

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

**AN ORDINANCE AMENDING 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
(CUP)
(ZCA 2019-003)**

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 Zoning Code Section 37-30.390, Table 37-30.170 to allow residential uses in the Public/Semipublic (PS) Zoning District 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 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 Zoning Code Section 37-30.390 to allow residential uses in the Public/Semipublic (PS) District 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 impact since it involves a minor alteration to Zoning Code Section 37-30.390.

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 2019-003:

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 for residential uses to be located on Public/Semipublic (PS) zoned properties through the Conditional Use Permit (CUP) process. Residential uses will not be permitted on PS-zoned properties located within the Airport Overlay District. The Zoning Code Amendment would be consistent with General Plan Policies LU-2.1 by maintaining a compact City form and with L-U-2.4 by utilizing well-designed in-fill development.

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 General Plan and Zoning Code and allow residential uses in the Public/Semipublic (PS) Zoning District subject to approval of a Conditional Use Permit (CUP). The Zoning Code Amendment would be consistent with General Plan Policies LU-2.1 by maintaining a compact City form and with L-U-2.4 by utilizing well-designed in-fill development.

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

The proposed establishment of this Ordinance 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 37-30.390, Table 37-30.170, is hereby amended to read as follows:

Table <u>37-30.170</u>			
Public/Semipublic (PS) District Use Classifications			
Land Use	PS	Additional Use Regulations	
Residential Uses			
<u>Accessory Dwelling Units, Other</u>		<u>CUP</u>	<u>(12)(13)</u>
<u>Day Care Homes, Family—Large</u>		<u>CUP</u>	<u>(12)(13)</u>
<u>Day Care Homes, Family—Small</u>		<u>CUP</u>	<u>(12)(13)</u>
<u>Disaster Shelter</u>		<u>P</u>	<u>(10)</u>
<u>Duplex Dwellings</u>		<u>CUP</u>	<u>(12)(13)</u>
<u>Emergency Shelter, Type A</u>		<u>P</u>	<u>(11)</u>
<u>Emergency Shelter, Type B</u>		<u>CUP</u>	<u>(11)</u>
<u>Employee Housing, Small Project</u>		<u>CUP</u>	<u>(12)(13)</u>
<u>Home Occupations</u>		<u>P</u>	<u>(12)(13)</u>
<u>Interim Housing</u>		<u>CUP</u>	<u>(12)(13)</u>
<u>Manufactured Housing</u>		<u>CUP</u>	<u>(12)(13)</u>

Table 37-30.170			
Public/Semipublic (PS) District Use Classifications			
Land Use	PS	Additional Use Regulations	
<u>Mobilehome Parks</u>		<u>CUP</u>	(12)(13)(14)
<u>Multifamily Dwellings</u>		<u>CUP</u>	(12)(13)
<u>Multiple Detached Dwellings</u>		<u>CUP</u>	(12)(13)
<u>Residential Care Facilities - Large</u>		<u>CUP</u>	(12)(13)
<u>Residential Care Facilities – Small</u>		<u>CUP</u>	(12)(13)
<u>Residential Service Facilities</u>		<u>CUP</u>	(12)(13)
<u>Single-family Dwellings – Attached</u>		<u>CUP</u>	(12)(13)
<u>Single-family Dwelling – Detached</u>		<u>CUP</u>	(12)(13)
Commercial Uses			
Airports and Heliports		CUP	(1)
Airport-related Uses		SPR	(7)
Commercial Recreation and Entertainment		CUP	
Outdoor Facilities		CUP	(6)
Public and Semipublic Uses			(3)
Airports		CUP	
Cemeteries		CUP	
Clubs and Lodges		CUP	
Convalescent Hospitals/Nursing Homes		CUP	
Cultural Institutions		CUP	
Day Care Centers		CUP	
Detention Facilities		CUP	
Government Offices		CUP	
Hospitals		CUP	
Maintenance and Repair Services:			
Major		CUP	(4)
Minor		NP	
Open Space		SPR	
Park and Recreation Facilities		SPR	
Parking Lots and Structures		CUP	(9)
Public Safety Facilities		CUP	
Religious Assembly		CUP	
Schools—Public/Private		CUP	
Schools—Trade		NP	
Telecommunications Facilities:			
Major		CUP	(8)
Minor		P	(8)
Utilities—Major		CUP	
Accessory Uses and Structures		P	(5)
Utilities—Minor		P	(2)

Table 37-30.170 Public/Semipublic (PS) District Use Classifications			
Land Use	PS	Additional Use Regulations	
Temporary Uses		TULP	(6)
Nonconforming Uses and Structures		See Section 37-50.160 : <i>Nonconforming uses and structures</i> .	
Notes:			
P = Permitted Use			
NP = Not Permitted Use			
CUP = Conditional Use Permit Required			
SPR = Site Plan Review Required			
TULP = Temporary Use of Land Permit Required			
(1)		Heliports shall be located more than one thousand feet from an R district. Heliports used exclusively for emergency aircraft flights for medical purposes by law enforcement, fire fighting, military, or other persons who provide emergency flights for medical purposes do not require a CUP.	
(2)		Minor utilities shall not unreasonably interfere with the use, enjoyment, or aesthetics of adjacent uses.	
(3)		See also Section 37-50.170 : <i>Outdoor storage and display</i> and Section 37-50.180 : <i>Performance standards</i> .	
(4)		Maintenance and repair services are limited to those of a public and semipublic nature.	
(5)		See Section 37-50.010 : <i>Accessory uses and structures</i> . Accessory uses and structures will require a SPR or a CUP if required for the principal use.	
(6)		See Section 37-50.170 : <i>Outdoor storage and display for any outdoor activity or use</i> and Section 37-50.300 : <i>Temporary use of land</i> .	
(7)		Airport-related uses shall only be allowed in a PS district that is contiguous to the Salinas municipal airport.	
(8)		See Section 37-50.290 : <i>Telecommunication facilities</i> .	
(9)		Does not apply to the parking required to serve the use per Section 37-50.360 : <i>Off-street parking and loading spaces regulations</i> .	
(10)		The establishment and operation of disaster shelters are subject to the approval of the director of emergency services.	
(11)		See Section 37-50.305 : <i>Temporary shelters</i> .	
(12)		<u>All Residential development shall comply with the R-M-2.9 Development Regulations (See Section 37-30.120) and R-M Design Standards (See Section 37-30.130)</u>	
(13)		<u>Residential uses shall not be permitted on any PS-zoned properties located within the Airport Overlay District</u>	
(14)		See Section 37-50.140 Mobilehome Parks	

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 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 residential uses in the Pubic/Semipublic (PS) Zoning District subject to approval of a Conditional Use Permit (CUP).

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

AYES:

NOES:

ABSTAIN:

ABSENT:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney