

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

**AN ORDINANCE AMENDING THE ZONING MAP TO RECLASSIFY SIX (6) SITES FROM PUBLIC/SEMIPUBLIC (PS) OR COMMERCIAL RETAIL (CR) TO MIXED USE (MX) AND TO EXPAND THE DOWNTOWN CORE AREA (DC) OVERLAY DISTRICT TO INCLUDE THE INTERMODAL TRANSPORTATION CENTER (ITC).
(RZ 2021-002 – RELATED TO GPA 2021-002)**

City Attorney Impartial Analysis

This Ordinance rezones six (6) sites in the Salinas Central City Overlay District (four City-owned surface parking lots, the City-owned Salinas Street Parking Garage, and portions of City-owned surface parking lots at the Intermodal Transportation Center) from Public/Semipublic/Commercial Retail to Mixed Use and expands the Downtown Core Area Overlay to include the Intermodal Transportation Center site. Once the Ordinance becomes effective, the six (6) sites would be subject to the Zoning and Development Regulations applicable to a Mixed Use Zoning District.

WHEREAS, on November 16, 2021, the Salinas City Council held a duly noticed public hearing to consider Rezone 2021-002 and related General Plan Amendment 2021-002 as described in more detail below:

1. Rezone 2021-002 (RZ 2021-002) changes the zoning designation of six (6) sites from Public/Semipublic (PS) or Commercial Retail (CR) to Mixed Use (MX) and expands the Downtown Core (DC) Overlay District to include the Intermodal Transportation Center (ITC). The location of the six (6) sites are more particularly describes as follows:
 - a. ITC, northwest corner of North Main Street and West Market Street.
 - b. Parking Lot 12, northwest corner of Lincoln Avenue and West Gabilan Street located at 122 Lincoln Avenue.
 - c. Parking Lot 8, southeast corner of Lincoln Avenue and West Gabilan Street located at 210 Salinas Street.
 - d. Parking Lot 1, Salinas Street between West Alisal Street and West Gabilan Street, mid-block located at 219 Salinas Street.
 - e. Parking Lot 5, southwest corner of Monterey Street and East Alisal Street located at 300 Monterey Street.
 - f. Permit Center and Parking Garage, 65 West Alisal Street between Lincoln Avenue and Salinas Street.
2. The related General Plan Amendment 2021-002 (GPA 2021-002) changes the General Plan Land Use designation of the same six (6) sites referenced above from Public/Semipublic (PS) or Commercial Retail (CR) to Mixed Use (MX) to align with Rezone 2021-002 (RZ 2021-002).

WHEREAS, the City, in accordance with requirements of CEQA and the CEQA Guidelines prepared an Initial Study Mitigated Negative Declaration, for Rezone 2021-002 and related General Plan Amendment 2021-002 herein incorporated by reference and included as Exhibit “1”; and

WHEREAS, the City completed and filed a Notice of Intent to Adopt a Mitigated Negative Declaration with the Monterey County Clerk on July 23, 2021 which commenced a 30-day local public review period starting on July 19, 2021 and ended on August 18, 2021; mailed a Notice of Public Hearing to all property owners located within 300-feet the project sites on July 19, 2021; and posted the Notice of Intent to Adopt a Mitigated Negative Declaration in locations throughout the City of Salinas City Hall and administrative offices on July 19, 2021; and

WHEREAS, the City mailed the Mitigated Negative Declaration to the State Clearinghouse on July 19, 2021, which commenced a 30-day local public review period starting on July 19, 2021 and ending on August 18, 2021 (SCH Number 2021070387); and

WHEREAS, on October 20, 2021, the Salinas Planning Commission, held a duly noticed public hearing to consider Rezone 2021-002 and related GPA 2021-02; and

WHEREAS, the Planning Commission considered a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) prepared for the proposed GPA 2021-02 and RZ 2021-02 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 General Plan Amendment 2021-002 (GPA 2021-002), and adopted Resolution No. 2020-21 recommending that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approve RZ 2021-002 and related GPA 2021-02; and

WHEREAS, on November 16, 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 MMRP; and

WHEREAS, by Resolution No. 2021-_____ the City Council adopted the Mitigated Negative Declaration and MMRP prepared for General Plan Amendment 2021-002 and related RZ 2021-002; and

WHEREAS, the proposed RZ 2021-21 would change the zoning designation of the subject parcels from “Public/Semipublic (PS) or Commercial Retail (CR) to Mixed Use (MX)”, 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:

For the Mitigated Negative Declaration:

The City Council hereby finds that a Mitigated Negative Declaration 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 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 Amendments will have a significant effect on the environment as the mitigation measures outlined in the proposed Mitigation Monitoring and Reporting Program reduce future project related impacts to less than significant level (see Exhibit “2” of attachment 1) and that the Mitigated Negative Declaration reflects the Council’s independent judgment and analysis. On this basis, the City Council adopts the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program.

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 “2”). The Initial Study and Mitigated Negative Declaration were routed to responsible agencies on July 19, 2021 and posted at the County Clerk’s Office on July 23, 2021; the deadline for comments was August 18, 2021. The State Clearinghouse received the document on July 19, 2021; the deadline for Clearinghouse comments was August 18, 2021 (SCH Number 2021070387).

Public comments were received from interested parties (the Ohlone/Costanoan-Esselen Nation) and separate public agencies (Monterey County Housing & Community Development, Monterey-Salinas Transit (MST), and LandWatch Monterey) during the comment period as described below:

1. Comments received via email from Louise J. Miranda Ramirez, Tribal Chairwoman of the Ohlone/Costanoan-Esselen Nation, on October 15, 2020 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 12 of the Initial Study, the required tribal consultation pursuant per CEQA prior to circulation of the IS-MND was conducted on October 16, 2020 via Zoom. The IS-MND was drafted and transmitted for 30-day public review pursuant to CEQA from July 19, 2021 to August 18, 2021. The Ohlone/Costanoan-Esselen Nation was provided a copy of the IS-MND as a part of the routing for public review.

2. Comments received via email from Erik Lundquist, Director of Housing & Community Development for Monterey County, on July 29, 2021 stating that the County had received a hard copy of the Notice of Intent to Adopt a Mitigated Negative Declaration for the referenced project. In an effort to provide Salinas with consistent and sufficient feedback from the County, please submit your environmental documents to the Planning Clearinghouse at clearinghouse@co.monterey.ca.us for distribution. A completed transmittal form (attached). Also, the IS/MND does not appear to be posted on the City's website at the link provided. Would you direct the County to the site where these documents may be found?

Staff Response: Staff replied on July 29, 2021 and provided the IS-MND to the email provided by Mr. Lundquist (clearinghouse@co.monterey.ca.us) and also, provided the web link to the City webpage where the IS-MND was posted for public review.

3. Comments received via email with letter (attached) from Sloan Thomas Campi, Planning Manager with Monterey-Salinas Transit (MST) dated August 16, 2021. MST supports the proposed project because TOD projects encourage compact development of mixed uses that are supported by public transit. MST's Salinas Transit Center is in close proximity, and walkable, to the City's proposed lots for rezone. The project would support the City's Vision Zero initiative by encouraging mixed-use development that can take advantage of existing transit services. With high density and walkable communities, the City will be reducing greenhouse gas emissions and helping to spur increased transit usage.

Staff Response: Not Required.

4. Comments received via email from Janet Brennan with LandWatch Monterey County, on August 24, 2021 stating that they plan on supporting the project if it was not too late to support and if MND and project schedule could be emailed.

Staff Response: Staff responded to LandWatch Monterey County via email on August 24, 2021.

5. Comments received via email with letter (attached) from Michael D. DeLapa, Executive director for LandWatch Monterey County dated September 9, 2021. LandWatch supports the proposed project. The Project would comply with or exceed plans, policies, regulations and GHG reduction actions/strategies outlined in AMBAG's 2040 MTP/SCS, the 2017 Scoping Plan, and the City of Salinas General Plan. Consistency with these plans would therefore reduce the project's incremental contribution of GHG emissions.

Staff response: Not Required.

Rezone 2021-002:

- 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 "Mixed Use" designation allows for development including a mixture of retail, office, and residential uses in the same building, on the same parcel or in the same area. The intent of this designation is to create activity centers with pedestrian-oriented uses in certain portions of the City. The maximum intensity/density of development is 1.0 + 10 dwelling units per acre (for a total maximum allowable floor area ratio of 1.25) throughout the City and a maximum intensity/density of development of 4.0 + 80 dwelling units per acre (for a total maximum allowable floor area ratio of 6.0) for projects within the Central City. For retail or office development is a 3.0 FAR. For residential without retail or office, the maximum allowable density is 60 units per acre in the Central City. An FAR intensity of 8.0 may be allowed for receiving properties in the core of the downtown commercial area under a transfer of development rights (TDR) program that may be adopted by City. 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 "Mixed Use" land designation for all six (6) sites is consistent with General Plan Goal H-1, by providing a range of housing opportunities to adequately address existing and projected needs to Salinas. The project also complies with General Plan Policy H-1.3, by identifying adequate sites to facilitate and encourage housing production for the existing and projected housing

needs of the City. In addition, the project complies with General Plan Goal H-2, by maintaining and improving existing neighborhoods and housing stock and complies with General Plan Policy H-2.6, by encouraging the retention, rehabilitation and new construction of high-density, well-designed housing in the Central City and other targeted areas, as discussed in the Land Use and Community Design Element.

Per Zoning Code Section 37-30.230, the purpose of the “Mixed Use” land use designation is to promote and provide development opportunities for integrated, complementary housing and employment opportunities in the same building, on the same parcel or within the same block. This district allows more intensive development on busier streets without fostering a strip commercial appearance. This development will support transit use and provide a buffer between busy streets and residential neighborhoods and provide new housing opportunities in the city. The emphasis of nonresidential uses is primarily on locally oriented/neighborhood serving retail, service, and office uses. Development is encouraged to provide businesses on the ground floor with housing on upper stories and provides incentives to assist in achieving this goal, promote residential development that is appropriate in an urban setting in mixed use buildings by providing incentives, as well as standards and regulations to minimize conflicts between different types of uses, and promote vital and safe mixed use areas through the incorporation of crime prevention through environmental design (CPTED) features in development.

The proposed Rezone request to change the Zoning designation of six (6) sites consisting of 10.4 acres from Public/Semipublic (PS) and/or Commercial Retail (CR) to Mixed Use (MX), which per Zoning Code Section 37-30.390, Table 37-30.170 does not allow for Mixed Use Buildings and Developments. In order for the proposed Mixed-Use Buildings and Developments use to be permitted, the project site will need to be rezoned “Mixed Use” (MX). The proposed rezoning of the project sites would be consistent with Central City Overlay (CC) district. It would comply with the development regulations and design standards of the CC district, by encouraging and accommodating the increased development intensity for mixed use, commercial, retail, and office uses within the Central City and increase opportunities for infill housing and innovative retail while transforming and aesthetically improving transportation corridors into pedestrian-oriented civic boulevards with mixed use projects. In addition, the proposed rezone will encourage pedestrian-oriented neighborhoods where local residents and employees have services, shops, entertainment, jobs, and access to transit within walking distance of their homes and workplace.

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 sites.

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 sites from “from Public/Semipublic (PS) and/or Commercial Retail (CR) to Mixed Use (MX),” would be consistent with the adjacent zoning districts “Mixed Use (MX)”.

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 2021-002 Map” and which six (6) Sites classified Public/Semipublic (PS) or Commercial Retail (CR) is hereby reclassified as shown on the attached exhibit to Mixed Use (MX) Zoning District and expanding the Downtown Core Area (DC) Overlay District to include the Intermodal Transportation Center (ITC) to include:

- a. ITC, northwest corner of North Main Street and West Market Street.
- b. Parking Lot 12, northwest corner of Lincoln Avenue and West Gabilan Street located at 122 Lincoln Avenue.
- c. Parking Lot 8, southeast corner of Lincoln Avenue and West Gabilan Street located at 210 Salinas Street.
- d. Parking Lot 1, Salinas Street between West Alisal Street and West Gabilan Street, mid-block located at 219 Salinas Street.
- e. Parking Lot 5, southwest corner of Monterey Street and East Alisal Street located at 300 Monterey Street.
- f. Permit Center and Parking Garage, 65 West Alisal Street between Lincoln Avenue and Salinas Street;

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) sites from Public/Semipublic (PS) or Commercial Retail (CR) to Mixed Use (MX) and expand the Downtown Core Area (DC) Overlay District to include the Intermodal Transportation Center (ITC).”

This ordinance was introduced and read on November 16, 2021, and passed and adopted on December 17, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Kimbley Craig
Mayor

ATTEST:

Patricia Barajas
City Clerk

APPROVED AS TO FORM:

Christopher A. Callihan
City Attorney

EFFECTIVE DATE: _____

Attachments:

- Exhibit 1: Initial Study/Mitigated Negative Declaration (ISMND), dated August 2021
- Exhibit 2: Mitigation Monitoring and Reporting Program
- Exhibit 3: Proposed GPA 2021-002 and Rezone 2021-002 Map