

**SALINAS PLANNING COMMISSION
RESOLUTION NO. 2016 - 08**

**RECOMMENDING THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION AND
ADOPT AN ORDINANCE ADOPTING A CITY CODE AMENDMENT TO REPLACE THE
EXISTING SUBDIVISION ORDINANCE (CHAPTER 31: SUBDIVISIONS OF THE
SALINAS MUNICIPAL CODE), 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, the Salinas Planning Commission held a duly noticed public hearing to consider City Code Amendment 2015-001, which proposes to replace Chapter 31 (Subdivisions) of the Salinas Municipal Code, in its entirety; and

WHEREAS, the Planning Commission weighed the evidence presented at said public hearing, including the staff report, which is on file at the Community Development Department together with the record of environmental review; and

WHEREAS, the Planning Commission has reviewed and considered the information contained in the Initial Study and related environmental documents including the Negative Declaration (ND); and

WHEREAS, 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; and

NOW, THEREFORE, BE IT RESOLVED by the Salinas Planning Commission that the Commission recommends that the Salinas City Council adopt the proposed Negative Declaration; and adopt City Code Amendment 2015-001 (the Subdivision Ordinance Update), which replaces Chapter 31 of the Salinas Municipal Code, in its entirety, and the proposed Addendum as attached in Exhibit "A" to this Resolution; and

BE IT FURTHER RESOLVED that the Salinas Planning Commission adopts the following findings as the basis for its recommendation, and that the foregoing recitations are true and correct and are included herein by reference as findings (*italic type*):

Negative Declaration

1. ***The Salinas Planning Commission 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 Commission 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 Commission finds that there is no substantial evidence that the project will have a significant effect on the environment and that the ND reflects the Commission'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.

City Code Amendment 2015-001

The City Code Amendment is considered by the Planning Commission following a public hearing, and then forwarded to the City Council with a recommendation. In order for the Planning Commission to recommend introduction and then adoption by the City Council, the following findings (*italic type*) need to be established:

1. ***The proposed amendment is in conformance 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 City's existing Subdivision Ordinance (Chapter 31 of the Municipal Code) 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.

PASSED AND ADOPTED this 16th day of November, 2016 by the following vote:

AYES: Anzo, Griffin, Ibarra, Meeks, Nohr

NOES: None

ABSTAIN: None

ABSENT: Huerta

THIS IS TO CERTIFY that the foregoing is a full, true, and correct copy of a Resolution of the Planning Commission of the City of Salinas, that said Resolution was passed and adopted by the affirmative and majority vote of said Planning Commission at a meeting held on November 16, 2016, and that said Resolution has not been modified, amended, or rescinded, and is now in full force and effect.

SALINAS PLANNING COMMISSION

Date: 11/21/16



Courtney Grossman
Secretary

Attachments:

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

Exhibit "A"

City Code Amendment (CCA) 2015-001 – Subdivision Ordinance Update and Addendum

To reduce duplication, please see Exhibit "1" of the attached Draft City
Council Ordinance for these documents.