

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

AN ORDINANCE AMENDING 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 MAKE CHANGES CONFORMING TO STATE LAW WITH REGARD TO ACCESSORY DWELLING UNITS (ZCA 2016-001)

THE COUNCIL OF THE CITY OF SALINAS DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, State law (Senate Bill 1069 and Assembly Bill 2299, Statutes of 2016) requires jurisdictions to amend their local zoning ordinances to conform to Government Code Section 65852.2 as amended effective January 1, 2017. Failure to amend the City's zoning to meet the requirements of the legislation will render the City's existing accessory dwelling unit (second unit) regulations null and void as of January 1, 2017;

WHEREAS, adopting an ordinance consistent with Section 65852.2 will ensure that the character of the City is preserved to the maximum extent possible and that the City's regulations regarding accessory dwelling units will continue to promote the health, safety, and welfare of the community;

WHEREAS, the City has designated areas where accessory dwelling units may be located based on consideration of the areas where accessory dwelling units will be most compatible with the existing character of the City;

WHEREAS, under Salinas Municipal Code Section 37-50.350(g)(4), the City does not permit front and corner-side yards or open space areas of a site to be used to meet off-street parking requirements anywhere within its jurisdiction;

WHEREAS, on November 16, 2016, the Planning Commission held a duly noticed public hearing, took public testimony, and recommended that the City Council adopt the ordinance amendments;

WHEREAS, the City Council held a duly noticed public hearing on December 6, 2016, took public testimony, and considered the ordinance amendments; and,

WHEREAS, the City has determined that the project is statutorily exempt from the California Environmental Quality Act (CEQA) as provided by Public Resources Code Section 21080.17, because it is the adoption of an ordinance by a city to implement the provisions of Section 65852.2 of the Government 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 2016-001:

- 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 bring the Code into compliance with State law concerning the regulation of development standards for accessory dwelling 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.**

This Amendment will not reverse existing policies, because the City of Salinas currently permits accessory dwelling units (second dwelling units). The proposed changes to the Zoning Code with regards to accessory dwelling units would provide consistency with State law. Off-street parking for accessory dwelling units shall not be located in the required front and corner-side yards and open space areas because it is not allowed in other Zoning Districts.

- 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.

NOW THEREFORE, the Salinas City Council declares as follows:

SECTION 2: Salinas Municipal Code Section 37-10.250 is hereby amended to add the following definitions:

Sec. 37-10.250 – "A" Definitions

Accessory Dwelling Unit. An attached or a detached residential dwelling unit 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 150 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.

SECTION 3: Salinas Municipal Code Section 37-10.280 is hereby amended to remove the following definition:

Sec. 37-10.280 – "D" Definitions

~~Dwelling, Second. A subordinate dwelling unit having separate living, sleeping, eating, cooking, and sanitation facilities attached to or detached from an existing single-family detached dwelling, which is not intended for sale, but may be rented, for the sole occupancy of up to two persons for an efficiency or one-bedroom unit, and three persons for a two-bedroom unit.~~

SECTION 4: Salinas Municipal Code Section 37-10.430 is hereby amended to remove the following definition:

Sec. 37-10.430 – "S" Definitions

~~Second Dwelling Unit. See "Dwelling, Second."~~

SECTION 5: Table 37-30.10 of Salinas Municipal Code Section 37-30.020 is hereby amended as follows:

Sec. 37-30.020 – Use classifications. (A)

Accessory ~~Second~~ Dwelling Units, Other ~~SPR~~ P (6)

(6) See Section 37-50.250: Accessory ~~Second~~ dwelling units. An accessory ~~second~~ dwelling unit shall only be permitted on a lot with a single-family detached dwelling.

SECTION 6: Table 37-30.30 of Salinas Municipal Code Section 37-30.060 is hereby amended as follows:

Sec. 37-30.060 – Use classifications. (R-L)

Accessory ~~Second~~ Dwelling Units, Interior P (5)

Accessory ~~Second~~ Dwelling Units, Other P (5)

(5) See Section 37-50.250: Accessory ~~Second~~ dwelling units.

SECTION 7: Table 37-30.50 of Salinas Municipal Code Section 37-30.110 is hereby amended as follows:

Sec. 37-30.110 – Use classifications. (R-M)

Accessory ~~Second~~ Dwelling Units, Other P P (7)

(7) See Section 37-50.250: Accessory ~~Second~~-dwelling units. An accessory ~~second~~ dwelling unit shall only be permitted on a lot with a single-family detached dwelling.

SECTION 8: Table 37-30.70 of Salinas Municipal Code Section 37-30.160 is hereby amended as follows:

Sec. 37-30.160 – Use classifications. (R-H)

Accessory ~~Second~~ Dwelling Units, Other P P (8)

(8) See Section 37-50.250: Accessory ~~Second~~-dwelling units. An accessory ~~second~~ dwelling unit shall only be permitted on a lot with a single-family detached dwelling.

SECTION 9: Table 37-30.190 of Salinas Municipal Code Section 37-30.430 is hereby amended as follows:

Sec. 37-30.430 – Use classifications. (NU)

Accessory ~~Second~~ Dwelling Units, Other P P P NP (6)

(6) See Section 37-50.250: Accessory ~~Second~~-dwelling units. An accessory ~~second~~ dwelling unit shall only be permitted on a lot with a single-family detached dwelling or developed concurrently with a single-family detached dwelling unit.

SECTION 10: Salinas Municipal Code Section 37-50.250 is hereby amended as follows:

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

(a) **Purpose.** The purpose of this section is to comply with the requirements of the California Government Code relating to ~~second~~ 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 37-50.250 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) ~~Second~~ 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 a one single-family detached dwelling unit and no other dwelling units, except as provided for in subsection (e) below.

(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 the Municipal Code, unless

accessory dwelling units are expressly authorized by such planned unit development permit.

(4) A maximum of one ~~second~~ accessory dwelling unit shall be permitted per lot or parcel. An ~~second~~ 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 e) Development Regulations and Design Standards – Accessory dwelling unit, other.

(1) Floor Area.

(A) The total floor area of a detached ~~second~~ accessory dwelling unit shall not exceed a maximum of ~~seven hundred fifty~~ one-thousand two-hundred square feet of gross floor area.

(B) The total floor area of an attached ~~second~~ accessory dwelling unit shall not exceed a maximum of ~~seven hundred fifty~~ fifty-percent of the existing living area of the primary residence, not to exceed a maximum of one-thousand two-hundred square feet except that in the R-L 5.5 district, an attached second story second dwelling unit may not exceed a maximum of two hundred fifty square feet of gross floor area. Additional floor area may be considered for an attached second story second dwelling unit up to a maximum of seven hundred fifty square feet or as otherwise permitted in accordance with the requirements of [Section 37-50.110](#): *Infill residential development in the R-L district*, whichever is less, subject to the approval of a minor conditional use permit for a residential design review.

(C) An attached ~~second dwelling unit, which will occupy the second story of an existing single family detached structure and which does not require an addition of floor area to the existing structure to accommodate the second dwelling unit, may have a maximum of seven hundred fifty square feet. 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) Bedrooms. A second accessory dwelling unit shall have a maximum of two bedrooms.~~
- ~~(2 3) Design. The exterior design of the second 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. Second 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.~~
- ~~(4) Maximum Height, Required Yards, Usable Open Space, and Distance Between Structures. The maximum height, required yards, minimum usable open space requirements for single-family dwelling units in the applicable zoning district, and distance between structures for second accessory dwelling units shall be in accordance with the development regulations established for single-family dwelling units in the applicable zoning district.~~
- ~~(5) Usable Open Space. No additional usable open space is required for second dwelling units; however, the minimum usable open space requirements for single-family dwelling units in the applicable zoning district shall be provided on a lot.~~
- ~~(e d) **Occupancy.** Sole occupancy of the second dwelling units shall be limited to no more than two persons for an efficiency, studio, or one-bedroom unit and three persons for a two-bedroom unit. **Other Development Standards.** Except as modified by this Section 37-50.250, 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 e) **Parking.** One off-street parking space shall be provided for each bedroom in the second accessory dwelling unit, and in addition to the 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. If more than one off-street parking spaces is required for the second dwelling unit, it may be tandem to the first space required for the second dwelling unit. The second dwelling unit parking spaces, however, may not be tandem to the off-street parking spaces required for the single-family dwelling 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 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 travelway and its access point from a public street for the exclusive use of the occupants of a property and their guests.

- (g f) **Density.** ~~An second~~ 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 g) **Deed Restriction.** The owner of the parcel of land upon which the ~~second~~ 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 ~~and shall not be rented for terms less than 30 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 ~~second~~ accessory dwelling unit.
- (i h) **Administrative Fee.** The city may charge an administrative fee for monitoring compliance with the provisions of this section as determined by the city council.

SECTION 11: Table 37-50.100 of Salinas Municipal Code Section 37-50.250 is hereby amended as follows:

Second <u>Accessory Dwelling Units</u>	Studio: 1 per second dwelling unit. 1 or 2 bedrooms: 1 per bedroom. 2nd space may be tandem. See Section 37-50.250
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SECTION 12. This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

SECTION 13. The Salinas City Clerk is hereby directed to cause the following summary of this ordinance to be published by one (1) insertion in The Salinas Californian, a newspaper of general circulation published and circulated in the City of Salinas and hereby designated for that purpose by the Salinas City Council:

The City of Salinas is proposing to amend 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 make changes conforming to State Law with regard to Accessory Dwelling Units.

SECTION 14. 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.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF SALINAS this 6th day of December, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Joe Gunter, Mayor

ATTEST:

Patricia Barajas, City Clerk