

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

AN ORDINANCE AMENDING THE ZONING MAP BY THE ZONING DISTRICT, BOUNDARIES OF A 0.85-ACRE PORTION OF A 2.3-ACRE LOT LOCATED AT 98 KIP DRIVE FROM “PUBLIC/SEMIPUBLIC (PS)” TO “RESIDENTIAL HIGH DENSITY (R-H-2.1)”; (RZ 2023-001 – RELATED TO GPA 2023-001, CUP 2022-059, RS 2022-006, AND MM 2022-019)

City Attorney Impartial Analysis

The proposed ordinance would change the zoning designation of a 0.85-acre portion of a 2.3-acre lot located at 98 Kip Drive from “Public/Semipublic (PS)” to “Residential High Density (R-H-2.1)”. The related 36-unit 100% affordable senior housing project would comply with the purposes of the Residential High Density land use designation.

WHEREAS, on June 20, 2023, the Salinas City Council at the request of CHISPA Incorporated held a duly noticed public hearing to consider Rezone 2023-001 (RZ 2023-001) to change the Zoning designation of a 0.85-acre portion of a 2.3-acre lot located at 98 Kip Drive (APN: 261-661-011-000) from “Public/Semipublic (PS)” to “Residential High Density (R-H-2.1)” related to General Plan Amendment 2023-001, Conditional Use Permit 2022-059, Resubdivision 2022-006, and Minor Modification 2022-019; and

WHEREAS, on February 21, 2024, the Salinas Planning Commission, held a duly noticed public hearing to consider Rezone 2023-001; and

WHEREAS, the Planning Commission considered a Mitigated Negative Declaration prepared for the 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. 2024-02 recommending that the City Council adopt the related Mitigated Negative Declaration and approve Rezone 2023-001; and

WHEREAS, on February 27, 2024, the Housing and Land Use Committee recommended that the City Council adopt the Mitigated Negative Declaration and approve Rezone 2023-001; and

WHEREAS, on March 12, 2024, 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

WHEREAS, on March 12, 2024, the City Council adopted the Mitigated Negative Declaration prepared for General Plan Amendment 2023-001, Rezone 2023-001, Conditional Use Permit 2022-059, Resubdivision 2022-006, and Minor Modification 2022-019; and

WHEREAS, the proposed Rezone would change the zoning designation of a 0.85-acre portion of a 2.3-acre lot from “Public/Semipublic (PS)” to “Residential High Density (R-H-2.1)”, 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 Rezone 2023-001:

- 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.***

The proposed Amendment is consistent with Salinas General Plan Policies. The proposed change of a land use designation for 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 western portion of the project site and allow for uses prescribed by the City’s 2002 General Plan land use designation of Residential High Density.

- 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 zoning amendment will not create an unrelated zoning district because the rezoning would extend the boundary of the existing and contiguous Residential High Density (R-H-2.1) Zoning District located adjacent to the south at 90 Kip Drive.

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 Rezoning 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 2 and made a part hereof, entitled “Rezone 2023-001 Map” and which real property, of a 0.85-acre portion of APN: 261-661-011-000, located at 98 Kip Drive and now classified in the Public/Semipublic (PS) Zoning District, is hereby reclassified as shown on the attached to Residential High Density (R-H-2.1) Zoning District.

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 a 0.85-acre portion of a 2.3-acre lot located at 98 Kip Drive from “Public/Semipublic (PS)” to “Residential High Density (R-H-2.1)”. This Ordinance goes into effect 30 days after adoption. For additional detail concerning this amendment, contact the Community Development Department, 65 West Alisal Street, Salinas, CA 93901.”

NOW BE IT FURTHER RESOLVED that the Applicant or Successor-in-Interest shall comply with the following conditions of approval:

1. Pursuant to Salinas City Code Section 1-8.1: Civil action enforcement, and Section 1-8.2: Liability for costs, the Applicant(s) or Successor-in-Interest shall reimburse the City of Salinas for all costs and expenses (including but not limited to fees and charges of architects, engineers, attorneys, and other professionals, and court costs) incurred by the City in enforcing the provisions of the General Plan Amendment and/or Rezone; and
2. The Applicant(s) or Successor-in-Interest shall defend, indemnify, and hold harmless the City of Salinas or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul, the approval of this project/use. For Tentative Maps, this shall also apply when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the Applicant(s) or Successor-in-Interest of any such claim, action, or proceeding. The City shall cooperate in the defense. Nothing contained in this condition shall prohibit the City from participation in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.

This ordinance was introduced and read on March 12, 2024, and passed and adopted on _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Kimbley Craig
Mayor

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney

ATTEST:

Patricia Barajas
City Clerk

EFFECTIVE DATE: _____

Attachments: Exhibit 1: Vicinity Map
 Exhibit 2: Rezone 2023-001 Map
 Exhibit 3: Mitigated Negative Declaration dated January 10, 2024

I:\ComDev\Planning Share Space\98 Kip Dr\03-12-24 CC Ordinance.doc