

**SALINAS PLANNING COMMISSION
RESOLUTION NO. 2021-16**

**RESOLUTION RECOMMENDING TO THE SALINAS CITY COUNCIL APPROVAL
OF A GENERAL PLAN AMENDMENT AND REZONE TO AMEND THE GENERAL
PLAN LAND USE AND CIRCULATION MAP AND REZONE A 73 ACRE SITE FROM
AGRICULTURAL – FLOOD OVERLAY TO PARKS – FLOOD OVERLAY LOCATED
AT 618 SHERWOOD DRIVE
(GPA 2020-001 AND RZ 2020-001)**

WHEREAS, on July 7, 2021, the Salinas Planning Commission held a duly noticed public hearing to consider General Plan Amendment 2020-001 and Rezone 2020-001 located at 618 Sherwood Drive (Assessor's Parcel Numbers: 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) as described in more detail below:

1. General Plan Amendment 2020-001 (GPA 2020-001); Request to amend the General Plan Map to revise the circulation system to modify the Bernal Street and Kern Street/Constitution Boulevard future extensions; and
2. Rezone 2020-001 (RZ 2020-001); Request to rezone six (6) lots consisting of 73 acres from “Agricultural – Flood Overlay” to “Parks – Flood Overlay”.

WHEREAS, the Planning Commission continued General Plan Amendment 2020-001 and Rezone 2020-001 to the July 21, 2021 public hearing; and

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

WHEREAS, the Planning Commission weighed the evidence presented at the August 4, 2021 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 Mitigated Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED by the Salinas Planning Commission that it recommends that the City Council adopt the proposed Mitigated Negative Declaration and approve General Plan Amendment 2020-001 and Rezone 2020-001 and 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 the Mitigated Negative Declaration:

- 1. The Planning Commission hereby finds that a Mitigated 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, this 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. On this basis, the Commission recommends that the City Council adopt the Mitigated Negative Declaration.

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 have 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 Exhibit "3"). The Initial Study and Mitigated Negative Declaration were routed to responsible agencies and posted at the County Clerk's Office on May 28, 2021; the deadline for comments was June 28, 2021. The State Clearinghouse received the document on May 28, 2021; the deadline for Clearinghouse comments was June 28, 2021 (SCH #2021050632).

Public comments were received from interested parties and public agencies during the comment period as described below:

1. Comments received via email from Vicki F, a nearby resident on June 3 and 9, 2021.
 - a. Requested information on hours of operation of the park, how the park will be maintained, how will homeless residents be kept from setting up in the park, and on-site security, especially concerning gangs.

Staff Response: The hours of the park will be from dawn to dusk, which is consistent with other City parks and pursuant to City Ordinance. Maintenance of the proposed park will occur on a daily basis, which includes, but is not limited to the following: cleaning of all on-site restrooms, picking up of trash, and playground/equipment checks. In addition, mowing and weeding/edging of all on-site landscaped areas shall occur on at least a weekly basis. Homeless issues will be addressed by working with local residents to design the park, provide open site lines and minimize visual obstructions to discourage encampments and facilitate monitoring. The proposed park will have the same police presence as other City parks with regular patrols and more frequent visits as needed (see Attachment 56 of the Initial Study). The Salinas Police Department reviewed and approved the plans, per letter received from Sergeant Kendall Gray on 7/24/20. Applicant is working with the City Recreation & Community Services Department on an ongoing basis to ensure successful

management and operations of the park.

2. Comments received via email from the Salinas Union High School District on June 7, 2021.

- a. Is the City going to require the addition of fencing to the plan where there are gaps at the school's properties and what is the current proposed plans for fencing bordering the property and can it be required?

Staff Response: Pedestrian access is generally permitted from the public right of way to create "walkable" neighborhoods and a pedestrian-friendly environment. Per Zoning Code Section 37-50.090, there is no requirement for a fence between a Park (P) and a Public/Semipublic (PS) zoned property. However, the Applicant has stated they are willing to meet with the Salinas Union High School District to discuss this matter.

- b. Since the City has determined to permanently terminate the Sherwood Place roadway, will fencing be allowed to expand across both sides of the roadway to prevent access onto the District's property at the termination point? The Salinas Union High School District has concerns because they could incur extensive new fencing costs.

Staff Response: Sherwood Place is currently a City-maintained roadway and any proposed fencing would need to comply with all applicable City regulations. Sherwood Place is a public road, and the City does not restrict access in the public right of way. As with the previous comments, the Applicant has stated they are willing to meet with the Salinas Union High School District to discuss this matter.

3. Comments received via email from the California Department of Conservation dated June 21, 2021.

- a. Since the project site is currently designated as Prime Farmland by the Department of Conservation's Farmland Mapping and Monitoring Program and represents a permanent reduction in the State's agricultural land resources. The Department advises the use of permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the loss of agricultural land. Per the Department's comments, this can be done in either two (2) ways; outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements.

Staff Response: The proposed project complies with "AG-4" of Resolution No. 19422 (City of Salinas Agricultural Land Preservation Program) by implementing General Plan Policy COS-10, which requires the City to encourage the provision and

maintenance of buffers, such as roadways, topographic features, and open space to prevent incompatibilities between agricultural and non-agricultural land uses. The proposed park and habitat restoration area will provide a buffer area between existing agricultural and non-agricultural uses. Both the Salinas General Plan and Salinas General Plan EIR addressed the conversion of Carr Lake from agricultural uses to park and recreational uses. The proposed rezoning of the project site to “Park” is in compliance with General Plan Policy LU-8.4, which states that Carr Lake should be continued as a reclamation/flood control facility in addition to its other functions in addressing water quality, enhancing traffic/circulation, and creating recreational opportunities. In addition, the proposed rezoning 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, including Carr Lake as an essential element of the open space network. Since the conversion of Carr Lake from Agricultural uses to a Park and Recreational use was previously addressed in the 2002 General Plan and 2002 General Plan EIR, no additional mitigation is required.

4. Comments received via email from the Monterey County Water Resources Agency on June 25, 2021.

- a. The Monterey County Water Resources Agency (MCWRA) is requesting a quit claim to remove any respective flowage easement(s) in the project site.

Staff Response: Comment noted. The Applicant (Big Sur Land Trust) has the intention to coordinate with MCWRA subsequent to certification and adoption of the CEQA document.

5. Comments received via email from the Monterey County Agricultural Commissioner’s Office on June 28, 2021.

- a. The Commissioner’s Office identified concerns with the conversion of Prime Farmland to the non-agricultural use as a park and whether the conversion should be mitigated by the provision and maintenance of an agricultural buffer easement.

Staff Response: As stated above in the response for No. 3, the proposed Parks and Recreational Facilities use complies with “AG-4” of Resolution No. 19422 (City of Salinas Agricultural Land Preservation Program) by implementing General Plan Policy COS-10, which requires the City to encourage the provision and maintenance of buffers, such as roadways, topographic features, and open space to prevent incompatibilities between agricultural and non-agricultural land uses. The proposed park and habitat restoration area will provide a buffer area between existing agricultural and non-agricultural uses.

Both the Salinas General Plan and Salinas General Plan EIR addressed the

conversion of Carr Lake from agricultural uses to park and recreational uses. The proposed rezoning of the project site to “Park” is in compliance with General Plan Policy LU-8.4, which states that Carr Lake should be continued as a reclamation/flood control facility in addition to its other functions in addressing water quality, enhancing traffic/circulation, and creating recreational opportunities. In addition, the proposed rezoning 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, including Carr Lake as an essential element of the open space network. Since the conversion of Carr Lake from Agricultural uses to a Park and Recreational use was previously addressed in the 2002 General Plan and 2002 General Plan EIR, no additional mitigation is required.

6. Comments received via email from Monterey Salinas Transit on June 28, 2021.

- a. Monterey Salinas Transit (MST) has issues with an impact to their facilities concerning the road realignment of Bernal Drive. MST is recommending that a new far-side bus stop be located at the intersection of Street A and Sherwood Drive to better serve the Toro Park High School and the new park via a proposed signalized intersection. Also, the bus stop located on the north side of Sherwood Drive should be preserved.

Staff Response: The proposed road realignment of Bernal Drive is being proposed so that it does not impact the proposed project. Currently, there is insufficient demand for the proposed bus-stop or for a signalized intersection. City staff is currently updating the General Plan, including circulation. The proposed project will preserve the existing bus stop on the north side of Sherwood Drive.

The intersection of future Street A is highly speculative and could be eliminated in the General Plan Update, currently underway. City staff agrees with the spirit of this comment and recommends the far-side bus stop to be located at the existing intersection of Sherwood Place and Sherwood Drive.

- b. The proposed project describes a “bus-drop off area”, but this is unclear on the plans where it is located and this needs to be addressed.

Staff Response: The bus-drop off area will be located adjacent to the west of the Agricultural Storage Building (see Exhibit “15” of the Initial Study). The bus-drop off area will allow for the unloading of passengers visiting the project site (i.e. school buses). This is for general uses and is not intended to become an MST bus stop.

- c. MST has identified concerns that the project will substantially increase hazards due to design features or incompatible uses.

Staff Response: The proposed design of roadways and driveways will not increase hazards because the use of existing roadways to access the site and proposed driveways will be required to comply with all applicable City design standards. Much of the area around the proposed park of the project site is currently developed. Mitigation TR-1 includes the installation of a raised median at the two new driveways on Sherwood Drive. Without the raised median the additional left turn access on Sherwood Drive could create substantial hazards. This impact would be significant if not mitigated.

7. Comments received via email from the Transportation Agency for Monterey County (TAMC) on June 28, 2021.

- a. TAMC supports the integration of bicycle and pedestrian elements in the project area to support comfortable and safe travel of bicyclists and pedestrians. TAMC encourages the project to place a premium on safe and accessible pedestrian access to the site.

Staff Response: This comment refers to impacts associated with the road realignment of Bernal Drive. The future implementation of any realignment is a future City transportation project and outside the scope of the project proposed here. The comment is noted and if the road is constructed, the City will follow MST guidelines, as suggested. Thus, there is no “potentially significant impact”, as suggested.

- b. TAMC strongly encourages the developer to connect the proposed walking path with existing and planned bicycle and pedestrian facilities around the project site.

Staff Response: The discussion about VMT impacts is consistent with the checklist. The “potentially significant unless mitigation incorporated” checkbox is referring to the road realignment for the General Plan amendment and mitigation is provided (TR-1). The bus drop off area associated with this project is intended for school buses to utilize the site for field trips and is not intended as a public transit bus stop. Additionally, the proposed project does connect to the existing city sidewalk and bike lane.

- c. TAMC encourages the installation of a bicycle repair station, bicycle racks, and secure bicycle parking on the project site. Bicycle facilities should be placed near building entrances and have adequate lighting for safety and visibility.

Staff Response: Comments noted. Bicycle lockers and bicycle racks will be provided onsite as required by the California Green Building Standards Code. Quantity provided will meet and/or exceed the requirements of the Code.

- d. Consideration should be given to the installation of electric vehicle charging stations,

as new construction provides an opportunity to install this needed infrastructure at a much lower cost.

Staff Response: EV Charging stations will be provided onsite as required by the California Green Building Standards Code. Quantity provided will meet the requirements of the Code.

- e. TAMC recommends coordination with MST regarding existing and planned transit connections at the development.

Staff Response: The Applicant has been notified of this request from MST for coordinated access and staff recommends they provide adequate transit access to the project site.

8. Comments received via email from Monterey One Water on June 28, 2021.

- a. Monterey One Water does not support the IS-MND because the Balance Hydrologics Report (Exhibit “52” of the Initial Study) did not provide enough information as to whether the dry weather flows from Hospital and Gabilan Creeks will be diverted from entering the Reclamation Ditch.

Staff Response: First, the proposed project redirects flow through new channels to the same ultimate outflow location and into the reclamation ditch for conveyance downstream. Second, a report published in June 2015 titled “Preliminary Engineering Design Report for Control of Non-Winter Drainage at Carr Lake prepared for Monterey County Water Resources Agency” found that the Gabilan/Hospital ditch system provides very little to no surface water during dry-season baseflow periods. As such, it would not be possible for the restoration design to substantially cause a negative impact to dry-season baseflows at Monterey One Water’s water right location if there are essentially no dry-season baseflows coming from the Hospital/Gabilan system in the existing condition. USGS stream gage data collected from a site just upstream, shows that over a 25-year period (1989-2014) there is little or no flow during dry season, confirming findings from the 2015 report. Stream gage data was collected more recently on the project site and between 2019 and 2021, no summer flow was recorded. Additionally, the water rights permit (#21377) does not guarantee flow and is subject to natural conditions. Applicant met with commenter on 7/19/21 and provided additional information. Lastly, per the City Engineer, dry weather flows from Hospital and Gabilan Creeks are not currently diverted and runoff from agricultural activities drain into the Reclamation Ditch.

9. Comments received via email from Roy C. Gunter III on June 27, 2021 representing the property owner of multi-family residential uses located adjacent to the project site on 17 and 19 Lunsford Drive stating the following paraphrased concerns with the proposed project:

- a. Productive farmland should not be converted to park and that non-productive or blighted property should be used for parks.

Staff Response: No mitigation for the conversion of the existing farmland to park and open space is not required because the proposed conversion of the Carr Lake back to its natural state and as a recreational area was contemplated as a part of the General Plan and the General Plan EIR. The project site is currently designated as “Park” in the General Plan. The proposed rezoning of the project site to “Park” is in compliance with General Plan Policy LU-8.4, which states that Carr Lake should be continued as a reclamation/flood control facility in addition to its other functions in addressing water quality, enhancing traffic/circulation, and creating recreational opportunities. In addition, the proposed rezoning 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, including Carr Lake as an essential element of the open space network.

- b. There should be no conversion of the property to a park unless the City can assure it will not become occupied by homeless camps.

Staff Response: As stated in No. 1.a. above, the hours of the park will be from dawn to dusk, which is consistent with other City parks and pursuant to City Ordinance. Maintenance of the proposed park will occur on a daily basis, which includes, but is not limited to the following: cleaning of all on-site restrooms, picking up of trash, and playground/equipment checks. In addition, mowing and weeding/edging of all on-site landscaped areas shall occur on at least a weekly basis. Homeless issues will be addressed by working with local residents to design the park, provide open site lines and minimize visual obstructions to discourage encampments and facilitate monitoring. The proposed park will have the same police presence as other City parks with regular patrols and more frequent visits as needed (see Attachment 56 of the Initial Study).

- c. If the project site is converted to a park, then the following issues will need to be addressed:

- 1. The site must provide recorded easement to continue to receive water from 17 and 19 Lunsford Drive.

Staff Response: The discussion of placement of easement for stormwater is beyond the scope of this project.

2. There should be no vehicular access to the park except where the existing farmlands immediately abut Sherwood Drive and traffic through existing residential properties should not be permitted.

Staff Response: La Posada Drive and La Posada Way are public roads for public access. The City does not restrict access in public right of way. Traffic will not be routed through private residential properties. In addition, traffic circulation has been analyzed and impacts determined to be less than significant.

3. There should be no pedestrian access except off of Sherwood Drive. Trespassing should be prevented by construction of at least an eight (8) foot high wall or fence.

Staff Response: Pedestrian access will be directed to and accommodated at the two park entrances. Pedestrian access is generally permitted from public right of way to create “walkable” neighborhoods and a pedestrian-friendly environment. No fence will be required.

4. Because of trespassing concerns, the existing farm road on the west side of the project site should not be used as a public roadway or trail.

Staff Response: Per the Applicant, the existing farm road is not intended to be used as a public roadway or trail. A small portion of the project site includes public access trails in the restoration area. These trails connect with the parking lots and public right of way. The proposed trails do not connect to private residential properties, which could encourage trespassing.

10. Comments received via email from Louise J. Miranda Ramirez, Tribal Chairwoman of the Ohlone/Costanoan-Esselen Nation, on July 7, 2021 stating that because the project includes a General Plan Amendment that they have a 90-day response time for consultation.

Staff Response: As stated in Page 21 of the Initial Study, the required tribal consultation pursuant per CEQA prior to circulation of the IS-MND was done on October 16, 2020. The IS-MND has been drafted and was sent for 30-day public review pursuant to CEQA from May 28, 2021 to June 28, 2021. The Ohlone/Costanoan-Esselen Nation was provided a copy of the IS-MND as a part of the routing for public review.

11. Letter of support (attached) from Laura Lee Lienk, Director of the Watershed Institute at California State University, Monterey Bay (CSUMB) dated June 25, 2021. The Institute supports the proposed project because it provides additional park and recreational facilities to the City of Salinas.

Staff Response: Not required.

12. Comments received via email from Lorri A. Koster dated July 19, 2021 supporting the proposed project because it will offer mental and physical health benefits, provide outdoor amenities, and an outdoor classroom for the adjacent neighborhood.

Staff Response: Not required.

For General Plan Amendment 2020-001:

2. ***That the proposed General Plan Amendment is in conformance with all other goals, policies, programs, and land uses of the Salinas General Plan.***

The proposed Amendment is consistent with Salinas General Plan Policies. The Amendment would not change the existing “Park” land use designation for the project site, but would amend the General Plan Land Use and Circulation Policy Map to revise the circulation system to modify the Bernal Street and Kern Street/Constitution Boulevard future extensions so they would not transverse through most of the project site. The amendment would shift the Bernal Street extension to the south within the project site and would transverse through the southern portion of the site. The amendment would also shift the Kern Street/Constitution Boulevard future extensions to the east of the project site through existing agricultural fields.

3. ***That the proposed General Plan Amendment promotes the public necessity, convenience, and general welfare.***

The General Plan Amendment promotes the public necessity, convenience, and general welfare because the proposal will create additional park and recreational activities for the City of Salinas.

For Rezone 2020-001:

4. ***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.

5. ***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.

6. ***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”.

7. *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.

PASSED AND ADOPTED this 4th day of August 2021, by the following vote:

AYES: Chairperson Meeks, Commissioners Donohue, Farias, Gonzalez, Griffin, McKelvey
Daye

NOES: None

ABSTAIN: Commissioner Manzo

ABSENT: None

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 August 4, 2021 and that said Resolution has not been modified, amended, or rescinded, and is now in full force and effect.

SALINAS PLANNING COMMISSION

Date: _____

Courtney Grossman
Secretary

Attach:

- Exhibit 1: Proposed General Plan Amendment 2020-001 Map
- Exhibit 2: Proposed Rezone 2020-001 Map
- Exhibit 3: Mitigation Monitoring and Reporting Program