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ORDINANCE NO. 2693 (N.C.S)

AN ORDINANCE AMENDING CHAPTER 37 OF THE SALINAS MUNICIPAL CODE (ZONING CODE) TO RESCIND SECTION 37-50.250 (ACCESSORY DWELLING UNITS), REMOVE AND MODIFY ACCESSORY DWELLING UNIT (ADU) DEFINITIONS OF SECTION 37-10.250 ("A" DEFINITIONS), AND MODIFY THE ADU DEVELOPMENT REGULATIONS OF SECTIONS 37-30.020, 37-30-060, 37-30-110, 37-30.160, 37-30.390, AND 37-30.430, AND APPLY APPLICABLE STATE ADU LAW FOR THE PROCESSING OF ADU APPLICATIONS (ZCA 2025-001)

City Attorney Impartial Analysis

The proposed ordinance amends the Salinas Zoning Code to delete the provisions applicable to Accessory Dwelling Units (ADUs). The deletions are necessary to bring the Salinas Zoning Code's regulations of ADUs into compliance with State law. By deleting the provisions applicable to ADUs, the City would apply the State's regulations related to ADUs.

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

WHEREAS, the Salinas City Council has 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 January 1, 2020, after the latest City revision to Zoning Code Section 37-50.250, California Government Code Sections 65852.2 and 65852.22 became effective; and

WHEREAS, Section 65852.2 allowed for the development of ADUs and Section 65852.22 allowed for the development of Junior Accessory Dwelling Units (JADUs). On March 25, 2024, these Government Code Sections were renamed Government Code Sections 66314 – 66332 (ADUs), Government Code Sections 66333 – 66339 (JADUs), and Government Code Sections 66340 – 66342 (ADU Home Sales); and

WHEREAS, the City's ADU Ordinance has not been updated to be compliant with State ADU Law; and

WHEREAS, to avoid confusion, the State Housing and Community Development Department (HCD) recommends that the City rescind the current ADU Ordinance and follow the State ADU Law and guidelines until a compliant ADU ordinance is adopted; and

WHEREAS, an updated ADU ordinance is being prepared as part of Phase One of the Zoning Code Update currently underway and scheduled for completion in spring 2026; and

WHEREAS, on November 19, 2025, at a duly noticed public hearing, the Salinas Planning

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Commission recommended that the City Council introduce and adopt Zoning Code Amendment 2025-001, to amend Chapter 37 of the Salinas Municipal Code (Zoning Code) to rescind Section 37-50.250 (Accessory Dwelling Units), remove and modify Accessory Dwelling Unit (ADU) definitions of Section 37-10.250 ("A" definitions), modify development regulations of Sections 37-30.020, 37-30-060, 37-30-110, 37-30.160, 37-30.390, and 37-30.430, and apply applicable State standards for the processing of Accessory Dwelling Unit (ADU) applications; and

WHEREAS, on December 9, 2025, 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 (CEQA);***

   The proposed Zoning Code Amendment is a response to a request from the State of California to amend Chapter 37 of the Salinas Municipal Code (Zoning Code) to rescind Section 37-50.250 (Accessory Dwelling Units), remove and modify Accessory Dwelling Unit (ADU) definitions of Section 37-10.250 ("A" definitions), modify development regulations of Sections 37-30.020, 37-30-060, 37-30-110, 37-30.160, 37-30.390, and 37-30.430, and apply applicable State standards for the processing of Accessory Dwelling Unit (ADU) applications.

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 2025-001:

1. ***The Amendment is consistent with the Salinas General Plan and other plans and policies adopted by the Salinas City Council.***

   The proposed Zoning Code Amendment amends Chapter 37 of the Salinas Municipal Code (Zoning Code) to rescind Section 37-50.250 (Accessory Dwelling Units), remove and modify Accessory Dwelling Unit (ADU) definitions of Section 37-10.250 ("A" definitions), modify development regulations of Sections 37-30.020, 37-30-060, 37-30-110, 37-30.160, 37-30.390, and 37-30.430, and apply applicable State ADU Law and guidelines for the processing of Accessory Dwelling Unit (ADU) applications.

   The proposed Zoning Code Amendment would remove the existing Accessory Dwelling Unit (ADU) Ordinance along with removal and modification of ADU definitions and the

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modification of Zoning Code development regulations for ADU so that the Zoning Code is in consistent with applicable State ADU law. As a result, ZCA 2025-001 would be consistent with the General Plan and Zoning Code.

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 Zoning Code Amendment amends Chapter 37 of the Salinas Municipal Code (Zoning Code) to rescind Section 37-50.250 (Accessory Dwelling Units), remove and modify Accessory Dwelling Unit (ADU) definitions of Section 37-10.250 ("A" definitions), modify development regulations of Sections 37-30.020, 37-30-060, 37-30-110, 37-30.160, 37-30.390, and 37-30.430, and apply applicable State ADU Law and guidelines for the processing of Accessory Dwelling Unit (ADU) applications.

   The Zoning Code Amendment would be consistent with Goal H-1 of the General Plan Housing Element by providing a range of housing types and a variety of affordability levels to address existing and projected housing construction needs in Salinas. It would also be consistent with Goal H-3 of the General Plan Housing Element by assisting in ensuring that all segments of the community have access to safe and decent housing that meets their diverse needs. The Zoning Code Amendment would allow for the continued processing of ADU applications pursuant to applicable State ADU Law. In addition, the City is currently drafting a new ADU Ordinance which would be consistent with State ADU Law.

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

   The Zoning Code Amendment is an amendment to the text of the Zoning Code and would not rezone or create new zoning districts. Therefore, the Zoning Code Amendment would not create any isolated districts unrelated to adjacent 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. Remove the following definitions from Zoning Code Section 37-10.250 as follows:

"Sec. 37-10.250. – "A" definitions.

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Accessory Dwelling Unit. An attached or a detached residential dwelling unit defined as either an Accessory Dwelling Unit (ADU) or a Junior Accessory Dwelling (JADU) that is constructed in compliance with State ADU law. ~~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 one hundred fifty 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 2. Modify Zoning Code Section 37-30-020, Table 37-30.10, and Footnote 6 [Agricultural (A) Zoning District] as follows:

Table 37-30.10

Agricultural (A) District Use Classifications

Land Use	**A**	**Additional Use Regulations**
Residential Uses		
Accessory Dwelling Units~~, Other~~	P	(6)

(6)	*~~See Section 37-50.250,~~ Accessory dwelling units,~~. An accessory dwelling unit shall only be permitted on a lot with a single-family detached dwelling~~ shall be permitted pursuant to State ADU law.*

SECTION 3. Modify Zoning Code Section 37-30-060, Table 37-30.30, and Footnote 6 [Residential Low Density (R-L-5.5) Zoning District] as follows:

Table 37-30.30

Residential Low District (R-L) Use Classifications

Land Use	**R-L-5.5**	**Additional Use Regulations**

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Residential Uses		
Accessory Dwelling Units~~, Interior~~	P	(5)
~~Accessory Dwelling Units, Other~~	~~P~~	~~(5)~~

(5)	*~~See Section 37-50.250,~~ Accessory dwelling units,~~. An accessory dwelling unit shall only be permitted on a lot with a single-family detached dwelling~~ shall be permitted pursuant to State ADU law.*

SECTION 4. Modify Zoning Code Section 37-30-110, Table 37-30.50, and Footnote 7 [Residential Medium Density (R-M) Zoning District] as follows:

Table 37-30.50

Residential Medium Density (R-M) Districts Use Classifications

Land Use	**R-M-3.6**	**R-M-2.9**	**Additional Use Regulations**
Residential Uses			
Accessory Dwelling Units, ~~Other~~	P	P	(7)

(7)	*~~See Section 37-50.250,~~ Accessory dwelling units,~~. An accessory dwelling unit shall only be permitted on a lot with a single-family detached dwelling~~ shall be permitted pursuant to State ADU law.*

SECTION 5. Modify Zoning Code Section 37-30-160, Table 37-30.70, and Footnote 8 [Residential High Density (R-H) Zoning District] as follows:

Table 37-30.70

Residential High Density (R-H) Districts Use Classifications

Land Use	**R-H-2.1**	**R-H-1.8**	**Additional Use Regulations**
Residential Uses			
Accessory Dwelling Units, ~~Other~~	P	P	(8)

(8)	*~~See Section 37-50.250,~~ Accessory dwelling units,~~. An accessory dwelling unit shall only be permitted on a lot with a single-family detached dwelling~~ shall be permitted pursuant to State ADU law.*

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SECTION 6. Modify Zoning Code Section 37-30-390, Table 37-30.170, delete Footnote 12 applicability to Accessory Dwelling Units and add Footnote 15 [Public/Semipublic (PS) Zoning District] as follows:

Table 37-30.170 Public/Semipublic (PS) Use Classifications		
Land Use	**PS**	**Additional Use Regulations**
Residential Uses		
Accessory Dwelling Units~~,~~ ~~Other~~	~~CUP~~ P	(~~12~~)(13)(15)

(15)	*Accessory dwelling units shall be permitted pursuant to State ADU law.*

SECTION 7. Modify Zoning Code Section 37-30-430, Table 37-30.190, and Footnote 6 [New Urbanism (NU) Zoning Districts] as follows:

Table 37-30.190 New Urbanism (NU) Districts Use Classifications

Land Use	**NE (Low)**	**NG-1 (Medium)**	**NG-2 (High)**	**VC**	**Additional Use Regulations**
Residential Uses					
Accessory Dwelling Units~~,~~ ~~Other~~	P	P	P	NP	(6)

(6)	~~*See Section 37-50.250,*~~ *Accessory dwelling units,*~~*. An accessory dwelling unit shall only be permitted on a lot with a single-family detached dwelling*~~ *shall be permitted pursuant to State ADU law.*

SECTION 8. Rescind Section 37-50.250 (Accessory Dwelling Units) of Chapter 37 of the Salinas Municipal Code (Zoning Code) as follows:

~~**"Sec. 37-50.250. - Accessory dwelling units.**~~

~~(a) **Purpose.** The purpose of this section is to comply with the requirements of the California Government Code relating to 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~~

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to the provisions of this section 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) 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 one single-family detached dwelling unit and no other dwelling units.

(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 this Code, unless accessory dwelling units are expressly authorized by such planned unit development permit.

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

(1) Floor Area.

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

(B) The total floor area of an attached accessory dwelling unit shall not exceed a maximum of fifty-percent of the existing living area of the primary residence, not to exceed a maximum of one-thousand two-hundred square feet.

(C) 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.

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(2) Design. The exterior design of the 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. 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.

(e) **Other Development Standards.** Except as modified by this section, 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) **Parking.** One off-street parking space shall be provided for each bedroom in the accessory dwelling unit, and 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 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 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 travel way and its access point from a public street for the exclusive use of the occupants of a property and their guests.

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~~(g) **Density.** An 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) **Deed Restriction.** The owner of the parcel of land upon which the 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 shall not be rented for terms less than thirty 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 accessory dwelling unit.~~

~~(i) **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 9. This Ordinance shall take effect and be in force thirty days from and after its adoption.

SECTION 10. The Salinas City Clerk is hereby directed to cause the following summary of this ordinance to be published by one (1) insertion in The Monterey Herald, 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 Code) to comply with a State request to rescind Section 37-50.250 (Accessory Dwelling Units), remove and modify Accessory Dwelling Unit (ADU) definitions of Section 37-10.250 ("A" definitions), modify the ADU development regulations of Sections 37-30.020, 37-30-060, 37-30-110, 37-30.160, 37-30.390, and 37-30.430, and apply applicable State standards for the processing of ADU applications. (ZCA 2025-001)."

SECTION 11. 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.

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This Ordinance was **INTRODUCED AND READ** on the 9th of December 2025, and **PASSED AND ADOPTED** on 24th of February 2026, by the following vote:

AYES: Councilmembers Barajas, Barrera, D'Arrigo, De La Rosa, Sandoval and Mayor Donohue

NOES: None

ABSTAIN: None

ABSENT: Councilmember Salazar

APPROVED:

Signed by:
580C799697274F5...
Dennis Donohue, Mayor

ATTEST:

DocuSigned by:
Alexis Mejia
B6D51CD0847B44F...
Alexis Mejia, Assistant City Clerk

APPROVED AS TO FORM:

Signed by:
Christopher A. Callihan
1895479BC5A349F...
Christopher A. Callihan, City Attorney