



## **CITY OF SALINAS COUNCIL STAFF REPORT**

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**DATE:** MAY 16, 2023 – CONTINUED  
JUNE 13, 2023

**DEPARTMENT:** COMMUNITY DEVELOPMENT

**FROM:** LISA BRINTON, ACTING DIRECTOR

**THROUGH:** COURTNEY GROSSMAN, PLANNING MANAGER

**BY:** GRANT LEONARD, PLANNING MANAGER  
OSCAR RESENDIZ, ASSOCIATE PLANNER

**TITLE:** GENERAL PLAN AMENDMENT 2022-001 AND REZONE 2022-001;  
A VACANT 2.6 ACRE SITE LOCATED AT 1 PRESTON STREET

**RECOMMENDED MOTION:**

It is recommended that the City Council take the following two actions:

1. Approve a resolution affirming the findings, adopting the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approving a General Plan Amendment (GPA 2022-002) changing the General Plan Land Use designation from Residential Medium Density to Residential High Density; and
2. Adopt an Ordinance to Rezone from Residential Medium Density to Residential High Density (RZ 2022-001).

**EXECUTIVE SUMMARY:**

The City of Salinas is proposing a General Plan Amendment (GPA) to change the land use designation from Residential Medium Density (8-15 units/acre) to Residential High Density (15-24 units/acre) and Rezone (RZ) from Residential Medium Density (R-M-3.6) to Residential High Density (R-H-2.1) of a vacant 2.6-acre lot located at 1 Preston Street. An Initial Study and Mitigated Negative Declaration have been prepared for the project, which is known as ER 2022-009. The purpose of the GPA and RZ is to facilitate the production of high-density housing, consistent with the City's General Plan. The GPA and RZ would facilitate the development of up to approximately 76 housing units (anticipating a density bonus). A draft ordinance for the GPA and RZ is provided as an attachment to this staff report.

The project does not involve construction or other physical changes to the site because there are currently no development proposals. The project is intended to encourage future higher density development that would provide new housing consistent with the Salinas General Plan. This

project is being partially funded by Senate Bill 2 (SB 2) grant funding for the purpose of increasing housing production in the City.

### BACKGROUND:

In December 2019, the City accepted a SB 2 grant award from the state Housing and Community Development Department (HCD) in the amount of \$310,000. Grant funds are to be used to facilitate the production of housing by undertaking the necessary planning and environmental studies and analyses to consider changing land use and zoning designations of identified opportunity sites to allow for higher density residential or mixed-use development. This SB 2 grant award enabled the City to undertake the planning and environmental study and analysis required to prepare the proposed Amendments. The SB 2 grant is awarded to cities for the preparation, adoption, and implementation of plans that streamline housing development approval and accelerate housing production.

### DISCUSSION:

The purpose of the proposed General Plan Amendment and Rezone is to facilitate the production of high-density housing, consistent with the City's General Plan. The GPA and RZ would affect 2.6 acres and would facilitate the development of up to approximately 76 housing units (anticipating a density bonus). The project would allow for greater housing density and more flexible development standards. These proposed general plan and zoning changes are shown on Exhibit "D". The project does not involve construction or other physical changes to the site.

The property is located in the Residential Medium Density (R-M-3.6) Zoning District with Focused Growth (FG-2: North Main Street/Soledad Street) and Flood District (F) overlays. The following provides an overview of the land uses and zoning districts adjacent to the project site:

North:	Parks (P) - Flood District (F) overlay
South:	Mixed Arterial Frontage (MAF) – Focused Growth (FG-2: North Main Street/Soledad Street) /Flood District (F) overlays
East:	Residential High Density (R-H-2.1) – Focused Growth (FG-2: North Main Street/Soledad Street) /Flood District (F) overlays
West:	Single-family Residential/Low Density Residential (R-L-5.5) - Flood District (F) overlay

### General Plan Amendment 2022-001

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 units per net acre. 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 project site is currently designated “Residential Medium Density (8-15 du/ac)”. The proposed Amendment is consistent. 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 du/ac). The Amendment would be consistent with Salinas General Plan policies and the General Plan land use designation of the adjacent site to the east of the subject site.

The proposed General Plan Amendment is consistent with General Plan Goal H-1, by increasing the allowed density and providing a range of housing opportunities to adequately address existing and projected needs in Salinas. The project also furthers 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 is consistent with General Plan Goal H-2, by maintaining and improving existing neighborhoods and housing stock.

#### Rezone 2022-001

Residential- High Density (R-H-2.1) provides for high density multifamily dwelling units where 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. 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. This includes:

- 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 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.

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 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.

The proposed rezoning of the project site would be consistent with Residential High Density (R-H) District and Focused Growth (FG) Overlay District. The project 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.
- Increasing pedestrian activity by creating neighborhood centers that are conveniently accessed by public transit.
- Encouraging 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.

#### Consideration of Amendments

Chapter 37, Article VI, Divisions 12 and 14 provides for a process whereby all General Plan and Zoning Code Amendments are brought before the Planning Commission for a recommendation to the City Council for consideration and a final decision. On April 19, 2023, the Planning Commission held a public hearing to review the proposed Amendments and approved the attached Planning Commission Resolution 2023-03 recommending that the City Council adopt the proposed Mitigated Negative Declaration, approve General Plan Amendment 2022-001 and Rezone 2022-001. The April 19, 2023, Planning Commission Staff Report and draft Planning Commission minutes are provided as attachments to this staff report.

The City Council may approve the proposed Amendments if all of the findings set forth in the attached City Council Resolution and Ordinance are established. Per Zoning Code Section 37-60.930(d), an affirmative vote of not less than four (4) votes of the City Council is required for the Council to approve the General Plan Amendment. Prior to taking action on the proposed Amendments, the City Council will need to affirm environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA).

#### CEQA CONSIDERATION:

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 result in 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 Reso Exhibit “2”). The Initial Study and Mitigated Negative Declaration were routed to responsible agencies 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). Comments received are discussed below.

On May 20 and June 2, 2021, the City of Salinas mailed local tribes a Senate Bill (SB) 18 and Assembly Bill (AB) 52 notification letter via certified mail. Under AB 52, Native American tribes are provided 30 days to respond and request further project information and request formal consultation. Under SB 18, tribes are provided 90 days to respond. The City did not receive a request for formal consultation under AB 52. As of the date this report was written, no requests for additional consultation were received.

It should be noted that the circulated Initial Study and Mitigated Negative Declaration incorrectly stated the General Plan land use designation of Residential High Density maximum density to be 15- 20 units/acre when the correct maximum number of units per acre is 24. Staff has identified this error and the final ordinance to City Council reflects the correct density of 15-24 units/acre.

#### Agency Responses:

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. Page | 6 DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the MND. 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 to DTSC's comments. 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.<sup>1</sup> 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.

#### STRATEGIC PLAN INITIATIVE:

The proposed Amendments support the City of Salinas Strategic Plan 2022-2025 goal of Housing/Affordable Housing by creating opportunities for future housing development. The proposed GPA and RZ will facilitate the production of higher-density housing of up to approximately 76 housing units (anticipating a density bonus), consistent with the City's General Plan.

#### DEPARTMENTAL COORDINATION:

Community Development Department Advanced Planning and Plan and Project Implementation (APPI) division administers the implementation of the SB2 grant, managed the preparation of the Initial Study Mitigated Negative Declaration and drafted the Amendments in coordination with other CDD divisions (Current Planning and Housing), Public Works, Economic Development staff and the City Attorney's office.

#### FISCAL AND SUSTAINABILITY IMPACT:

There are no additional fiscal impacts to the City's General Fund associated with the approval of the Amendments. Staff time for managing the SB2 grant and the preparation of CEQA documents was fully funded by SB 2 grant funds. Staff time dedicated to preparing the Amendments and this report is already incorporated in the 2022-2023 Community Development APPI division budget.

#### ATTACHMENTS:

1. Draft City Council Resolution for GPA 2022-001 and Mitigated Negative Declaration with the following Exhibits:
  - Reso Exhibit 1: Initial Study/Mitigated Negative Declaration (ISMND), dated January 2023
  - Reso Exhibit 2: Mitigation Monitoring and Reporting Program
  - Reso Exhibit 3: Proposed General Plan Amendment 2022-001 (GPA 2022-001) Map and Proposed Rezone 2022-001 (RZ 2022-001) Map
2. Draft Rezone Ordinance for Rezone 2022-001 with following Exhibits:
  - Ord Exhibit 1: Initial Study/Mitigated Negative Declaration (ISMND), dated January 2023
  - Ord Exhibit 2: Mitigation Monitoring and Reporting Program
  - Ord Exhibit 3: Proposed General Plan Amendment 2022-001 (GPA 2022-001) Map and Proposed Rezone 2022-001 (RZ 2022-001) Map
3. Planning Commission Staff Report dated April 19, 2023- Packet with exhibits
  - Exhibit 1: Mitigated Negative Declaration and Mitigation Monitoring Program

- Exhibit 2: Proposed General Plan Land Use and Zoning Map
- Exhibit A Project Location
- Exhibit B Surrounding Land Uses
- Exhibit C Existing Zoning District
- Exhibit D Proposed General Plan Land Use and Zoning Map
- Exhibit E Letter from Department of Toxic Substance Control, from Mr. Gavin McCreary, Project Manager, Dated February 9, 2023.
- Exhibit F Initial Study/ Mitigated Negative Declaration (ISMND), dated January 2023
- Exhibit G 1 Preston Street - Mitigated Monitoring and Reporting Program
- 4. Unofficial Planning Commission Minutes for April 19, 2023
- 5. Planning Commission Resolution
  - Exhibits for PC Resolution