

The project site is currently designated “Public/Semipublic” by the 2002 Salinas General Plan. The related General Plan Amendment will redesignate an approximate 0.85-acre portion of a 2.3-acre lot from “Public/Semipublic” to “Residential High Density”. This

would allow for increased density for the proposed multi-family residential use with 100% affordable housing. Per the General Plan, Residential High Density provides for the development of row houses, condominiums, and apartments. The proposed project is consistent with General Plan Goals and Policies. Located on an in-fill site, the project would help maintain a compact City form, consistent with Land Use Policy LU-2.4. The proposed General Plan Amendment is also consistent with Policies H-1.1, because it encourages a variety of housing types, designs, and prices throughout the City, H-1.9, which encourages the development of higher density apartments in locations that are served by major transit corridors and have good pedestrian and cyclist facilities, and Policy H-3.3, which encourages and supports the development of senior housing and assisted facilities on sites within proximity to public transportation and services. The related General Plan Amendment is consistent with Salinas General Plan Policies.

3. *The proposed conditional use will comply with the provisions of the Salinas Zoning Code, including any specific conditions required for the proposed use.*

Specific conditions of approval as described above are included in the draft Conditional Use Permit to ensure that the project complies with all requirements of the Salinas Zoning Code. For instance, a condition of approval requires review and approval of a photometric lighting plan prior to issuance of a building permit to ensure that the parking lot lighting is in compliance with City of Salinas Zoning standards.

For Resubdivision 2022-006:

1. *The proposed Parcel Map is consistent with the General Plan or any applicable Specific Plan, Precise Plan, zoning, or other applicable provisions of the Salinas Municipal Code;*

The existing 2.3-acre site is currently designated “Public/Semipublic” by Figure LU-3 of the Salinas General Plan and zoned “Public/Semipublic (PS)”. The proposed Parcel Map is related to General Plan Amendment 2023-001 and Rezone 2023 which would subdivide the 2.3-acre lot into two (2) lots of 1.45 and 0.85 acres each. Parcel One would consist of 1.45-acres and retain the existing Public/Semipublic General Plan designation and Zoning. Proposed Parcel Two would be 0.85-acres and be designated “Residential High Density” in the General Plan and rezoned “Residential High Density (R-H-2.1)”. The proposed Parcel Map is consistent with this Residential High Density land use designation and zoning. As shown below, the Parcel Map conforms with the minimum development standards of the PS and R-H-2.1 Districts:

Zoning Code Development Standards (R-H-2.1 District)				
Development Standard	Minimum Standard for PS	Proposed Parcel “A”	Minimum Standard for R-H-2.1	Proposed Parcel “B”
Lot Size Minimum (square feet)	Pursuant to CUP	2.3-acres (100,188 s.f.)	7,200 s.f.	0.85-acres (37,026 s.f.)

Lot Width- Minimum	Pursuant to CUP	238-feet	75 feet	141-feet
Lot Depth- Minimum	Pursuant to CUP	238 feet	100 feet	253-feet
Lot Frontage- Minimum	Pursuant to CUP	232 feet	35 feet	150-feet
Front Yard Setback:	Pursuant to CUP	40-feet, 30-feet (corner side yard)	15 feet	15-feet
Side Yard Setback	Pursuant to CUP	10-feet	10 feet	10-feet (west) 56-feet (east)
Rear Yard Setback	Pursuant to CUP	10-feet	10 feet	20-feet
Lot Area per unit (Maximum allowed with 100% for Senior Housing Density Bonus)	Pursuant to CUP	N/A	36 units	36 units
Usable Open Space (600 s.f. per unit)	Pursuant to CUP	N/A	18,000 s.f.	4,500 s.f.
Maximum Height	Pursuant to CUP	N/A	45-feet	36-feet
Off-street parking	26 spaces	45 spaces	36 spaces	31 spaces

Per the above table, the proposed Parcel Map will not comply with the minimum requirements for usable open space and off-street parking. However, the Applicant has requested Density Bonus concessions pursuant to Government Code 65915, which authorizes concessions pursuant to State Density Bonus laws for Affordable Senior Type 1 housing concerning usable open space, density, and parking. In addition, the project site is covered under Assembly Bill 2097 (AB 2097), which prohibits cities from imposing a minimum off-street parking requirement on residential projects located within a half-mile radius of a major transit stop. The proposed concession for off-street parking is a five (5) space, 14% reduction for Parcel “B” only. Parcel “A” has adequate parking to serve the existing religious assembly use. The concession for off-street parking is appropriate because a parking space will not be required for every unit. The Applicant’s records show that number of cars for three (3) similar senior projects in the City of Salinas shows that the number of cares per unit ranges from 35% to 52%. By reducing the amount of land required for the off-street parking spaces and allowing more of the site to be used for apartment units, this concession results in identifiable and actual cost reductions to provide for affordable rents.

Concerning usable open space, the concession for the reduction in the amount of usable open

space was approved to allow for additional area of the project site to be used for apartment units, which will result in identifiable and actual cost reductions to provide for affordable rents. Since the Parcel Map consists of two (2) separate parcels, a reciprocal Parking, Access, and Drainage Agreement shall be required prior to issuance of a building permit. The rest of the project will be subject to all applicable requirements of the Salinas Municipal Code. There are no Specific or Precise Plans applicable to the site.

2. The design or improvement of the proposed subdivision is consistent with applicable General and Specific Plans;

Salinas General Plan Policy CD-2.5 calls for designs that maximize “eyes on the street”. Salinas General Plan Policy H-3.3 calls for the production of senior housing. The proposed 36-unit affordable senior residential project will provide increase housing opportunities for the community. These proposed changes adhere to the design requirements of the Salinas Zoning Code, which was based on the 2002 General Plan. The density bonus which for related Conditional Use Permit 2022-059 is compliant with Housing Element Policy H-1.5, which encourages the use of the density bonus program. There is no Specific Plan applicable to the site.

3. The site is physically suitable for the type of development;

The site is substantially flat and is a currently vacant portion of the project site. The Applicant proposes construct a new 36-unit affordable senior residential project. The site does not contain any known features that would render it physically unsuited for development. The site is primarily square in shape and is physically suited for the proposed development.

4. The site is physically suitable for the proposed density of development:

The project site is 0.85-acres, which would allow for a maximum of 36 units per acre on the Project site for a Senior Housing Density Bonus. As a 100% affordable project, the Project qualifies for an 100% density bonus for senior housing as per Zoning Code Section 37-50.060. The density of the site is therefore physically suitable for the proposed Parcel Map.

5. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

The project site for the new 36-unit affordable senior residential project is 0.85-acres and is currently vacant. The site is surrounded by developed properties; no environmental damage or injury to fish or wildlife is expected with the proposed project.

6. Neither design of the subdivision nor the type of improvements is likely to cause serious public health problems;

The project site for the new 36-unit affordable senior residential project is 0.85-acres and is currently vacant. The infill site is surrounded by existing educational and residential uses. No public health problems are anticipated as a part of the proposed project.

7. ***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;***

Development of the property will not conflict with any known easements.

8. ***That the waste discharge from the proposed Parcel Map into a community sewer system will not result in violations of existing requirements prescribed by the Regional Water Quality Control Board.***

The proposed new 36-unit affordable senior residential project is proposed by related Conditional Use Permit 2022-059. The Applicant or successor-in-interest will be required to pay the City's Sanitary Sewer Fee and comply with the City's regulations to ensure that the City's Sewer System is sufficient to prevent any violations of the existing requirements prescribed by the Regional Water Quality Control Board.

9. ***The land is not subject to a contract under the Williamson Act or complies with the exceptions listed in Section 66474.4(b) of the Subdivision Map Act.***

There are no Williamson Act contracts associated with the subject site, and the site is not agricultural land.

For Minor Modification 2022-019:

1. The proposed Minor Modification to Conditional Use Permit 1977-031 is to delete the terms and conditions of Conditional Use Permit 1977-031 (CUP 1977-031), from the proposed 0.85-acre project site containing the multi-family residential use for affordable senior housing. Conditional Use Permit 1977-031 approved a religious assembly use on the entire 2.3-acre lot. The religious assembly use would still apply to the proposed 1.45-acre lot located adjacent to the west of the project site. Per Zoning Code Section 37-30.390, Table 37-30.390, religious assembly uses are permitted in the Public/Semipublic (PS) Zoning District pursuant to a Conditional Use Permit (CUP).

PASSED AND ADOPTED this 12th day of March 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED

Kimbley Craig, Mayor

ATTEST

Patricia Barajas, City Clerk

Attachments: Exhibit 1: Vicinity Map
Exhibit 2: General Plan Amendment Map for 98 Kip Drive
Exhibit 3: Conceptual Vesting Tentative Parcel map dated June 26, 2023
Exhibit 4: Mitigated Negative Declaration dated January 10, 2024

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