

# SALINAS PLANNING COMMISSION

## Staff Report

City of Salinas  
Community Development  
Department  
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Director:  
*Megan Hunter*

Planning Manager:  
*Courtney Grossman*

### Planning Commission:

*John Meeks, Chair*  
*George Anzo*  
*Rick Giffin*  
*Brad Griffin*  
*Matthew Huerta*  
*Jyl Lutes*  
*Matt Nohr, Vice Chair*

Planning Manager Approval



Agenda Item

**ID #17-182**

**DATE:** April 5, 2017  
**TO:** Planning Commission  
**FROM:** Courtney Grossman, Planning Manager  
**BY:** Thomas Wiles, Senior Planner

**SUBJECT:** ZONING CODE AMENDMENT 2017-001; AN ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 37 OF THE SALINAS MUNICIPAL CODE (ZONING CODE) TO REMOVE THE BEDROOM MIX REQUIREMENT FOR RESIDENTIAL DEVELOPMENT IN THE CENTRAL CITY OVERLAY AND CORRECT MINOR TYPOGRAPHICAL ERRORS

### RECOMMENDATION

Staff recommends that the Planning Commission affirm the findings and adopt the attached Resolution recommending that the City Council introduce and then adopt the accompanying ordinance amending various provisions of Chapter 37 of the Salinas Municipal Code (Zoning Code).

### BACKGROUND

Chapter 37, Article VI, Division 14 provides for a process whereby all Zoning Code Amendments are brought before the Planning Commission for a recommendation to the full City Council. This proposed Zoning Code Amendment would remove the bedroom mix requirements for residential development located in the Central City Overlay and correct two (2) minor typographical errors. The proposed amendment will not have the effect of reversing policies of the Salinas General Plan. Removal of the bedroom mix requirement for residential development in the Central City Overlay supports the goals and policies of the City's draft Economic Development Element (EDE) and the implementation recommendations of the

Downtown Vibrancy Plan (DVP). The DVP identifies market rate housing as an economic driver and key component of a vibrant downtown. This amendment will remove barriers to residential development in the downtown by allowing the shifting market demands of entry-level homebuyers, milenials, and empty nesters to be the driver of housing product type mix.

## **ANALYSIS**

The following table summarizes the proposed changes to the Zoning Code:

	<b>Zoning Code Section</b>	<b>Brief Description of Change</b>
1.	37-40.320(c)	Remove the bedroom mix requirement for residential development by adding an exception to Zoning Code Section 37-40.320(c) for properties located within the Central City Overlay, no longer requiring residential development in the CO (Commercial Office) District to have a minimum 20% three (3) bedrooms and 10% to have four (4) bedrooms.
2.	37-30.170, Table 37-30.80, Footnote (B)	Change footnote error in minimum density requirement in the Residential High Density (R-H) District section from 8 to 15 units per net acre for General Plan consistency and to be consistent with Zoning Code Section 37-30.150.
3.	37-30.310, Table 37-30.130, Footnote (8)	Change footnote error in the number of affirmative votes of Planning Commission members from “our” to “four” for a “Warehousing limited” use as defined in Zoning Code Section 37-50.320 to be automatically set for a City Council hearing for final consideration.

Per Zoning Code Section 37-30.200, Table 37-30.90, multifamily dwelling units in the CO District are subject to an administrative Site Plan Review. Per Zoning Code Section 37-30.210, Table 37-30.100, Footnote (A)(1), residential development in the CO District must comply with the development standards of the R-H-2.1 (Residential High Density) District, which means any residential development of ten or more units must comply with the minimum bedroom mix requirements of the District, unless other circumstances not applicable to this discussion are present (i.e. mixed use development incentives, etc.). This would require that a minimum of 20% of the units have three (3) bedrooms or more and that 10% of the units have four (4) bedrooms or more.

The Zoning Code Amendment would revise Zoning Code Section 37-40.320(c) to add an exception to remove the bedroom mix requirement for residential development (such as multifamily dwelling uses) as defined by Zoning Code Section 37-10.280 that is located in the Central City Overlay, which includes both the Downtown Neighborhood Area and Downtown Core Area. Removing the bedroom mix requirement for residential

development in the Central City Overlay would assist in allowing for affected properties in the Overlay to develop residential units and populate Downtown Salinas. The removal of the bedroom mix requirement would be limited to properties located in the Central City Overlay only.

Concerning the first change, staff has recently received a preliminary request to convert an existing two-story office building located at 401 Monterey Street into a multifamily dwelling project with a density bonus consisting of 16 studio units. The project site is located in the Commercial Office – Central City Overlay – Downtown Neighborhood Area (CO-CC-DN) Zoning District. For properties located in the Downtown Neighborhood Area of the Central City Overlay, the development standards of the base Zoning District apply. In this case, the CO development standards are applicable to the development. For residential development within the CO District, the Zoning Code refers to the R-H-2.1 (Residential High Density) District, which includes the bedroom mix requirement.

Concerning the second change, a typographical error would be corrected with regards to the minimum density requirements in the Residential High Density (R-H) District. Zoning Code Section 37-30.170, Table 37-30.80, Footnote (B) states that the minimum density requirement is eight (8) units per acre. However, both the General Plan and the Zoning Code purposes of the R-H District state that the minimum density in the District is more 15 units per net acre. The Amendment would correct the footnote error so that the Zoning Code is consistent with the minimum density requirements of both the General Plan and Zoning Code.

Concerning the third change, a typographical error would be corrected with regards to the requirement that if a “Warehousing limited” use (i.e. mini-storage) receives four (4) affirmative votes from the Planning Commission, then it is automatically sent to the City Council for final determination. This Amendment would correct a footnote error in Zoning Code Section 37-30.310, Table 37-30.130, Footnote (8) from “our” to “four”. Per the Zoning Code, a “Warehousing limited” use requires a minimum of five (5) affirmative votes from the Planning Commission for approval by the Commission. If such a proposed use receives only four (4) affirmative votes, then it is automatically sent to the City Council for final determination. If the proposed use does not receive a minimum of four (4) affirmative votes from the Commission, then it is considered denied. The four (4) affirmative vote requirement is correctly stated in the Use Classification footnotes for both the Commercial and Mixed Use Districts.

## **ENVIRONMENTAL REVIEW**

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).

## **FINDINGS**

Findings in support of the proposed Zoning Code amendment are incorporated in the attached resolution.

## **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; or
2. Find that the amendment is not appropriate and establish findings at the public hearing recommending that the City Council make modifications or deny the Amendment.

## **CONCLUSION**

The proposed Zoning Code amendment advances the City's plans and policies and assists in streamlining the development review process, especially for encouraging residential development in the downtown area.

COURTNEY GROSSMAN  
Planning Manager

BY:   
Thomas Wiles  
Senior Planner

Attachments: Draft Planning Commission Resolution  
Draft Ordinance

Cc: Brad Slama, 401 Monterey Street

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**SALINAS PLANNING COMMISSION  
RESOLUTION NO. 2017-**

**RESOLUTION RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE  
AMENDING 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 TO  
CORRECT MINOR TYPOGRAPHICAL ERRORS  
(ZCA 2017-001)**

**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 make changes conforming to state law with regard to accessory dwelling units; and

**WHEREAS**, on April 5, 2017, the Salinas Planning Commission held a duly noticed public hearing to consider a Zoning Code Amendment to recommend that the City Council adopt an Ordinance amending 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, which is known as Zoning Code Amendment 2017-001; and

**WHEREAS**, on April 5, 2017, 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 finds the project to be categorically 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 2017-001; and

**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:

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 applying to various provisions of the Zoning Code, including a functional improvement and a minor correction is categorically exempt from further environmental analysis per CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations). The proposed Zoning Code Amendment would not result in a significant environmental impact since it involves minor alterations to various Zoning Code sections.

Zoning Code Amendment 2017-001:

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 correct typographical errors to be consistent with the General Plan and Zoning Code and delete the bedroom mix requirement for residential development located in the Central City Overlay.

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 correct typographical errors to be consistent with the General Plan and Zoning Code and delete the bedroom mix requirement for residential development located in the Central City Overlay.

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 5th day of April 2017 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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 April 5, 2017, and that said Resolution has not been modified, amended, or rescinded, and is now in full force and effect.

SALINAS PLANNING COMMISSION

Date: \_\_\_\_\_

\_\_\_\_\_  
Courtney Grossman  
Secretary

**ORDINANCE NO. \_\_\_\_\_ (N.C.S.)**

**AN ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 37 OF THE  
SALINAS MUNICIPAL CODE (ZONING CODE) TO REMOVE THE BEDROOM MIX  
REQUIREMENT FOR RESIDENTIAL DEVELOPMENT IN THE CENTRAL CITY  
OVERLAY AND TO CORRECT MINOR TYPOGRAPHICAL ERRORS  
(ZCA 2017-001)**

**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 make changes conforming to state law with regard to accessory dwelling units; and

**WHEREAS**, on April 5, 2017, the Salinas Planning Commission recommended that the City Council introduce and adopt Zoning Code Amendment 2017-001, which amended various provisions of Zoning Code to remove the bedroom mix requirement for residential development in the Central City Overlay and correct minor typographical errors at said public hearing; and

**WHEREAS**, on \_\_\_\_\_, the City Council weighed the evidence presented at said public 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 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 Section 15305 of the Guidelines to the California Environmental Quality Act;***

The proposed Zoning Code amendment applying to various provisions of the Zoning Code, including functional improvements and minor corrections is categorically exempt from further environmental analysis per CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations). The proposed Zoning Code Amendment would not



result in a significant environmental impact since it involves a minor alteration to various Zoning Code sections.

**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 2017-001:

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 correct typographical errors to be consistent with the General Plan and Zoning Code and delete the bedroom mix requirement for residential development located in the Central City Overlay.

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 correct typographical errors to be consistent with the General Plan and Zoning Code and delete the bedroom mix requirement for residential development located in the Central City Overlay.

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 37-30.170, Table 37-30.80, Footnote (B) is hereby amended to read as follows:

(B) The minimum density shall be more than ~~eight~~ 15 dwelling units per net acre in accordance with the General Plan except for existing lots of record that are seven thousand two

hundred square feet or less in size. Reconstruction and/or additions to existing single-family detached dwellings and duplex dwellings located on a legal lots of record are permitted.

**SECTION 2.** Zoning Code Section 37-30.310, Table 37-30.130, Footnote (8) is hereby amended to read as follows:

(8) See [Section 37-50.320: Warehousing limited](#). The CUP for limited warehousing is not subject to administrative approval pursuant to [Section 37-60.500](#): Administrative conditional use permits. Approval by the planning commission shall require an affirmative vote of five members. Any CUP application receiving an affirmative vote of four members of the planning commission shall automatically be set for hearing for a final determination by the city council. All other general appeal rights remain for these CUP applications.

**SECTION 3.** Zoning Code Section 37-40.320(c) is hereby amended to read as follows to allow for an additional exception:

(c) **Downtown Neighborhood Area.** Properties in the DN area shall be subject to the development regulations of the underlying base district, except the following exceptions shall apply:

(1) Buildings in the downtown neighborhood area shall be a maximum of fifty feet in height, except when greater height is authorized with a conditional use permit on MX properties in accordance with subparagraph (c)(3) below.

(2) The density and FAR limitations identified in **Table 37-40.30** for the DC area shall also apply to properties zoned CO, CR, PS, and MX in the DN area, unless increases are authorized on MX properties with a conditional use permit in accordance with subparagraph (c)(3) below.

(3) Residential and mixed uses in the MX district. Subject to approval of a conditional use permit, on MX properties located within two thousand five hundred feet of the Intermodal Transit Center (7 Station Place) residential density may be increased to a maximum no greater than eighty units to the net acre, before density bonus, and maximum height may be increased to sixty feet. From time to time the city council may designate by resolution additional transit centers, which designation will allow the same level of increased density on sites located within the same distance of the subsequently designated transit centers.

(4) Any bedroom mix requirement for three (3) and four (4) bedroom units required by the underlying base district shall not be required for any residential development as defined by Zoning Code Section 37-10.280 which is located within the Central City Overlay.

**SECTION 4.** This ordinance shall take effect and be in force thirty days from and after its adoption.

**SECTION 5.** 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 to amend various provisions of Chapter 37 of the Salinas Municipal Code (Zoning Code) to remove the bedroom mix requirement for residential development in the Central City Overlay and correct minor typographical errors.

**SECTION 6.** 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 \_\_\_\_\_ and passed and adopted on \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Joe Gunter, Mayor

ATTEST:

\_\_\_\_\_  
Patricia Barajas, City Clerk

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