

**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 April 18, 2017, 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 Categorical 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/~~striketrough~~ 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~~ fifteen 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 is hereby amended to add a new subsection (d) as follows:

(d) **Bedroom Mix Requirement Exception.** 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:

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Joe Gunter, Mayor

ATTEST:

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Patricia M. Barajas, City Clerk

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