

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

**AN ORDINANCE AMENDING CHAPTER 37 OF THE SALINAS MUNICIPAL CODE
(ZONING) TO ALLOW FRONT YARD SETBACK REPLACEMENT PARKING FOR
ACCESSORY DWELLING UNITS (ADU) PURSUANT TO
STATE OF CALIFORNIA REGULATIONS
(ZCA 2019-005)**

WHEREAS, on November 7, 2006, the Salinas City Council, adopted Ordinance Number 2463 replacing the existing Zoning Code; and

WHEREAS, on May 18, 2010, the Salinas City Council adopted Ordinance Number 2507 which amended various provisions of Chapter 37 of the Salinas Municipal Code (“Zoning Code”) to allow for general changes, language clarification, and minor corrections; and

WHEREAS, on April 19, 2016, the Salinas City Council adopted Ordinance Number 2569 which amended various provisions of Chapter 37 of the Salinas Municipal Code (“Zoning Code”) to allow for general changes, language clarification, and minor corrections; and

WHEREAS, on December 6, 2016, the Salinas City Council adopted Ordinance Number 2581 which amended Zoning Code Sections 37-10.250, 37-10.280, and 37-10.430 to modify definitions related to accessory dwelling units; Sections 37-30.020, 37-30.060, 37-30.110, 37-30.160, and 37-30.430 to allow accessory dwelling units as permitted uses; and 37-50.250 to enact changes conforming to state law with regard to accessory dwelling units; and

WHEREAS, on April 18, 2017, the Salinas City Council adopted Ordinance Number 2592 which amended various provisions of Chapter 37 of the Salinas Municipal Code (Zoning) to remove the bedroom mix requirement for residential development in the Central City Overlay and correct typographical errors; and

WHEREAS, on July 3, 2018, the Salinas City Council adopted Ordinance Number 2605 which amended Sections 37-40.320(b) and 37-10.250 and added Section 37-50.015 of Chapter 37 to establish an adaptive reuse ordinance that would allow for the reuse of existing non-residential buildings for the production of housing when located in the Central City Overlay Downtown Core Zoning District and within a building at least fifty years old, or located within a historically significant building in the City; and

WHEREAS, on September 18, 2018, the Salinas City Council adopted Ordinance Number 2607 which amended Sections 37-40.320(b), 37-10.250, 37-50.015 of Chapter 37 of the Salinas Municipal Code (Zoning) to expand the adaptive reuse ordinance to include the Central City Overlay District; and

WHEREAS, on March 6, 2019, the Salinas City Council adopted Ordinance Number 2617 which amended Section 37-50.300 of Chapter 37 to permit temporary employee and interim housing in existing properties developed as a hotel or motel; and

WHEREAS, on October 2, 2019, at a duly noticed public hearing, the Salinas Planning Commission recommended that the City Council introduce and adopt Zoning Code Amendment 2019-003 to amend the Zoning Code Section to allow front yard setback replacement parking for Accessory Dwelling Units (ADU) pursuant to State of California regulations; and

WHEREAS, on October 22, 2019 at a duly noticed public hearing, the City Council weighed the evidence, including the Staff Report which is on file at the Community Development Department together with the record of environmental review and hereby finds that the following amendment will not have the effect of reversing policies of the Salinas General Plan or other plans and policies previously adopted by the City Council and the City Council finds the project to be Categorically Exempt from the California Environmental Quality Act (CEQA), as follows:

Categorical Exemption:

1. *The project has been found to be a Class 5 Categorical Exemption pursuant to Guidelines section 15305 of the Guidelines to the California Environmental Quality Act;*

The proposed Zoning Code Amendment to modify the Zoning Code to allow front yard setback replacement parking for Accessory Dwelling Units (ADU) pursuant to State of California regulations is categorically exempt from further environmental analysis per CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations). The proposed Amendment would not result in a significant environmental impact because the amendment involves only a minor alteration to the Zoning Code.

WHEREAS, the Salinas City Council adopts the following findings, as set forth in Zoning Code Section 37-60.1120, as the basis for its introduction and adoption of the proposed Zoning Code amendment:

Zoning Code Amendment 2019-005:

1. *The amendment is consistent with the Salinas General Plan and other plans and policies adopted by the Salinas City Council.*

The proposed amendment is consistent with the General Plan, specifically the Housing Element and Policy H-3.1, which states “assist in production and conservation of housing affordable to extremely low, very low, low, and moderate income households...”. By addressing inconsistency with the Accessory Dwelling Unit (ADU) State law and the City’s zoning, the uncertainty around development regulations and parking will be eliminated. This will help facilitate the production of new ADUs and thus, increase affordable housing units as ADUs have been shown as a cost-effective solution to providing affordable housing. This amendment is also consistent with the ADU policies in

the Farmworker Housing Study and Action Plan for Salinas Valley and Pajaro Valley accepted by the Salinas City Council as a strategic planning document.

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.*

The proposed amendment will not reverse existing policies, because the proposed changes would be consistent with the State of California regulations, City of Salinas General Plan and Zoning Code as amended.

3. *The amendment would not create an isolated district unrelated to adjacent zoning districts.*

The proposed amendment will not create any additional zoning districts.

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 Amendment would not create the need for additional infrastructure.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF SALINAS AS FOLLOWS (Revisions are shown in underline/strikethrough text):

SECTION 1. Zoning Code Section 37-50.250(f) is hereby amended to read as follows:

“Notwithstanding the above, if the accessory dwelling unit replaces an existing garage, carport, or covered parking structure, replacement spaces must be provided to meet the requirements of Division 2 of this Chapter 37. Such replacement spaces ~~may not be within the front or side corner setbacks of a site, but replacement spaces~~ may be provided as garaged spaces, covered spaces, uncovered spaces on a legal driveway, tandem spaces, or mechanical parking lifts on the same lot as the primary residence. As used in this subsection (f), "driveway" shall mean a private roadway or travel way and its access point from a public street for the exclusive use of the occupants of a property and their guests.”

SECTION 2. Zoning Code Section 37-50.350(g)(4), is hereby amended to read as follows:

“Required front and corner-side yards and open space areas of a site shall not be used to meet off-street parking requirements, except for ADU replacement parking per Section 37-50.250.”

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 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:

An Ordinance amending Chapter 37 of the Salinas Municipal Code (Zoning) to allow front yard setback replacement parking for Accessory Dwelling Units (ADU) pursuant to State of California regulations.

SECTION 5. 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 October 22, 2019, and passed and adopted on November 5, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Joe Gunter, Mayor

ATTEST:

Patricia Barajas, City Clerk

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney