

**AN ORDINANCE ADOPTING A CITY CODE AMENDMENT TO REPLACE THE  
EXISTING SUBDIVISION ORDINANCE (CHAPTER 31: SUBDIVISIONS OF THE  
SALINAS MUNICIPAL CODE), IN ITS ENTIRETY  
(CCA 2015-001)**

**WHEREAS**, the existing Subdivision Ordinance (Chapter 31) in the City's Municipal Code dates from the 1990s and updates are periodically required due to the Legislature's revisions to the State Subdivision Map Act, together with other State updates and new City regulations such as the National Pollutant Discharge Elimination System (NPDES) permit requirements; and

**WHEREAS**, on November 16, 2016, following a public hearing, the Salinas Planning Commission recommended that the City Council adopt a Negative Declaration (ND) and adopt an ordinance (City Code Amendment 2015-001), which replaces Chapter 31: Subdivisions of the Salinas Municipal Code, in its entirety, together with the Planning Commission recommended changes to the draft ordinance in response to public comment; and

**WHEREAS**, on December 6, 2016, the City Council held a duly noticed public hearing regarding City Code Amendment 2015-001, weighed the evidence presented at said public hearing, including public testimony and the staff report, which is on file at the Community Development Department along with the record of the environmental review; and

**WHEREAS**, the Mitigation Monitoring and Reporting Programs adopted for the 2002 City of Salinas General Plan Final Environmental Impact Report (EIR); and the 2007 Final Supplement for the Salinas General Plan Final Program EIR, remain in full force and effect; and will apply to this project;

**WHEREAS**, the Salinas City Council hereby finds as follows:

**A.     *The above stated recitals are incorporated as findings.***

For the Negative Declaration

- 1. The Salinas City Council finds that a 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, the 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.***

An Initial Study was prepared for the project, which tiers upon the 2002 Salinas General Plan Final EIR (No. 1987012703) and the 2007 Final Supplement for the Salinas General Plan Final Program EIR (No. 2007031055). The Initial Study did not identify any potential significant impacts to aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology/soils, greenhouse gas, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services,

recreation, transportation and traffic, utilities and services systems beyond those previously identified in the prior EIRs. The Mitigation Monitoring and Reporting Programs adopted for the prior EIRs remain in full force and effect; and the Mitigation Measure will apply to this project.

The Initial Study and ND prepared for the Subdivision Ordinance Update (CCA 2015-001) were routed to responsible agencies and individuals for a 20-day public review period, which ended on November 14, 2016. One comment letter was sent by email on November 11, 2016 and received on November 14, 2016 from the chairperson of the Ohlone/Costanoan-Essen Nation (OCEN).

The OCEN had sent a previous letter with similar comments on September 29, 2016, in response to the City's "Notice of Availability" of the Draft Subdivision Ordinance. Both letters state: "Ohlone/Costanoan-Esselen Nation objects to all excavation in known cultural lands, even when they are described as previously disturbed, and of no significant archeological value... Our definition of respect is no disturbance."

In response to the letter of September 29, 2016, City staff included discussion in Section 4.5 (Cultural Resources) of the Negative Declaration summarizing the tribal consultation process, addressing the OCEN's comments and clarifying that the project would not have a significant adverse environmental impact as follows: "The proposed Subdivision Ordinance Update is a policy level document that does not cause or authorize excavation, soil disturbance, or alternative of any cultural resources. Any subsequent proposed projects that would be subject to the Subdivision Ordinance would be subject to project-level environmental screening to determine their potential to result in significant effects." Staff believes that these statements also respond to and address the OCEN comments in their November 11, 2016 letter.

## 2. For the De Minimis Impact

***Pursuant to California Environmental Quality Act (CEQA) Section 21089 and California Fish and Game Code Section 711.4, a determination of the following findings must be made: an Initial Study has been conducted by the lead agency to evaluate the potential for adverse environmental impact; the proposed project involves no potential for adverse effect, either individually or cumulatively, on wildlife resources or the habitat upon which wildlife depends; and the lead agency has, on the basis of substantial evidence, rebutted the presumption of adverse effect contained in Section 753.5(d) of the California Code of Regulations.***

The Subdivision Ordinance Update (CCA 2015-001) addresses administrative procedures for the subdivision of land, condominium and mobile home park conversions, lot mergers, and lot line adjustments. It will apply citywide to projects and is not tied to any specific site. Specific development projects that are implemented in accordance with the Draft Ordinance will be subject to environmental review under CEQA. Therefore, there is no potential for adverse environmental impacts relative to biological resources related to adoption of the Draft Ordinance.

**WHEREAS**, the Salinas City Council adopts the following findings, as the basis for its introduction and adoption of the proposed City Code Amendment:

City Code Amendment 2015-001

1. ***The proposed City Code Amendment is in consistent with the Salinas General Plan and other plans and policies adopted by the Salinas City Council.***

The proposed City Code Amendment does not alter the policies or programs of the General Plan. The City Code Amendment updates the existing City Code in order to conform to the Legislature's revisions to the State Subdivision Map Act, together with other State updates and new City regulations such as the National Pollutant Discharge Elimination System (NPDES) permit requirements. The overall goal of the Subdivision Ordinance Update is clean-up and clarification.

2. ***The proposed amendment will not have 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.***

This Code Amendment clarifies processes and requirements and strives to improve existing procedures. It does not conflict or reverse the policies of the Salinas General Plan, applicable Specific Plans, or other plans or policies adopted by the Salinas City Council.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF SALINAS AS FOLLOWS:**

**SECTION 1.** Chapter 31: Subdivisions of the Salinas Municipal Code is hereby amended and replaced, in its entirety, with the revised Subdivision Ordinance (CCA 2015-001) and its addendum attached as Exhibit 1.

**SECTION 2.** This ordinance shall take effect and be in force thirty days from and after its adoption.

**SECTION 3.** The Salinas City Clerk is hereby directed to cause the following summary of this ordinance to be published by one (1) insertion in a newspaper of general circulation published and circulated in the City of Salinas and hereby designated for that purpose by the Salinas City Council:

Summary of Salinas City Ordinance No. \_\_\_\_\_ (N.C.S): The existing Subdivision Ordinance contained in Chapter 31: Subdivisions of the Salinas Municipal Code is hereby amended and replaced, in its entirety with an amended Ordinance (City Code Amendment 2015-001), which is on file with the Salinas City Clerk. The amendment of Chapter 31 is intended to ensure consistency with the California Subdivision Map Act and clarify City processes and requirements.

**SECTION 4.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Salinas City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

This ordinance was introduced and read on December 6, 2016 and passed and adopted on \_\_\_\_\_, 20\_\_ by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

\_\_\_\_\_  
Joe Gunter, Mayor

ATTEST:

\_\_\_\_\_  
Patricia M. Barajas, City Clerk

Attachments:

Exhibit 1: City Code Amendment (CCA) 2015-001 - Subdivision Ordinance Update and Addendum.