

ORDINANCE NO. _____(N.C.S)

**AN ORDINANCE AMENDING SECTION 37-50.100 (HOME OCCUPATIONS)
OF CHAPTER 37 OF THE SALINAS MUNICIPAL CODE (ZONING) TO ELIMINATE
THE MAXIMUM NUMBER OF HOME OCCUPATIONS PERMITTED PER
DWELLING UNIT
(ZCA 2021-002)**

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 address conformance with state law regarding 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 Zoning Code 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 19, 2019, the Salinas City Council adopted Ordinance Number 2617 which amended section 37-50.300 of Chapter 37 of the Salinas Municipal Code (Zoning) to permit temporary employee and interim housing in existing properties developed as a hotel or motel; and

WHEREAS, on November 5, 2019, the Salinas City Council adopted the following ordinances: Ordinance Number 2623 which amends Chapter 37 of the Salinas Municipal Code

(Zoning) regarding Small and Medium Project Employee Housing in the Residential Low (RL) and Residential Medium (RM) Zoning Districts, Ordinance Number 2624 which amends Chapter 37 of the Salinas Municipal Code (Zoning) to allow residential uses in the Public/Semipublic (PS) Zoning District subject to approval of a Conditional Use Permit, Ordinance Number 2625 which amends Chapter 37 of the Salinas Municipal Code (Zoning) to allow a Parcel Map Subdivision in the Future Growth Area (FGA) prior to Specific Plan Adoption, Ordinance Number 2626 which amends 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, and Ordinance Number 2627 which amends Chapter 37 of the Salinas Municipal Code (Zoning) to allow a driveway width expansion subject to approval of a Conditional Use Permit; and

WHEREAS, on January 19, 2021, the Salinas City Council adopted Ordinance Number 2642 which amended Section 37-50.300 of the Salinas Municipal Code (Zoning) to permit one renewal of Temporary Use of Land permits for temporary employee and interim housing in existing properties developed as a hotel or motel; and

WHEREAS, on _____, 2021, 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 (CEQA);***

The proposed Zoning Code Amendment is categorically exempt from further environmental analysis per CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations). The proposed Zoning Code Amendment would not result in a significant environmental impact since it involves minor alterations to the Zoning Code.

- 2. The project is also categorically exempt from CEQA pursuant to Guidelines section 15061(b)(3).***

This exemption is allowed when the activity, in this case the recommendation of adoption of the ordinance, does not have the potential for causing a significant effect on the environment. The proposed amendment would continue allow for home occupations as ancillary use(s) to existing dwelling units without a restriction on the maximum number of permits issued per dwelling unit, which will not have a significant effect on the environment.

Zoning Code Amendment 2021-002:

- 1. The amendment is consistent with the Salinas General Plan and other plans and policies***

adopted by the Salinas City Council.

Land Use Element (LU)

The proposed amendment would not result in uses inconsistent with any land use designation. The amendment would be consistent with the Land Use Element of the General Plan including Policy LU1.1, which states "achieve a balance of land uses to provide for a range of housing, jobs, libraries, and educational and recreational facilities that allow residents to live, work, shop, learn, and play in the community". The amendment would allow more flexibility in establishing home based business within existing dwelling units, encourage business development in the City of Salinas with low overhead for small business startups, meet the needs of the public during the pandemic, and promote a greater mixture of uses.

The amendment is further consistent with General Plan Policy LU-1.4 which encourages traditional neighborhood development (TND) with a balanced mix of uses including mixed uses to help reduce vehicular trips.

Economic Development (ED)

The proposed amendment would not result in uses inconsistent with any land use designation. The amendment would be consistent with the Economic Development Element (EDE) of the General Plan including Goal ED-LU-1, which states "promote economic development through focused land use planning, target circulation and infrastructure improvements, and expanded resource availability". The amendment would allow small businesses and startups to use their residence as a resource for their business development and expansion.

This amendment falls under EDE Action 1.1.3 which requires periodic review of economic development activities to determine optimum form and function of economic development efforts. The amendment would reduce restrictions on small businesses and responds to the financial hardship the pandemic has caused.

Finally, the amendment is consistent with EDE Policy ED-LU-1.16 which encourages increased flexibility of Zoning Code standards and regulations to accommodate the types of economic development activity desired by the City and while increasing capacity for administrative level approvals.

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. The proposed amendment is in substantial conformance with the purposes, intent, and provisions of the General Plan. The amendment would eliminate the maximum number of Home Occupations allowed per dwelling unit thereby encouraging expanded use of existing residential development during difficult economic times due to the pandemic. The amendment aligns with economic development provisions in the General Plan. Existing operational standards applicable to Home Occupations will continue to apply to ensure compatibility with neighboring properties, preserving residential character of neighborhoods reinforcing multiple policies in the General Plan.

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

The proposed amendment to Section 37-50.100 (Home Occupations) of Chapter 37 of the Salinas Municipal Code (Zoning) to eliminate the maximum number of Home Occupations allowed per dwelling unit in existing properties developed for residential uses 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 as it involves a similar use of properties already developed for residential uses.

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

SECTION 1. Zoning Code Section 37-50.100 is hereby amended to read as follows:

Sec. 37-50.100. – Home occupations.

(e) **Operating Standards.**

(1) A home occupation shall comply with each of the following regulations:

(A) The home occupation may not be located in a garage or an accessory structure except as provided for elsewhere in this section and for ancillary storage provided that all required off-street parking requirements are met.

(B) A home occupation shall be conducted entirely within a dwelling unit and shall occupy no more than twenty-five percent of the floor area except as provided for elsewhere in this section.

(C) No outdoor storage of materials or equipment used in the home occupation shall be permitted.

(D) The existence of a home occupation shall not be apparent (e.g., noise, vibrations, odors, etc.) beyond the boundaries of the site.

(E) A home occupation may be granted only to a resident of the dwelling unit and no one other than a resident of the dwelling unit shall be employed on-site or report to work at the site in the conduct of a home occupation.

(F) A home occupation shall not create pedestrian or vehicle traffic in excess of the normal amount in the zoning district.

(G) No prohibited vehicles or equipment as defined in Section 37-50.190: Recreational vehicles, prohibited vehicles, and equipment parking and storage may be parked or stored at the site in conjunction with the home occupation.

(H) No on-site vehicle repair, beauty or barbershop, food preparation, or boarding or training of animals shall be permitted.

(I) A home occupation shall not include a sales room or office open to customers/clients. No customers, clients, or students shall come to the home in conjunction with the home occupation except as provided for elsewhere in this section.

(J) No on-site signs, (including vehicle signs) advertising the home occupation shall be permitted.

~~(K) There shall be no more than two home occupations in any dwelling unit.~~

~~(L)~~ (K) The home occupation shall be subject to the provisions of Section 37-50.180: Performance standards regarding noise, glare, combustibles and explosives, radioactive materials, hazardous materials, heat and humidity, and any other performance standards adopted by the city.

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 The Monterey Herald, 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 section 37-50.100 (Home Occupations) of chapter 37 of the Salinas Municipal Code (Zoning) to eliminate the maximum number of home occupations permitted per dwelling unit (ZCA 2021-002)

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_____, 2021 and passed and adopted on _____, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED

Kimbley Craig, Mayor

ATTEST

Patricia M. Barajas, City Clerk

APPROVED AS TO FORM

Christopher A. Callihan, City Attorney