



CITY OF SALINAS PLANNING COMMISSION REPORT

DATE: NOVEMBER 19, 2025

TO: PLANNING COMMISSION

FROM: LISA BRINTON, DIRECTOR
COURTNEY GROSSMAN, PLANNING MANAGER

BY: THOMAS WILES, SENIOR PLANNER

TITLE: ZONING CODE AMENDMENT 2025-001; RESCIND SECTION 37-50.250 (ACCESSORY DWELLING UNITS) OF CHAPTER 37 OF THE SALINAS MUNICIPAL CODE (ZONING CODE), REMOVE AND MODIFY APPLICABLE ZONING CODE ACCESSORY DWELLING UNIT (ADU) DEFINITIONS AND DEVELOPMENT REGULATIONS AND APPLY APPLICABLE STATE ADU LAW FOR THE PROCESSING OF ADU APPLICATIONS

RECOMMENDED MOTION:

A motion to recommend that the City Council 1) find Zoning Code Amendment 2025-001 categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 and 2) adopt an Ordinance to comply amending Chapter 37 of the Salinas Municipal Code (Zoning Code) to rescind Section 37-50.250 (Accessory Dwelling Units), remove and modify Accessory Dwelling Unit (ADU) definitions of Section 37-10.250 ("A" definitions), modify the ADU development regulations of Sections 37-30.020, 37-30-060, 37-30-110, 37-30.160, 37-30.390, and 37-30.430, and apply applicable State ADU Law to process ADU applications.

EXECUTIVE SUMMARY:

The City's ADU Ordinance is out of compliance with State ADU Law. Chapter 37, Article VI, Division 14 provides for a process whereby all Zoning Code Amendments are brought before the City Council for a final decision. The proposed Zoning Code Amendment amends Chapter 37 of the Salinas Municipal Code (Zoning Code) to rescind Section 37-50.250 (Accessory Dwelling Units), remove and modify Accessory Dwelling Unit (ADU) definitions of Section 37-10.250 ("A" definitions), modify the ADU development regulations of Sections 37-30.020, 37-30-060, 37-30-110, 37-30.160, 37-30.390, and 37-30.430, and apply applicable State standards for the processing

of ADU applications. An updated ADU ordinance is being prepared as part of Phase One of the Zoning Code Update currently underway and scheduled for completion in spring 2026.

DISCUSSION:

Background:

Zoning Code Amendment 2025-001 (ZCA 2025-001) rescinds Section 37-50.250 [(Accessory Dwelling Units) (ADU)] of Chapter 37 of the Salinas Municipal Code (Zoning Code). Both Zoning Code Sections 37-10.250 and 37-50.250 were originally established pursuant to Ordinance No. 2463 (Zoning Code), which was approved by the City Council on November 7, 2006. Zoning Code Section 37-10.250 was subsequently amended by the City Council pursuant to Ordinances 2507 which was approved on May 18, 2010, No. 2581 which was approved on December 6, 2016, and No. 2605 on July 3, 2018. Zoning Code Section 37-50.250 was also amended by above referenced Ordinance No. 2581 and No. 2626 which was approved by the Council on November 5, 2019.

State ADU Law:

On January 1, 2020, after the latest City revision to Zoning Code Section 37-50.250, California Government Code Sections 65852.2 and 65852.22 became effective. Section 65852.2 allowed for the development of ADUs and Section 65852.22 allowed for the development of Junior Accessory Dwelling Units (JADUs). On March 25, 2024, these Government Code Sections were renamed to the following:

Government Code Sections 66314 – 66332 (ADUs)
Government Code Sections 66333 – 66339 (JADUs)
Government Code Sections 66340 – 66342 (ADU Home Sales)

Per State law, Junior Accessory Dwelling Units (JADUs) are allowed to be created within the walls of a proposed or existing single-family residence and shall contain no more than 500 square feet. JADUs offer additional housing options. They may share central systems, contain a basic kitchen utilizing small plug-in appliances, may share a bathroom with the primary dwelling, all to reduce development costs. JADUs present no additional stress on utility services or infrastructure because they simply repurpose existing space within the residence and do not expand the dwellings planned occupancy. JADUs are only allowed for owner-occupied properties unless the owner is another governmental agency, land trust, or housing organization. ADUs have no owner-occupied requirements. Development of JADUs are governed by Government Code Section 66333 through 66339.

The above referenced California Government Code Sections are not consistent with the City's current ADU Ordinance (Zoning Code Sections 37-50.250). Because of this inconsistency, since 2020, staff has processed both of ADUs and JADUs pursuant to State ADU Law and the administrative building permit process. To avoid confusion, the State Housing and Community Development Department (HCD) recommends that the City rescind the current ADU Ordinance and follow the State ADU Law and guidelines until a compliant ADU ordinance is adopted.

Analysis:

The rescinding of the ADU Ordinance requires that the existing ADU definitions and development regulations be modified so that they comply with State ADU Law. Currently, ADU's in the City are defined in Zoning Code Section 37-10.250 as either "Interior" or "Other" as stated below. The revisions in the ADU definitions would remove the "Interior" and "Other" definitions and modify the ADU definition so that it is consistent with State ADU Law. In addition, the classifications of Agricultural, Residential, Public/Semipublic, and New Urbanism Zoning District use classifications have been modified so that they are consistent with the new ADU definitions and State ADU Law.

The Amendment would modify and remove the following "Accessory Dwelling Unit" definitions from Section 37-10.250 ("A" definitions) as follows (changes in strikethrough/underline format):

"Sec. 37-10.250. – "A" definitions.

Accessory Dwelling Unit. An attached or a detached residential dwelling unit defined as either an Accessory Dwelling Unit (ADU) or a Junior Accessory Dwelling (JADU) that is constructed in compliance with State ADU Law. ~~which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, which is located on the same parcel as a single family detached dwelling unit. An accessory dwelling unit must contain at least one hundred fifty square feet of floor area and may consist of an efficiency unit, as defined in Section 17958.1 of Health and Safety Code; or a manufactured home, as defined in Section 18007 of the Health and Safety Code.~~

Accessory Dwelling Unit, Interior. ~~An accessory dwelling unit which is constructed in the R-L district entirely within the existing and legally created space of a single family detached dwelling unit or accessory structure.~~

Accessory Dwelling Unit, Other. ~~An accessory dwelling unit which is constructed either as a new detached accessory structure; as an addition to an existing single family detached dwelling unit or an existing accessory structure; or entirely within the existing and legally created space of a single-family detached dwelling unit or accessory structure but not in the R-L district.~~

The Amendment would modify Zoning Code Section 37-30-020, Table 37-30.10, and Footnote 6 [Agricultural (A) Zoning District] as follows (changes in strikethrough/underline format):

Table 37-30.10

Agricultural (A) District Use Classifications

Land Use	A	Additional Use Regulations
Residential Uses		
Accessory Dwelling Units, Other	P	(6)

(6)	See <u>Section 37-50.250</u> , Accessory dwelling units, An accessory dwelling unit shall only be permitted on a lot with a single family detached dwelling shall be permitted pursuant to State ADU Law.
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The Amendment would modify Zoning Code Section 37-30-060, Table 37-30.30, and Footnote 6 [Residential Low Density (R-L-5.5) Zoning District] as follows (changes in strikethrough/underline format):

Table 37-30.30		
Residential Low District (R-L) Use Classifications		
Land Use	R-L-5.5	Additional Use Regulations
Residential Uses		
Accessory Dwelling Units, Interior	P	(5)
Accessory Dwelling Units, Other	P	(5)

(5)	See <u>Section 37-50.250</u> , Accessory dwelling units, An accessory dwelling unit shall only be permitted on a lot with a single family detached dwelling shall be permitted pursuant to State ADU Law.
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The Amendment would modify Zoning Code Section 37-30-110, Table 37-30.50, and Footnote 7 [Residential Medium Density (R-M) Zoning District] as follows (changes in strikethrough/underline format):

Table 37-30.50			
Residential Medium Density (R-M) Districts Use Classifications			
Land Use	R-M-3.6	R-M-2.9	Additional Use Regulations
Residential Uses			
Accessory Dwelling Units, Other	P	P	(7)

(7)	See <u>Section 37-50.250</u> , Accessory dwelling units, An accessory dwelling unit shall only be permitted on a lot with a single family detached dwelling shall be permitted pursuant to State ADU Law.
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The Amendment would modify Zoning Code Section 37-30-160, Table 37-30.70, and Footnote 8 [Residential High Density (R-H) Zoning District] as follows (changes in strikethrough/underline format):

Table 37-30.50			
Residential High Density (R-H) Districts Use Classifications			
Land Use	R-H-2.1	R-H-1.8	Additional Use Regulations
Residential Uses			
Accessory Dwelling Units, Other	P	P	(8)

(8)	See Section 37-50.250, Accessory dwelling units. An accessory dwelling unit shall only be permitted on a lot with a single family detached dwelling shall be permitted pursuant to State ADU Law.
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The Amendment would modify Zoning Code Section 37-30-390, Table 37-30.170, delete Footnote 12 applicability to Accessory Dwelling Units and add Footnote 15 [Public/Semipublic (PS) Zoning District] as follows (changes in strikethrough/underline format):

Table 37-30.30		
Public/Semipublic (PS) Use Classifications		
Land Use	PS	Additional Use Regulations
Residential Uses		
Accessory Dwelling Units, Other	<u>CUP P</u>	(12)(13)(<u>15</u>)

(15)	<i>Accessory dwelling units shall be permitted pursuant to State ADU Law.</i>
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The Amendment would modify Zoning Code Section 37-30-430, Table 37-30.190, and Footnote 6 [New Urbanism (NU) Zoning Districts] as follows (changes in strikethrough/underline format):

Table 37-30.190					
New Urbanism (NU) Districts Use Classifications					

Land Use	NE (Low)	NG-1 (Medium)	NG-2 (High)	VC	Additional Use Regulations

Residential Uses						
Accessory Dwelling Units, Other		P	P	P	NP	(6)

(6)	<i>See Section 37-50.250; Accessory dwelling units. An accessory dwelling unit shall only be permitted on a lot with a single family detached dwelling shall be permitted pursuant to State ADU Law.</i>
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The Amendment would also rescind Section 37-50.250 (Accessory Dwelling Units) of Chapter 37 of the Salinas Municipal Code (Zoning Code) as follows (changes in strikethrough/underline format):

~~“Sec. 37-50.250. Accessory dwelling units.~~

- (a) ~~**Purpose.** The purpose of this section is to comply with the requirements of the California Government Code relating to accessory dwelling units. In the event of any conflict between this section and the California Government Code, the California Government Code shall prevail. An accessory dwelling unit conforming to the provisions of this section shall be approved ministerially within the time limits specified by Government Code Section 65852.2 or any successor provisions.~~
- (b) ~~**Where Permitted.**~~
 - (1) ~~Accessory dwelling units, interior are allowed as a permitted use in the R-L district.~~
 - (2) ~~Accessory dwelling units, other are allowed as a permitted use in an A, R, or NU district, subject to subsection (d) below. All accessory dwelling units are permitted only on lots with one single family detached dwelling unit and no other dwelling units.~~
 - (3) ~~No accessory dwelling units shall be permitted in a development subject to a planned unit development permit approved under Article IV, [Division 13](#) of [Chapter 37](#), or any applicable predecessor or successor sections of this Code, unless accessory dwelling units are expressly authorized by such planned unit development permit.~~
 - (4) ~~A maximum of one accessory dwelling unit shall be permitted per lot or parcel. An accessory dwelling unit shall not be sold separately from the principal dwelling unit.~~
- (c) ~~**Development Regulations and Design Standards Accessory dwelling unit, interior.**~~
 - (1) ~~The accessory dwelling unit must have exterior access independent from the existing single family detached dwelling unit.~~
 - (2) ~~Side and rear setbacks must be determined to be sufficient for fire safety by the building official.~~
 - (3) ~~No new or separate utility connection directly between the accessory dwelling unit and the utility may be required.~~
 - (4) ~~Sprinklers may not be required for the accessory dwelling unit unless they are required for the existing single family detached dwelling unit.~~

- (5) ~~The total floor area of an accessory dwelling unit, interior, shall not exceed the greater of one thousand two hundred square feet or fifty percent of the existing living area of the primary residence.~~
- (d) ~~**Development Regulations and Design Standards**~~ ~~**Accessory dwelling unit, other.**~~
- (1) ~~Floor Area.~~
- (A) ~~The total floor area of a detached accessory dwelling unit shall not exceed a maximum of one thousand two hundred square feet of gross floor area.~~
- (B) ~~The total floor area of an attached accessory dwelling unit shall not exceed a maximum of fifty percent of the existing living area of the primary residence, not to exceed a maximum of one thousand two hundred square feet.~~
- (C) ~~Accessory dwelling units that require additional floor area for the unit are prohibited on the second floor of a single family detached dwelling unit. Accessory dwelling units may be located within an existing second floor of a single family detached dwelling unit subject to the requirements of subsection (c) of this section.~~
- (2) ~~Design. The exterior design of the accessory dwelling unit shall be in harmony with the principal dwelling unit. This shall be accomplished through the use of building materials, architectural design, height, scale, exterior colors, and finishes that are compatible with the principal dwelling unit. Accessory dwelling units shall be designed so as not to adversely affect the character of the surrounding neighborhood. The design standards of the base zoning district shall apply. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.~~
- (3) ~~Sprinklers. Sprinklers may not be required for the accessory dwelling unit unless they are required for the existing single family detached dwelling unit.~~
- (e) ~~**Other Development Standards.** Except as modified by this section, the accessory dwelling unit shall conform to all applicable development regulations established for single family detached dwelling units in the underlying zoning district, including without limitation, the maximum height, required yards, minimum usable open space requirements for single family detached dwelling units in the applicable zoning district, and distance between structures.~~
- (f) ~~**Parking.** One off street parking space shall be provided for each bedroom in the accessory dwelling unit, and parking required for the single family dwelling units shall be provided on the same site in accordance with [Section 37-50.360](#), off street parking and loading spaces regulations. A minimum of one off street parking space shall be provided for an efficiency unit off street parking for accessory dwelling units may be provided as tandem parking on an existing legal driveway or in setbacks, excluding the front or side corner setbacks of a site; however off street parking spaces for accessory dwelling units are not required in any of the following instances:~~

- ~~(1) The accessory dwelling unit is located within one half mile of a public transit stop.~~
- ~~(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.~~
- ~~(3) The accessory dwelling unit is an "accessory dwelling unit, interior" as defined in this [Chapter 37](#).~~
- ~~(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.~~
- ~~(5) When there is a car share vehicle pickup location located within one block of the accessory dwelling unit.~~

~~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 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.~~

- ~~(g) **Density.** An accessory dwelling unit which conforms to the requirements of this section shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use, consistent with the Salinas general plan and zoning designation for the lot.~~
- ~~(h) **Deed Restriction.** The owner of the parcel of land upon which the accessory dwelling unit is proposed to be located shall execute a deed restriction, running with the land, in a form satisfactory to and approved by the city, which states that the second dwelling unit shall not be rented for terms less than thirty days, that the lot shall be developed and maintained in conformance with this section, and that the requirements of this section are binding upon any successor in ownership of the property. Such deed restriction shall be filed by the city planner for recordation by the Monterey County recorder's office prior to issuance of any building permits for the accessory dwelling unit.~~
- ~~(i) **Administrative Fee.** The city may charge an administrative fee for monitoring compliance with the provisions of this section as determined by the city council."~~

The rescinding of Zoning Code Section 37-50.250 requires the City to continue to process applications for ADUs and JADUs pursuant to State law as per Government Code Section 66316 until a City Ordinance for the processing of ADUs is approved by the State.

The revision of the "Accessory Dwelling Unit" (ADU) definitions from Zoning Code Section 37-10.250 are proposed because they are not consistent with the State definitions of "Accessory Dwelling Unit" and "Junior Accessory Dwelling Unit". The revisions to Zoning Code Sections 37-30.020, 37-30-060, 37-30-110, 37-30.160, 37-30.390, and 37-30.430 are also required for Zoning Code consistency with the modified definitions and State ADU Law.

CONCLUSION:

The proposed Zoning Code Amendment would modify “Accessory Dwelling Unit” definitions of Section 37-10.250 (“A” definitions), modify Sections 37-30.020, 37-30-060, 37-30-110, 37-30.160, 37-30.390, and 37-30.430, rescind Section 37-50.250 (Accessory Dwelling Units), and apply applicable State standards for the processing of Accessory Dwelling Unit (ADU) applications. Findings in support of the Amendment are incorporated in the attached Planning Commission Resolution.

CEQA CONSIDERATION:

The environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA). The proposed Zoning Code Amendment is categorically exempt (Class 5) from further environmental analysis per CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations).

TIME CONSIDERATION:

The proposed project is a request for a Zoning Code Amendment, which is a legislative act and not subject to the Permit Streamlining Act (PSA).

ALTERNATIVES AVAILABLE TO THE COMMISSION:

The Planning Commission has the following alternatives:

- 1) Affirm the findings set forth in the attached Resolution, recommending that the City Council find the Amendment exempt from CEQA and introduce and then adopt the Amendment with modifications; or
- 2) Find that the Amendment is not appropriate and establish findings at the public hearing recommending that the City Council deny the Amendment.

ATTACHMENTS:

Draft Planning Commission Resolution
Draft City Council Ordinance