

**ORDINANCE NO. 2648 (N.C.S.)**

**AN ORDINANCE AMENDING THE ZONING MAP BY RECLASSIFYING SIX (6) ADJACENT LOTS TOTALING 73 ACRES LOCATED AT 618 SHERWOOD DRIVE FROM “AGRICULTURAL – FLOOD OVERLAY” TO “PARKS – FLOOD OVERLAY” (RZ 2020-001 – RELATED TO GPA 2020-001)**

*City Attorney Impartial Analysis*

*The proposed ordinance would change the zoning designation of six (6) lots consistent of seventy-three (73) acres from Agricultural—Flood Overlay to Parks—Flood Overlay to allow for the development of a Park and Recreational Facility Use. The proposed Park and Recreational Facility Use would comply with the purposes of the Parks land use designation.*

**WHEREAS**, on September 14, 2021, the Salinas City Council, at the request of the Applicant and Property Owner, Big Sur Land Trust, held a duly noticed public hearing to consider Rezone (Rezone 2020-001) to change the Zoning designation of six (6) adjacent lots totaling 73-acres of land from “Agricultural – Flood Overlay” to “Parks – Flood Overlay” located at 618 Sherwood Drive (APN’s: 003-212-016-000, 003-212-007-000, 003-212-015-000, 003-821-033-000, 261-191-001-000, and 261-191-007-000) related to General Plan Amendment 2020-001; and

**WHEREAS**, on July 7, 2021, the Salinas Planning Commission, held a duly noticed public hearing to consider Rezone 2020-001; and

**WHEREAS**, the Planning Commission rescheduled Rezone 2020-001 to the July 21, 2021 public hearing; and

**WHEREAS**, on July 21, 2021, the Planning Commission continued Rezone 2020-001 to the August 4, 2021 public hearing; and

**WHEREAS**, the Planning Commission considered a 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 made for approval of the project, adopted Resolution No. 2021-16 recommending that the City Council adopt the related Mitigated Negative Declaration and approve Rezone 2020-001; and

**WHEREAS**, on August 24, 2021, the City Council continued the Rezone 2020-001 to September 14, 2021 public hearing due to a significant COVID-19 exposure; and

**WHEREAS**, on September 14, 2021, 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 September 14, 2021, the City Council adopted the Mitigated Negative Declaration prepared for General Plan Amendment 2020-001 and Rezone 2020-001; and

**WHEREAS**, the proposed Rezone would change the zoning designation of the subject parcels from “Agricultural – Flood Overlay” To “Parks – Flood Overlay”, 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:

**Rezone 2020-001:**

- 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 “Park” designation allows for existing and proposed public and private recreation site for parks and golf courses. Activity areas that may be developed include large multipurpose fields for community events and informal recreation, areas for active sports play, tot lots, picnic areas, multipurpose sports fields and courts, golf courses, concessions, community event space, outdoor amphitheaters, nature study centers, maintenance/support facilities, and caretaker facilities. Interim agricultural uses would be permitted on sites designated for park use until such time as park facilities are constructed. The General Plan Amendment would not change the designation of the project site.

The proposed project is consistent with Salinas General Plan Goals and Policies. The proposed Park and Recreational Facilities use on the project site is consistent with General Plan Goal COS-7, by providing and developing ample park and recreational facilities that offer a variety of recreational facilities. The project also complies with General Plan Policy COS-7.1, by developing a high-quality public park system that provides adequate space and facilities for a variety of recreational opportunities conveniently accessible to all Salinas residents. The project also complies with General Plan Policy COS-7.2, by maximizing the use of built and natural features to develop a citywide network of parks and open space with Carr Lake, Gabilan Creek, and the Sherwood Park/Rodeo Grounds complex as essential elements of the open space network.

Per Zoning Code Section 37-30.340, the purposes of the “Parks” land use designation is to provide for existing and proposed active and passive parks and recreational facilities, establish and maintaining park and open space areas in the City for recreational opportunities, prevent incompatible development in areas that should be preserved or regulated for scenic, recreational, conservation, aesthetic, or health and safety purposes; and promote vital and safe park areas through the incorporation of crime prevention through environmental design (CPTED) features in development.

The proposed Rezone requests to change the Zoning designation of six (6) parcels of the project site consisting of 73 acres from “Agricultural – Flood Overlay” (A-F) to “Parks – Flood Overlay” (P-F); Currently, the project site is zoned “Agriculture – Flood Overlay” (A-F), which as per Zoning Code Section 37-30.020, Table 37-30.10 does not allow for Park and Recreational Facilities uses. The proposed rezoning of the project site would be consistent with Sherwood Park located to the west and with the park uses located to the north and southeast. The proposed rezoning is consistent with the purposes of the “Parks” land use designation by providing additional recreational opportunities. In addition, the proposed Parks and Recreational Facilities use would prevent incompatible development in an existing Agricultural area that should be preserved or regulated for scenic, recreational, and conservation purposes.

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 “Agriculture – Flood Overlay” to “Parks – Flood Overlay” would be consistent with other nearby Park Zoning Districts located to the north and the southeast. The rezoning to “Parks – Flood Overlay” would be consistent with the Salinas General Plan which designates the project site as “Park”.

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 2011-002 Map" and which real property, APNs 003-212-016-000, 003-212-007-000, 003-212-015-000, 003-821-033-000, 261-191-001-000, and 261-191-007-000 located at 618 Sherwood Drive and now classified in the Agricultural – Flood Overlay (A - F) Zoning District, is hereby reclassified as shown on the attached to Parks – Flood Overlay (P - F) 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 six (6) adjacent lots consisting of approximately 73 acres) located at 618 Sherwood Drive from "Agricultural – Flood Overlay (A - F) to "Parks – Flood Overlay" (P - F). 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.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of September 2021, by the following vote:


**AYES:** Councilmembers: Barrera, Cromeenes, Gonzalez, McShane, Osornio, Rocha and Mayor Craig

**NOES:** None


**ABSTAIN:** None

**ABSENT:** None

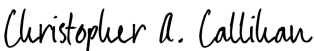
**APPROVED:**

DocuSigned by:  
  
E564E94F4CE64C8...  
Kimbley Craig, Mayor

**ATTEST:**

DocuSigned by:  
  
5BE31EC636A6432...  
Patricia M. Barajas, City Clerk

**APPROVED AS TO FORM:**

DocuSigned by:  
  
DF600E62871844E...  
Christopher A. Callihan, City Attorney

**EFFECTIVE DATE:** October 14, 2021

Attachments: Exhibit 1: Proposed Rezone 2020-001 Map