

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

**AN ORDINANCE AMENDING CHAPTER 37 OF THE SALINAS MUNICIPAL CODE
(ZONING) TO ALLOW A DRIVEWAY WIDTH EXPANSION SUBJECT TO
APPROVAL OF A CONDITIONAL USE PERMIT (CUP)
(ZCA 2019-006)**

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 allow a driveway width expansion subject to approval of a Conditional Use Permit (CUP); 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 Categorical 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 allow driveway width expansion subject to approval of a Conditional Use Permit (CUP) 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 impacts because the Code retains maximum frontage limitations and compliance with applicable stormwater regulations.

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 would not result in uses inconsistent with any land use designation. It would allow driveway width expansion subject to approval of a Conditional Use Permit (CUP). Due to the shortage of housing supply and high costs, dwelling units tend to be overcrowded in Salinas. This impact is reflected in the shortage of street parking resulting in residents parking illegally such as on front lawns and on sidewalks. The purpose of this amendment is to provide additional space to safely park without impacting neighborhood character consistent with Housing Element Goal H-2 to “maintain and improve existing neighborhoods and housing units”.

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 to allow a driveway width expansion subject to approval of Conditional Use Permit (CUP) would be consistent with the 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 37-50.450 is hereby amended to read as follows:

“(a) **Driveway Widths.** Driveways shall be designed pursuant to the following standards identified in **Table 37-50.150** unless otherwise specified by the new urbanism (NU) districts, mixed use (MU) districts, focused growth overlay district, or central city overlay (downtown core area) district regulations:

Table 37-50.150				
Driveways Widths				
Use	Width	Max. Street Frontage (%)	Max. No. of Driveways Allowed	Additional Regulations
Residential (1—2 d.u.)				
1— 2 car garages	10— 20 ft. <u>Max.</u>	50%	2	(b) 1, 2, 3, 4, 6, <u>8</u>
<u>2</u> car garages	<u>20</u> ft. <u>Max.</u>	<u>50%</u>	<u>2</u>	(b) 1, 2, 3, 4, 6, <u>8</u>
3 car garages	10 —28 ft. <u>Max.</u>	50%	2	(b) 2, 3, 4, 5, 6, <u>8</u>
Residential (3+ d.u.)	15—20 ft. (one-way)	50%	No limit	(b) 2, 3, 4, 5, <u>7</u>
	24—30 ft. (two-way)	50%	No limit	(b) 2, 3, 4, 5

Commercial	15—24 ft. (one-way)	40%	No limit	(b) 4, 5, 7
	24—40 ft. (two-way)	40%	No limit	(b) 4, 5
Industrial	15—30 ft. (one-way)	40%	No limit	(b) 4, 5, 7
	24—40 ft. (two-way)	40%	No limit	(b) 4, 5

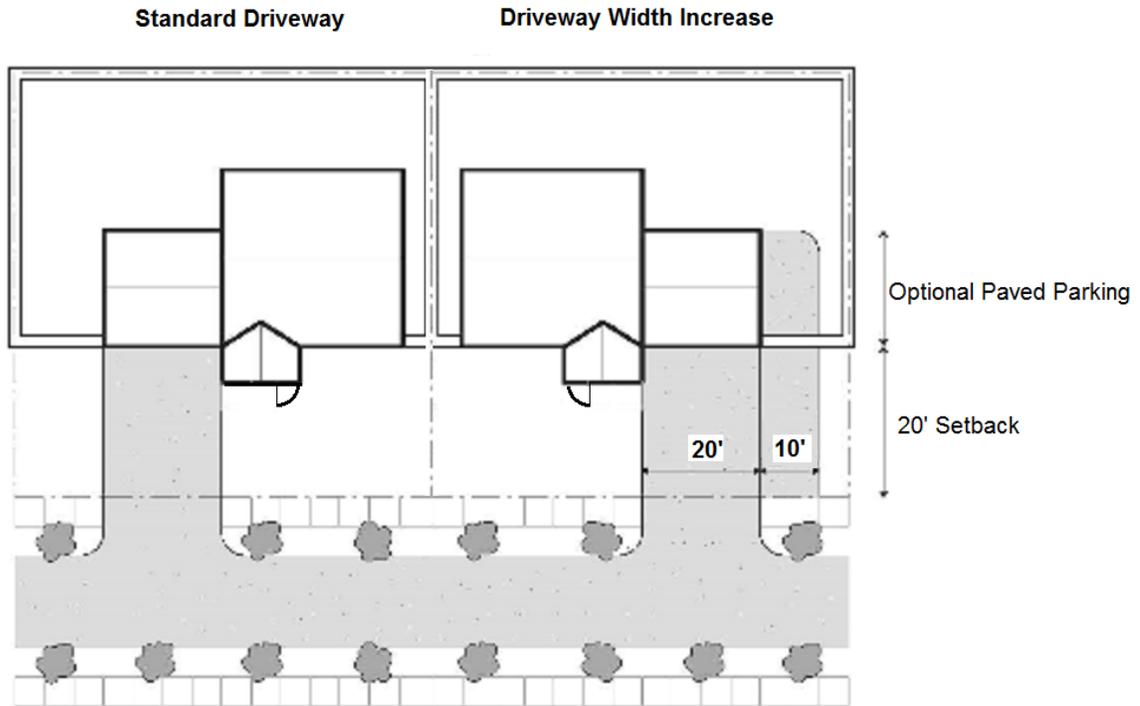
Notes:

~~(A) See subsection 37-50.450(b): Additional driveway width regulations of this section for additional regulations.~~

~~(B) Minimum one-way driveway width shall be twenty feet if required for fire department access.~~

~~(b) — **Additional Driveway Width Regulations.**~~

- (1) Driveways located within cul-de-sac "bulbs" or "knuckles" shall not exceed eighteen feet in width.
- (2) A maximum driveway frontage of seventy-five percent, including flares, shall be permitted on parcels with less than forty feet of street frontage and located within a cul-de-sac "bulb" or "knuckle."
- (3) A minimum of twenty feet of full height curb shall be maintained between driveways serving the same property.
- (4) Adjacent driveways on abutting properties may be combined if the total throat width of such combination does not exceed thirty feet.
- (5) No portion of any driveway shall be permitted between:
 - (A) The points of curvature of any curb return; and
 - (B) Between the point of intersection of extended curb lines and a point thirty feet therefrom; fifty feet therefrom for commercial and industrial parcels and/or uses; and one hundred fifty feet from an arterial street or as otherwise approved by the city engineer.
- (6) Circular ends of cul-de-sacs and curb radial over one hundred feet shall not be considered as curb returns for purposes of this section.
- (7) Minimum one-way driveway width may be increased if required for fire department access.
- (8) Residential single family dwelling unit driveway width may be increased to extend a maximum of ten (10) feet into the adjacent side yard from the existing driveway past the width of the garage into that portion of the required front yard that is on the opposite side of the garage as the front door of the dwelling unit, subject to the approval of a Minor Conditional Use Permit pursuant to Section 37-60.490(b).



(e**b**) **Street Access.** Approval of the city engineer shall be required for the location of driveways for the following classification of traditional streets except as otherwise provided for in the specific plan located in the NU districts:

- (1) Major arterials: one hundred feet or more right-of-way;
- (2) Minor arterials: eighty-four feet of right-of-way or more;
- (3) Collectors: sixty feet to sixty-six feet of right-of-way; and
- (4) Local: sixty feet or less of right-of-way.

(e**c**) **Driveway Clearance.** No parking space shall be located so that a vehicle will maneuver within twenty feet of a vehicular entrance measured from the street property line. Deviations from this requirement may be considered in order to accommodate pre-existing conditions if approved by the city engineer and city planner, taking into consideration the effect on traffic flow both on and off-site.

(e**d**) **Safe and Efficient Traffic Flow.** The city engineer shall:

- (1) Give consideration to the effect of each driveway upon a safe and efficient flow of traffic upon the street and into and from each driveway;
- (2) Give consideration to the necessity of installing raised median islands at intersections where accidents and congestion may be caused by left turn movements into or from driveways, or across traffic lanes; and
- (3) Make certain that driveways are positioned to assure the best obtainable flow of street traffic, commensurate with the size and configuration of the property involved.

(fe) **Variation from Regulations and Standards.**

- (1) The city engineer may require driveways in excess of the above widths where unusual traffic, grade, or site conditions prevail.
- (2) The city engineer may approve narrower driveways to accommodate preexisting conditions and allow for adaptive reuse of older structures.”

SECTION 2. Zoning Code Section 37-60.490 is hereby amended to read as follows:

“(b) Conditional Use Permit for Driveway Width Increase.

- (1) Applicability. An application for a conditional use permit for residential single family dwelling unit driveway width increase shall apply to development in accordance with the requirements of Section 37-50.450(b)(7).
- (2) Notice of Intent to Approve to Adjacent Property Owners. An application for conditional use permit for residential single family dwelling unit driveway width increase shall require a public hearing and decision by the planning commission in accordance with Section 37-60.510: Planning commission duties unless notice of intent to approve a conditional use permit for residential single family dwelling unit driveway width increase is provided to all owners of real property abutting the boundaries of the site as shown on the latest equalized assessment roll (or other reliable method as approved by the city council) at the time of the application submittal. The notice shall be mailed or delivered at least ten calendar days prior to the proposed approval date set forth by the city planner. If no response in opposition to a conditional use permit for residential single family dwelling unit driveway width increase is received by the city planner prior to the noticing deadline and the application for the conditional use permit for residential single family dwelling unit driveway width increase conforms to the regulations established in this Zoning Code, the city planner is authorized to approve or approve with conditions or modifications, the application and no public hearing or notice is required unless an appeal is submitted requesting a hearing.
- (3) City Planner's Review and Action. If no hearing is required, the city planner, shall approve, approve with conditions or modifications, or deny the application.
- (4) Findings for Approval. In approving the application, the planning commission or city planner, as applicable, shall establish the findings in Section 37-60.520: Required findings.
- (5) Effective Date—Appeals. A conditional use permit for residential single family dwelling unit driveway width increase shall be effective ten days after the date of the decision unless appealed in accordance with Article VI, Division 17: Appeals.”

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 driveway width expansion subject to approval of a Conditional Use Permit (CUP).

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