

**SALINAS PLANNING COMMISSION
RESOLUTION NO. 2016-09**

**RESOLUTION RECOMMENDING THAT THE CITY ADOPT AN ORDINANCE
AMENDING VARIOUS PROVISIONS OF CHAPTER 37 OF THE SALINAS
MUNICIPAL CODE (ZONING) WITH REGARDS TO ACCESSORY DWELLING UNITS
FOR CONSISTENCY WITH STATE LAW.
(ZCA 2016-001)**

WHEREAS, on November 7, 2006, the Salinas City Council adopted Ordinance Number 2463 replacing the existing Zoning Code; and

WHEREAS, on September 27, 2016, the Governor approved Senate Bill 1069 (SB 1069) and Assembly Bill 2299 (AB 2299) which amended Government Code Sections 65582.1, 65589.4, 65852.150, 65852.2, and 66412.2 related to land use policies concerning Accessory Dwelling Units (formerly known as Second Dwelling Units); and

WHEREAS, on November 16, 2016, the Salinas Planning Commission held a duly noticed public hearing to consider a Zoning Code Amendment to recommend that the City Council exercise the emergency provisions of the City's Charter and adopt an Ordinance amending various provisions of Chapter 37 of the Salinas Municipal Code (Zoning) with regard to Accessory Dwelling Units for consistency and conformity with State law, and which is known as Zoning Code Amendment 2016-001; and

WHEREAS, on November 16, 2016, the Salinas Planning Commission weighed the evidence presented at hearing, 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 Statutorily Exempt from the California Environmental Quality Act (CEQA), as follows:

NOW, THEREFORE, BE IT RESOLVED by the Salinas Planning Commission that the Commission recommends that the City Council find the project to be Statutorily Exempt from the California Environmental Quality Act and introduce and then adopt Zoning Code Amendment 2016-001; and a

BE IT FURTHER RESOLVED that the Commission adopts the following findings as the basis for its determination, and that the foregoing recitations are true and correct, and are included herein by reference as findings:

Statutorial Exemption:

1. ***The project has been found to be Statutorily Exempt pursuant to Public Resources Code 21080.17 of the Guidelines to the California Environmental Quality Act;***

The proposed Zoning Code Amendment applying to Section 37-50.250 within Chapter 37 of the Municipal Code (Zoning Code), is statutorily exempt from further environmental analysis per CEQA Guidelines Public Resources Code 21080.17 (Act not applicable to local ordinances regulating construction of dwelling units and second units), because it is the adoption of an Ordinance by a City to implement the provisions of Section 65852.2 of the Government Code.

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.

PASSED AND ADOPTED this 16th day of November 2016 by the following vote:

AYES: Chairperson Hill, Commissioners Anzo, Griffin, Ibarra, Meeks, Villegas

NOES: None


ABSTAIN: None

ABSENT: Commissioner Huerta

THIS IS TO CERTIFY that the foregoing is a full, true, and correct copy of a Resolution of the Planning Commission of the City of Salinas, that said Resolution was passed and adopted by the affirmative and majority vote of said Planning Commission at a meeting held on November 16, 2016, and that said Resolution has not been modified, amended, or rescinded, and is now in full force and effect.

SALINAS PLANNING COMMISSION

Date: 11/22/16



Courtney Grossman
Secretary