Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

ORDINANCE NO. 2699 (N.C.S)

AN ORDINANCE AMENDING CHAPTERS 17 (HOUSING) AND 37 (ZONING CODE) OF THE SALINAS MUNICIPAL CODE TO ALIGN WITH STATE LAW RELATED TO HOUSING AND COTTAGE FOOD OPERATIONS, FEDERAL LAW RELATED TO RELIGIOUS USES, AMEND REQUIREMENTS FOR DRIVEWAY WIDTH EXPANSIONS, AND AMEND REQUIREMENTS FOR ACCESSORY OFFICE SPACE IN INDUSTRIAL DISTRICTS

City Attorney Impartial Analysis

The proposed ordinance amends Article IV of Chapter 17 and portions of Chapter 37 of the Salinas Municipal Code. The amendments to Article IV of Chapter 17 are intended to bring the City's reasonable accommodations regulations into consistency with State housing law and the City's Housing Element. The amendments to Chapter 37 include short-term amendments to bring the City's Zoning Code into compliance with State law and to address certain priorities ahead of a more comprehensive update to the Zoning Code including requirements for increasing driveway widths on single-family home properties and limits to accessory office space in industrially-zoned districts.

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 December 5, 2023, the Salinas City Council adopted the 2023-2031 Housing Element which included actions to amend the Salinas Municipal Code for compliance with State law; and

WHEREAS, the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) prohibits treating religious uses on less than equal terms than non-religious uses; and

WHEREAS, the State of California allows cottage food operations and Microenterprise Home Kitchen Operations (MEHKOs) per Government Code 51035 and Health and Safety 114367; and

WHEREAS, State of California housing statute in Government Code 65583 requires streamlining of residential applications and objective standards for review of residential applications; and

WHEREAS, on July 15, 2026, at a duly noticed public hearing, the Salinas Planning Commission recommended that the City Council introduce and adopt Zoning Code Amendment 2026-001, to amend Chapter 17 of the Salinas Municipal Code (Housing) to modify Sections 17-

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

21.040, 17-21.050, 17-21.060, and 17-21.070; and to amend Chapter 37 of the Salinas Municipal Code (Zoning Code) to modify Article I, Division 2 (Definitions); modify Section 37-30.020 [Agricultural (A) Zoning District]; modify Sections 37-30.050, 37-30.060, 37-30.110, 37-30.150, and 37-30.160 [Residential (R) Zoning Districts]; modify Section 37-30.200 [Commercial (C) Zoning Districts]; modify Sections 37-30.230, 37-30.240, 37-30.250, 37-30.260, and 37-30.270 [Mixed Use (MU) Zoning Districts]; modify Section 37-30.310 [Industrial (I) Zoning Districts]; modify Section 37-30.390 [Public/Semipublic (PS) Zoning District]; modify Section 37-30.430 [New Urbanism (NU) Zoning Districts]; modify Sections 37-40.290 and 37-40.310 [Central City (CC) Overlay District]; modify Sections 37-50.060, 37-50.075, 37-50.100, 37-50.300, and 37-50.305 and add Sections 37-50.250 and 37-50.335 (Supplemental Regulations); modify Sections 37-50.350, 37-50.360, and 37-50.450 (Parking, Loading, and Outdoor Lighting); and modify Sections 37-60.490 and 37-60.520 (Conditional Use Permits); and

WHEREAS, on August 18, 2026, 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 exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) as a common-sense exemption, as follows:

Categorical Exemption:

1. ***The project has been found to be exempt as a Common-Sense Exemption pursuant to Guidelines Section 15061(b)(3) of the Guidelines to the California Environmental Quality Act (CEQA);***

   The proposed Zoning Code Amendment consists of revisions to the Salinas Zoning Code to ensure consistency with the State housing law and implementation of the City's Housing Element, as well as updates addressing local priorities and other legal requirements. The proposed project does not include any site-specific designs or proposals to develop specific projects, nor does it grant any entitlements for any individual development projects. As such, the proposed project would not, in and of itself, result in direct physical changes to the environment. Accordingly, the proposed project can be considered exempt from environmental review pursuant to the common-sense exemption under CEQA Guidelines Section 15061(b)(3), as it can be seen with reasonable certainty that there is no possibility that the proposed project would have a significant effect on the environment.

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 2026-001:

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

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

   This amendment is consistent with the Salinas General Plan and implements policies from multiple elements. Changes made to align with State housing law are intended to reduce barriers to construction and accessibility of different scales of housing throughout Salinas, implementing Housing Element Goal 1: Increase Housing Supply and Opportunities for All. This amendment directly implements actions from Housing Element Program 4: Accessory Dwelling Units, and Program 6: General Plan, Zoning Code, and Approval Process Updates. Specifically, these programs direct the City to update Accessory Dwelling Unit requirements, remove subjective finding requirements from Conditional Use Permits for projects with housing, and other changes to bring the Salinas Municipal Code, including Zoning Code, into compliance with State housing law. Providing a wide range of housing types also supports policies and actions under Land Use Element Goal LU-1 and Economic Development Element Goal ED-N-1. Proposed changes to cottage food production and accessory office in Industrial Districts increase flexibility in the Zoning Code, which is consistent with Economic Development Element policies, including Policy ED-LU-1.16 and Action QL-5.2.4.

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 amendments will not reverse existing policies, because as stated above, the proposed changes are necessary to implement the Housing Element of the General Plan and are consistent with goals and policies from other elements. The amendments would also implement policies from the City Council 2025-2028 Strategic Plan, including those directing the City to streamline residential entitlements and facilitate the addition of a variety of housing types.

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 Zoning Code Amendment would not create the need for additional infrastructure.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF SALINAS AS FOLLOWS: (Revisions are shown in underline/~~strikethrough~~ text)

SECTION 1. Modify the following text to Salinas Municipal Code Chapter 17, Sections 17-21.040, 17-21.050, 17-21.060, and 17-21.070 as follows:

"Sec. 17-21.040. Reviewing authority.

(a) *Community Development Director.* A request for reasonable accommodation shall be reviewed by the community development director (director), or his/her designee if no approval is sought other than the request for reasonable accommodation. If necessary to reach a determination on the request for reasonable accommodation, the director may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. Such requests shall occur during the thirty-day review for completeness.

~~**"Sec. 17-21.050. Review procedure.**~~

~~(a) If an application for reasonable accommodation is filed without any accompanying application for another planning approval, permit or land use entitlement, it shall be processed in the same manner as a conditional use permit for minor exception, pursuant to Section 37-60.490, including notification to the owners of record of all properties which are adjacent to the subject property.~~

~~(b) If an application for reasonable accommodation is filed with an application for another discretionary planning approval, permit or land use entitlement, it shall be heard and acted upon at the same time and in the same manner as such other application, and shall be subject to all of the same procedures.~~

~~(c) If necessary to reach a determination on the request for reasonable accommodation, the director may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. Such request shall occur during the thirty-day review for completeness. Director Review. The director, or director designee, shall provide a written determination within forty-five days of a complete application and, either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with Section 17-21.060 Findings and Decision.~~

Sec. 17-21.~~060~~050. Findings and decisions.

(a) *Findings*. The written decision to grant, grant with modifications, or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

(1) Whether the housing, which is the subject of the request, will be used by an individual with a disability as defined under the Acts~~.~~;

(2) Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts~~.~~;

(3) Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city~~.~~; and

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(4) Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, including but not limited to design review, historic preservation, land use and zoning.

~~(5) Potential impact on surrounding uses.~~

~~(6) Physical attributes of the property and structures; and~~

~~(7) Alternative reasonable accommodations which may provide an equivalent level of benefit.~~

~~(b) *Conditions of Approval*. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Subsection (a) above. The conditions shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site.~~

~~(c) All written decisions shall give notice of the right to appeal by the applicant or an adjacent property owner and to request reasonable accommodation in the appeals process as set forth below. The notice of decision shall be sent to the applicant by certified mail.~~

~~(d) The written decision of the director, or director designee, shall be final unless an applicant appeals it to the planning commission.~~

~~(e) While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.~~

Sec. 17-21.06~~7~~0. Appeal and determination.

~~A determination by the director, or director designee, to either grant, grant with modifications, or deny a request for reasonable accommodation may be appealed to the planning commission in compliance with the Salinas Municipal Code Division VI of Section 17, Appeals. If an individual needs assistance in filing an appeal on a decision, the city will provide assistance to ensure that the appeals process is accessible. All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant(s) and shall not be made available for public inspection.~~

(a) Only an aggrieved applicant and abutting property owners who receive notice of the reasonable accommodation determination have a right to appeal the decision. The Director may refer appeals of reasonable accommodation decisions to the Planning Commission for review. An appeal to the Planning Commission must be filed within 15 calendar days of the date of mailing the written notice of the decision. An appeal shall be made in writing and shall specify the reasons for the appeal and the grounds asserted for relief. If an appeal is not filed within the time or in the manner prescribed in this section, the right to review the action against which the complaint is made shall be deemed to have been waived.

(b) The City Council may, by resolution, adopt and from time to time amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal. No appeal shall be deemed valid unless the

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

prescribed has been paid. Households considered low-income (making 80 percent of less of median income) per California state law shall have the appeal fee waived.

(c) After an appeal is filed, the Planning Commission shall conduct a public hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date and place of hearing shall be given to the appellant, the applicant; the owner(s) of the property involved; owners of abutting properties; and to any other persons who have filed a written request for notice. Such notices shall be mailed to the appellant and the applicant at least 15 days prior to the hearing.

(d) The Planning Commission shall review de novo the entire proceeding or proceedings relating to the decision, and may make any order it deems just and equitable, including the approval of the application. Any hearing may be continued from time to time.

(e) At the conclusion of the hearing, the Planning Commission shall prepare a written decision which either grants or denies the appeal and contains findings of fact and conclusions. The written decision, including a copy thereof shall be provided to the appellant and the project applicant. Decisions on appeals shall occur within 45 days of the initial determination. Appeals of a Planning Commission decision on an appeal may be appealed to the City Council.**"**

SECTION 2. Modify the following text to Salinas Municipal Code Chapter 37. - Zoning (Zoning Code) Article I, Division 2 as follows:

"Sec. 37-10.250. "A" definitions.

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.~~ An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit may also include:

1) An efficiency unit, as defined in Section 1208.5 of the California Building Code (Title 24, Part 2).

2) 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.~~

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

Sec. 37-10.270. "C" definitions.

Cottage Food Operation. An operation as defined in Health and Safety Code Section 113758, as may be amended, which maintains a valid home occupation permit and business license with the City of Salinas, and is registered and/or permitted by the Monterey County Health Department.

Sec. 37-10.280. "D" definitions.

Dwelling, Duplex. A building that contains two attached primary dwelling units on one lot. The units must share a common wall or common floor/ceiling (see **Figure 37-10.70**). ~~Excludes second dwelling units.~~

Dwelling, Multifamily. A building that contains three or more primary dwelling units that share common walls or floor/ceilings. The land under the building or units is not divided into separate lots. The units may have separate or joint entrances, and typically have common parking and open space areas. Multifamily dwellings include garden apartments, apartment buildings, and condominiums (see **Figure 37-10.100**). ~~Excludes second dwelling units.~~

Dwelling, Multiple Detached. A grouping of two or more detached residential buildings where each building contains one or more primary dwelling units. The land underneath the buildings is not divided into separate lots. A multiple detached dwelling development typically may include an existing primary single-dwelling detached dwelling with one or more new detached primary dwellings ~~(excludes second dwelling units)~~ located on the same lot. The key feature of this type of dwelling is that there is no requirement for the dwellings or structures on the site to be attached or of the same type (see **Figure 37-10.90**).

Dwelling, Single-family Detached. A residential building containing one primary dwelling unit on one lot (see **Figure 37-10.60**). ~~Single-family lot may also include one second dwelling.~~

Sec. 37-10.290. "E" definitions.

Emergency Shelters—Type A. Short-term housing with minimal supportive services for homeless persons that is limited to occupancy for no more than six months. Emergency shelters include interim interventions, including, but not limited to, navigation centers, bridge housing, and respite or recuperative care. ~~individuals lacking a fixed, regular and adequate nighttime residence, including those whose primary nighttime residence is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, but excluding individuals imprisoned or otherwise detained pursuant to an Act of the Congress or the laws of a state. For the purpose of this definition, "short term" means not longer than one hundred eighty days residency for any individual within a three hundred sixty-five day period.~~ To qualify as a type A emergency shelter, facility shall comply with the applicable development regulations specified in *Section 37-50.305: Emergency shelters*. Excludes "disaster shelter" and "transitional housing" as defined in *Article 1, Division 2: Definitions*.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

Employee Housing, Agricultural. Employee housing for agricultural workers consisting of no more than either thirty-six beds in group quarters on one lot, or twelve dwelling units or spaces designed for use by a single household on one lot. For the application of this chapter's regulations, agricultural employee housing is treated in the same way as other agricultural uses are treated in the same zoning district. Permitted occupancy in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located. For the purposes of this land use, agricultural workers are those engaged in agriculture and in agricultural produce processing, as both terms are defined herein. This includes housing that complies with California Health and Safety Code Section 17008, including temporary mobile homes and any attached or detached dwelling unit used to house farm or agricultural workers and their family members.

Employee Housing, Small Project. Employee housing providing accommodation for no more than a total of six employees on one lot, which can include housing for agricultural workers. For the application of this chapter's regulations, small project employee housing is treated as a single-family structure and residential use as described in California Health and Safety Code Section 17021.5. ~~treated in the same way as single-family detached dwellings are treated in the same zoning district.~~ This includes housing that complies with California Health and Safety Code Section 17008, including temporary mobile homes and any attached or detached dwelling unit used to house farm or agricultural workers and their family members.

Employee Housing, Medium Project. Employee housing providing accommodation for a total of seven up to fourteen employees, which can include agricultural workers. ~~For the application of this chapter's regulations, medium project employee housing with seven to fourteen employees on one lot may be permitted in any RL or RM residential district subject to approval of an Administrative Conditional Use Permit pursuant to *Section 37-60.500*. Medium project employee housing with seven to fourteen employees per dwelling unit may be permitted in any RM residential district subject to approval of a Non-administrative Conditional Use Permit pursuant to *Section 37-60.505*.~~

Sec. 37-10.300. "F" definitions.

Family. ~~Any group of individuals~~ One or more persons living together in a dwelling unit with common access to, and common use of, living and eating areas and facilities for the preparation and storage of food within the dwelling unit. ~~based on personal relationships. Excludes larger institutional group living situations such as dormitories, fraternities, sororities, monasteries, and nunneries, nor does it include such commercial group living arrangements as congregate housing, boardinghouses, lodging houses, and employee housing.~~

Sec. 37-10.330. "I" definitions.

Impact Fee. A monetary exaction, other than a tax or special assessment, and including park or recreation in lieu fees specified in Government Code Section 66477, that is charged by a local agency to the applicant in connection with approval of a development project.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

Excludes any connection fee or capacity charge imposed by a local agency, special district, or water corporation.

Interim Housing. Shared living quarters, with or without separate kitchen and bathroom facilities for each room or unit, intended to meet short-term shelter and/or other immediate needs. Examples of interim housing may include, but are not limited to, the following:

~~(a) Emergency shelters, type A and type B;~~

(a~~b~~) Fraternities;

(b~~c~~) Dormitories;

(c~~d~~) Disaster shelters;

(d~~e~~) Sororities;

(e~~f~~) Boardinghouses/rooming houses; or

(f~~g~~) Halfway houses.

Sec. 37-10.340. "J" definitions.

Junior Accessory Dwelling Unit. A unit that is no more than 500 square feet of interior livable space in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

Sec. 37-10.360. "L" definitions.

Livable Space. The area in a dwelling intended for human habitation, including living, sleeping, eating, cooking, and sanitation.

Lot Coverage. The percentage of a lot that is covered by a structure or structures including accessory ~~second~~ dwelling units, attached and detached accessory structures, and enclosed porches and patio covers. Excludes projected roof overhangs of a structure, unenclosed patios and porches, and flat work such as paved driveways, sidewalks, pathways, decks, and patios.

Low-Barrier Navigation Center. A housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities and case managers to connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing opportunities. “Low barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth; pets; the storage of possessions; or privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

Sec. 37-10.370. "M" definitions.

Microenterprise Home Kitchen Operation. A food facility operated by a resident within a private home where food is stored, handled, and prepared for, and may be served to, consumers in accordance with this section, that meets the requirements of Health and Safety Code Section 113825, as may be amended, maintains a valid home occupation permit and business license with the City of Salinas, and is registered and/or permitted by the Monterey County Health Department.

Mobile H~~h~~ome. A manufactured dwelling unit capable of being transported to a site on a trailer or on wheels and not designed to be affixed to a permanent foundation. A mobile home is not considered a building, as defined by the Uniform Building Code.

Mobile H~~h~~ome Park. An area or tract of land designed for the occupancy of mobile homes, either rented or offered for rent. The land under the mobile homes is not divided into separate lots. Mobile home park does not include a recreational vehicle park or a subdivision with manufactured housing.

Sec. 37-10.390. "O" definitions.

Objective Standards. Standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to external and uniform benchmarks or criteria available and knowable by development applicants or proponents and public officials.

Sec. 37-10.400. "P" definitions.

Passageway. A pathway that is unobstructed to the sky and extends from a street to one entrance of the accessory dwelling unit or to one entrance of any two-unit residential development.

Permitting Agency for ADUs. Any entity that is involved in the review of a permit for an accessory dwelling unit or junior accessory dwelling unit and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts.

Primary Dwelling Unit. A unit with a single-family dwelling, or each multifamily dwelling unit, but does not include an accessory dwelling unit or junior accessory dwelling unit. An attached garage is considered part of the primary dwelling unit.

Public Transit. The system and its facilities, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

Sec. 37-10.420. "R" definitions.

Residential Care Facility, Small. Residential facilities approved and licensed by the state in a single-family dwelling in which group care, supervision, and/or assistance are provided for a maximum of six persons under the age of eighteen years or over the age of sixty or

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

for persons who have a disability as defined herein. Excludes family day care, foster care, or any medical services, including nursing services, beyond that required by the residents of the facility for sustaining the activities of daily living. Examples of residential care facilities may include, but are not limited to, facilities for the following:

(a) Developmentally or mentally disabled;

(b) Substance abuse recovery;

(c) ~~Dependent and neglected~~ C~~c~~hildren without a sufficient support system;

(d) Physically disabled; or

(e) Wards of the court.

Sec. 37-10.430. "S" definitions.

Sanitation facility. A facility that provides one or more toilet rooms and bath and shower rooms that are lit, ventilated directly to the outside, and have hot and cold running water under pressure. All such rooms, and the fixtures, equipment, and plumbing therein, shall be maintained in a state of working order and free from dirt, filth, and corrosion.

Sec. 37-10.440. "T" definitions.

Tandem Parking. Parking where two or more automobiles are lined up behind one another.

Target Population. Persons with lower incomes, as defined in Health and Safety Code Section 50093, who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (California Welfare and Institutions Code Sections 4500 et seq.) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Two-unit Residential Development. A residential development containing no more than two primary dwelling units on a single lot or parcel within a single-family residential zone in accordance with California Government Code Section 65852.21.

Sec. 37-10.450. "U" definitions.

Urban Lot Split. A ministerial subdivision of an existing legal parcel into no more than two separate parcels in accordance with California Government Code Section 66411.7.**"**

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

SECTION 3. Modify Zoning Code Section 37-30.020 [Agricultural (A) Zoning District] as follows:

"Sec. 37-30.020. Use classifications.

Table 37-30.10 Agricultural (A) District Use Classifications		
Land Use	**A**	**Additional Use Regulations**
Residential Uses		
Junior Accessory Dwelling Units	P	(6)
Employee Housing, Small Project	P	(11)
Employee Housing, Medium Project	~~CUP~~ P	(11)
~~Employee Housing, Large Project~~	~~NP~~	
Supportive Housing	P	
Transitional Housing	P	

(6)	*See Section 37-50.250, Accessory dwelling units~~ shall be permitted pursuant to State ADU law~~.*
(11)	~~Employee housing in the A district shall be limited to that serving agricultural employees.~~See *Section 37-50.075* for development regulations for employee housing.**"**

SECTION 4. Modify Zoning Code Sections 37-30.050, 37-30.060, 37-30.110, 37-30.150, and 37-30.160 [Residential (R) Zoning Districts] as follows:

"Sec. 37-30.040. –Residential low density (R-L) district.

Sec. 37-30.050. Purpose.

(a) Provide appropriately located areas for single-family dwellings where the minimum density is not less than six dwelling units per net acre and the maximum density is not more than eight dwelling units per net acre without density bonus that are consistent with the general plan, applicable State law, and with standards of public health and safety established by the Municipal Code;

(g) Encourage attractive and interesting single-family residential streetscapes and dwelling units that are pedestrian-oriented and reflect traditional neighborhood design principles; ~~and~~

(i) Allow residential projects without discretionary review on nonvacant sites identified in a prior Housing Element or on vacant sites that have been included in two or more consecutive Housing Element planning periods meeting the lower-income Regional Housing Needs Assessment (RHNA), in the current Housing Element or by the Department of General Services Housing and Local Land Development Opportunities Map, providing appropriate densities, and incorporating a minimum of 20 percent of the units in the development as affordable to lower-income households, pursuant to State law; and

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(j) Facilitate the development of two-unit residential development projects pursuant to State laws through clear, objective development standards.

Sec. 37-30.060. Use classifications.

Table 37-30.30 Residential Low Density (R-L) District Use Classifications		
Land Use	**R-L-5.5**	**Additional Use Regulations**
Residential Uses		
Junior Accessory Dwelling Units	P	(5)
~~Employee Housing, Small Project~~	~~P~~	~~(13)~~
Employee Housing, Small Project	P	~~(13)~~(14)
Mobile ~~h~~Home Parks	CUP	(3)
Supportive Housing	P	
Transitional Housing	P	
Two-unit Residential Development	P	(17)

(3)	See *Section 37-50.140: Mobile home parks*.
(5)	See *Section 37-50.250, Accessory dwelling units* ~~*shall be permitted pursuant to State ADU law*~~.
(12)	For infill residential development in established single-family residential neighborhoods, see *Section 37-50.110: Infill residential development in the R-L district.*
(13)	~~*Small and medium*~~ *Medium project employee housing* is a permitted use in the R-L-5.5 district only within *single-family dwellings—detached*~~.~~
(17)	See *Section 37-50.335: SB 9 Units – Two-unit residential developments*.

Sec. 37-30.110. Use classifications.

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			
Junior Accessory Dwelling Units	P	P	(7)
Employee Housing, Small Project	P	P	(10)(14)(15)~~(16)~~
Employee Housing, Medium Project (7—14 employees per lot)	CUP	CUP	(16~~17~~)
Employee Housing, Medium Project (7—14 employees per dwelling unit)	CUP	CUP	(17~~18~~)
Mobile H~~h~~ome Parks	CUP	CUP	(4)
School District or Community College District Housing	CUP	SPR	(18~~19~~)
Supportive Housing	P	P	
Transitional Housing	P	P	

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(7)	See *Section 37-50.250*, *Accessory dwelling units* ~~*shall be permitted pursuant to State ADU law*~~.
(15)	See *Section 37-50.075* for development regulations for small project employee housing.~~ In these two districts, *small project employee housing* may only be developed and operated within single-family dwellings detached. In the R-M-3.6 district, *small project employee housing* may be allowed in *single-family dwellings—detached or attached*.~~
(16~~17~~)	See *Section 37-50.075* for development regulations for medium project employee housing; additional conditions may be considered subject to the approval of a CUP pursuant to Section 37-60.500.
(17~~18~~)	See *Section 37-50.075* for development regulations for medium project employee housing; additional conditions for medium project employee housing of 7—14 employees per dwelling unit may be considered subject to a Non-administrative CUP pursuant to *Section 37-60.505*.
(18~~19~~)	Construction or rehabilitation of School District or Community College District Housing shall comply with the development regulations of Section 37-30.120 and design standards of 37-30.130.

Sec. 37-30.150. Purpose.

(j) Allow residential projects without discretionary review on nonvacant sites identified in a prior Housing Element or on vacant sites that have been included in two or more consecutive Housing Element planning periods meeting the lower-income Regional Housing Needs Assessment (RHNA), in the current Housing Element or by the Department of General Services Housing and Local Land Development Opportunities Map, providing appropriate densities, and incorporating a minimum of 20 percent of the units in the development as affordable to lower-income households, pursuant to State law; and

(k~~j~~) The additional purposes of each R-H district are as follows:

Sec. 37-30.160. Use classifications.

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			
Junior Accessory Dwelling Units	P	P	(8)
Employee Housing, Small Project	SPR	SPR	(14)(16)
Employee Housing, Medium Project (7—14 employees per lot)	CUP	CUP	(17)
Mobile H~~h~~ome Parks	CUP	CUP	(4)
Supportive Housing	P	P	
Transitional Housing	P	P	

(8)	See *Section 37-50.250: Accessory dwelling units*~~ *shall be permitted pursuant to State ADU law*~~.
(16)	See *Section 37-50.075* for development regulations for small project employee housing.
(17)	See *Section 37-50.075* for development regulations for medium project employee housing; additional conditions may be considered subject to the approval of a CUP pursuant to *Section 37-60.500*.”

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

SECTION 5. Modify Zoning Code Section 37-30.200 [Commercial (C) Zoning Districts] as follows:

Sec. 37-30.200. Use classifications.

"Table 37-30.90 Commercial (C) Districts Use Classifications					
Land Use	**CO/R**	**CO**	**CR**	**CT**	**Additional Use Regulations**
Residential Uses					
Accessory Dwelling Units	P	P	P	P	(2)
Junior Accessory Dwelling Units	P	CUP	CUP	NP	(2)
Employee Housing, Small Project	P	SPR~~NP~~	CUP ~~NP~~	CUP ~~NP~~	(37~~38~~)
Low-Barrier Navigation Centers	P	P	P	P	
Manufactured Housing	P~~SPR~~	CUP	CUP	NP	
School District or Community College District Housing	SPR	SPR	SPR	CUP	(39~~40~~)
~~Second Dwelling Units~~	~~SPR~~	~~NP~~	~~NP~~	~~NP~~	~~(2)~~
Supportive Housing	P	P	P	P	
Transitional Housing	P	SPR	CUP	CUP	
Commercial Uses					
Food Trucks	NP	NP	CUP	CUP	(38~~39~~)
Kiosks:					
Permanent	NP	NP	CUP	CUP	(36~~37~~)
Temporary or Semi-permanent	NP	NP	CUP	CUP	(36~~37~~)
Pawn Shops	NP	NP	CUP	NP	(35~~36~~)
Secondhand or Consignment Stores	NP	NP	SPR	NP	(34~~35~~)

(2)	See *Section 37-50.250:* ~~*Second dwelling units.* Second dwelling units are only allowed when the principal use is a detached single-family dwelling.~~ *Accessory dwelling units.*
(34)	See *Section 37-50.215: Residential Care Facilities* Small residential care facilities are permitted uses when the principal use is a residential dwelling unit.
(34~~35~~)	No firearm or weapon sales shall be permitted.
(35~~36~~)	No pawnshop shall be located closer than seven hundred fifty feet from another pawn shop.
(37~~36~~)	Permanent or temporary kiosks that are designed and included as part of a larger development review application for another use (such as a shopping center, retail, or restaurant use) that involves the entire subject parcel or lot where the kiosk will be located shall be subject to the same development review process as required for that use.
(37~~38~~)	~~In the CO/R district, *small project employee housing* may be allowed in *single-family dwellings attached* with a SPR.~~ See *Section 37-50.075* for development regulations for employee housing.
(38~~39~~)	See *Section 37-50.095: Food Trucks.*
(39~~40~~)	Construction or rehabilitation of School District or Community College District Housing shall comply with the development regulations of Section 37-30.210 and design standards of 37-30.220."

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

SECTION 6. Modify Zoning Code Sections 37-30.230, 37-30.240, 37-30.250, 37-30.260, and 37-30.270 [Mixed Use (MU) Zoning Districts] as follows:

"Sec. 37-30.230. Purpose.

(e) Allow residential projects without discretionary review on nonvacant sites identified in a prior Housing Element or on vacant sites that have been included in two or more consecutive Housing Element planning periods meeting the lower-income Regional Housing Needs Assessment (RHNA), in the current Housing Element or by the Department of General Services Housing and Local Land Development Opportunities Map, providing appropriate densities, and incorporating a minimum of 20 percent of the units in the development as affordable to lower-income households, pursuant to State law; and

(~~e~~f) The purposes of each mixed use (MU) districts are as follows:

Sec. 37-30.240. Use classifications.

Table 37-30.110 Mixed Use (MU) Districts Use Classifications			
Land Use	**MAF**	**MX**	**Additional Use Regulations**
Residential Uses			
Accessory Dwelling Units	P	P	(46)
Junior Accessory Dwelling Units	NP	NP	(46)
Employee Housing, Small Project	CUP	SPR	(42~~43~~)
Emergency Shelter, Type A	P	P~~NP~~	(43~~44~~)
Emergency Shelter, Type B	CUP	NP	(43~~44~~)
Home Occupations	-	-	(34~~35~~)
Interim Housing	CUP	CUP	~~(3)~~
Low Barrier Navigation Centers	P	P	
Residential Service Facilities	SPR~~CUP~~	~~CUP~~ SPR	(3)
School District or Community College District Housing	CUP	SPR	(45~~46~~)
~~Second Dwelling Units~~	~~NP~~	~~NP~~	
Supportive Housing	P	P	
Transitional Housing	CUP	SPR	
Mixed Uses			
Mixed Use Buildings and Developments	SPR	SPR	(28~~29~~)(35~~36~~)
Public and Semipublic Uses			
Mural Exhibits	SPR	SPR	(17~~18~~)
Parking Lots and Structures	CUP	CUP	(25~~26~~)
Schools—Trade	CUP	NP	(7)(40~~41~~)
Telecommunication Facilities:			
Major	CUP	CUP	(21~~22~~)
Minor	SPR	CUP	(21~~22~~)

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

Table 37-30.110 Mixed Use (MU) Districts Use Classifications			
Land Use	**MAF**	**MX**	**Additional Use Regulations**
Utilities—Major	NP	NP	(30~~31~~)
Commercial Uses			
Adult Entertainment Facilities	NP	NP	(5)(20~~21~~)
Automated Teller Machines (ATMs)	SPR	SPR	(29~~30~~) (31~~32~~)
Bars	CUP	CUP	(20~~21~~)
Catering Services	SPR	NP	(26~~27~~)
Commercial Recreation and Entertainment	CUP	CUP	(6) (20~~21~~)
Convenience Stores:	SPR	SPR	(20~~21~~)
With Gas Pumps	SPR	CUP	(7)(8) (20~~21~~) (27~~28~~)
Entertainment, Live (Excluding Adult Entertainment)	CUP	CUP	(15~~16~~) (20~~21~~)
Financial Services	SPR	SPR	(29~~30~~) (31~~32~~)
Food and Beverage Sales	SPR	SPR	(20~~21~~) (31~~32~~)
Food Trucks	CUP	CUP	(44~~45~~)
Funeral Services	SPR	SPR	(19~~20~~)
Hotels and Motels:	SPR	CUP	(18~~19~~)
Extended Stay	CUP	CUP	(18~~19~~)(41~~42~~)
Kiosks:			
Permanent	CUP	CUP	(32~~33~~)
Temporary or Semi-permanent	CUP	CUP	(32~~33~~)
Live-work Units	SPR	SPR	(23~~24~~)
Nurseries	CUP	NP	(7)(39~~40~~)
Pawn Shops	CUP	NP	(36~~37~~)
Personal Services	SPR	SPR	(29~~30~~)
Restaurants:	SPR	SPR	(20~~21~~)
With Drive-through or Drive-in Facilities	CUP	NP	(20~~21~~) (29~~30~~)
Retail Sales	SPR	SPR	(20~~21~~)
Secondhand or Consignment Stores	CUP	CUP	(37~~38~~)
Service Stations	SPR	CUP	(7)(8) (20~~21~~)
Speculative Buildings	SPR	SPR	(11~~12~~)
Vehicle-related Retail Sales and Services	SPR	NP	(7)(8)(16~~17~~)
Vehicle Washing	CUP	NP	(7)(8)(38~~39~~)
Warehousing and Storage:			
Limited	CUP	NP	(7)(12~~13~~)(24~~25~~)
Industrial Uses			
Industrial Complexes	CUP	NP	(22~~23~~)
Industry—Limited	CUP	NP	
Accessory Uses and Structures			(13~~14~~)
Animals—Domestic	P	P	(33~~34~~)
Temporary Uses	TULP	TULP	(14~~15~~)

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(3)	Residential service facilities ~~and interim housing serving six or fewer people~~ are allowed with an SPR. Such facilities shall be designed to accommodate a group living environment.
(11)	Small residential care facilities are a permitted use when the principal use is a residential dwelling.
(11~~12~~)	See *Section 37-50.280: Speculative buildings*.
(12~~13~~)	See *Section 37-50.320: Warehousing limited*.
(13~~14~~)	See *Section 37-50.010: Accessory uses and structures.* Accessory uses and structures will require a SPR or a CUP if required for the principal use.
(14~~15~~)	See *Section 37-50.300: Temporary use of land.*
(15~~16~~)	A live entertainment permit shall be issued for live entertainment uses in accordance with *Section 37-60.500: Administrative conditional use permits*.
(16~~17~~)	The maximum floor area allowed for any structure devoted to vehicle-related retail sales and services located in the MAF district is limited to five thousand square feet.
(17~~18~~)	See *Section 37-50.150: Mural exhibits*.
(18~~19~~)	See *Section 37-50.270: Single room occupancy (SRO) housing*.
(19~~20~~)	Funeral services with crematories shall require a CUP.
(20~~21~~)	See *Section 37-50.030: Alcohol license review*.
(21~~22~~)	See *Section 37-50.290: Telecommunication facilities*. Only stealth telecommunication facilities shall be permitted.
(22~~23~~)	Uses within an industrial complex must be otherwise authorized by SPR within the zoning district.
(23~~24~~)	See *Section 37-50.130: Live-work units*.
(24~~25~~)	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.
(25~~26~~)	Does not apply to the parking required to serve the use per Section 37-50.360: Off-street parking and loading spaces regulations.
(26~~27~~)	Catering is only permitted as an accessory use to a restaurant in the MX district. The parking or storage of catering vehicles in the MX district is prohibited.
(27~~28~~)	Convenience stores with gas pumps (including sales, display, storage, restrooms, etc.) are limited to a maximum of two thousand five hundred square feet of gross floor area in the MX district.
(28~~29~~)	See *Section 37-30.260: Flexible standards to encourage ~~M~~mixed use buildings~~ incentives~~*. Mixed use buildings in the MAF or MX districts shall have no more than twenty-five percent of the gross floor area of the ground floor of a building dedicated to residential uses unless authorized by the city planner pursuant to *Section 37-30.270: Modification of use regulations*.
(29~~30~~)	Drive-through lanes and drive-in uses shall not be permitted in the MX district except as otherwise provided for in this section. When permitted, the following shall apply to any drive-through lane:
(30~~31~~)	Water well, drainage, and flood control facilities may be considered subject to the approval of a CUP.
(31~~32~~)	ATM facilities, which are located entirely within a building and are not externally accessible shall be a permitted use.
(32~~33~~)	Permanent or temporary kiosks that are designed and included as part of a larger development review application for another use (such as a shopping center, retail, or restaurant use) that involves the entire subject parcel or lot where the kiosk will be located shall be subject to the same development review process as required for that use.
(33~~34~~)	Not more than four domestic animals are permitted per residential dwelling except that newborn and baby animals up to the age of three months shall not be counted.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(34~~35~~)	See *Section 37-50.100: Home occupations*. Home occupations are permitted uses when the principal use is a residential dwelling unit.
(35~~36~~)	Prohibited commercial uses in mixed use developments include vehicle-related uses including repair, sales, service, storage, and washing; animal sales and services; maintenance and repair services; pawn shops; tattoo and/or body piercing parlors; industrial uses; and other uses deemed inappropriate by the city planner. In mixed use buildings, commercial uses shall be limited to retail, restaurants, offices, services, and similar pedestrian-oriented uses, which are deemed by the city planner to be compatible with residential uses.
(36~~37~~)	No pawn shop shall be located any closer than within seven hundred fifty feet of another pawn shop use.
(37~~38~~)	No firearm or weapon sales shall be permitted.
(38~~39~~)	In the MX district, vehicle washing may be considered subject to the approval of a CUP as an accessory use to a service station only.
(39~~40~~)	In the MX district, nursery uses are allowed as an accessory use only.
(40~~41~~)	Truck and heavy equipment driving schools shall not be permitted.
(41~~42~~)	See *Section 37-50.085 (Extended stay for hotel/motel uses).*
(42~~43~~)	*See Section 37-50.075* for development regulations for small project employee housing~~Unless authorized by a CUP, in the MU district small project employee housing is allowed only in single-family dwellings—attached, or in multifamily dwellings~~.
(43~~44~~)	See *Section 37-50.305: Emergency shelters.*
(44~~45~~)	See *Section 37-50.095: Food trucks.*
(45~~46~~)	Construction or rehabilitation of School District or Community College District Housing shall comply with the development regulations of Section 37-30.250, flexible standards to encourage mixed used buildings~~ incentives~~ of Section 37-30.260, modification of use regulations of 37-30.270, design standards of 37-30.280, and exemptions from development regulations and design standards of Section 37-30.290.
(46)	See *Section 37-50.250: Accessory dwelling units*

Sec. 37-30.250. Development regulations.

Table 37-30.120 Mixed Use (MU) Districts Development Regulations			
Development Regulations	**MAF**	**MX**	**Additional Regulations**
Off-street Parking, Loading, and Outdoor Lighting	See *Article V, Division 2: Parking, Loading, and Outdoor Lighting*. Additional standards are found in *Section 37-30.280(q): Parking and Section 37-30.260: Flexible standards to encourage ~~M~~mixed use buildings~~ incentives~~ of this division*. Additional lighting standards are found in *Section 37-30.280(x): Lighting of this division*.		

(3)	Mixed use developments shall have a maximum commercial FAR of 1.0 plus ten dwelling units per net acre. For mixed use buildings see *Section 37-30.260: Flexible standards to encourage ~~M~~mixed use buildings~~ incentives~~.*
(E)	See *Section 37-30.260: Flexible standards to encourage ~~M~~mixed use buildings~~ incentives~~.*

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

Sec. 37-30.260. Flexible standards to encourage ~~M~~mixed use buildings~~ incentives~~.

The following standards are intended to encourage pedestrian-oriented activity centers in the mixed use districts~~ and as an incentive to foster mixed use buildings when~~ with buildings where no more than twenty-five percent of the gross floor area of the ground floor ~~of the mixed use building(s)~~ is ~~dedicated~~devoted to residential use and at least twenty-five percent of the ~~building includes a minimum commercial~~ gross floor area of the building is devoted to commercial use~~ ratio (FAR) of 0.25, the following incentives are provided:~~.

Sec. 37-30.270. Modification of use regulations.

(a) Mixed use buildings in the MAF or MX districts proposing more than twenty-five percent of the ground floor area dedicated to residential use or less than a minimum commercial gross floor area ratio of 0.25 may request to receive the incentives specified in *Section 37-30.260: Flexible standards to encourage ~~M~~mixed use buildings~~ incentives~~ or other incentives subject to the approval of a conditional use permit*. In addition to the findings established in *Article VI, Division 8: Conditional Use Permits*, the applicant shall be required to also demonstrate how the project will achieve the following:**"**

SECTION 7. Modify Zoning Code Section 37-30.310 [Industrial (I) Zoning Districts] as follows:

"Sec. 37-30.310. Use classifications.

Table 37-30.130 Industrial (I) Districts Use Classifications				
Land Use	**IGC**	**IBP**	**IG**	**Additional Use Regulations**
Commercial Uses				
Offices:				
Medical and Dental	NP	CUP	NP	~~(26)~~

(26)	In the IGC and IG districts, accessory business and professional offices shall be limited to ~~thirty~~ forty percent of the total square footage of all structures on a site~~ or two thousand five hundred square feet, whichever is less. Business and professional offices, which are not directly related to the principal use on site or a~~Accessory offices that exceed the ~~thirty~~ forty percent limitation referenced above, may be considered subject to the approval of a CUP.**"**

SECTION 8. Modify Zoning Code Section 37-30.390 [Public/Semipublic (PS) Zoning District] as follows:

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

"Sec. 37-30.390. Use classifications.

Table 37-30.170 Public/Semipublic (PS) District Use Classifications		
Land Use	**PS**	**Additional Use Regulations**
Residential Uses		
Junior Accessory Dwelling Units	P	(13)(15)
Mobile ~~h~~Home Parks	CUP	(12)(13)(14)
Low-Barrier Navigation Centers	P	
Supportive Housing	P	
Transitional Housing	P	

(14)	See Section 37-50.140 Mobile home Parks.
(15)	See Section 37-50.250: Accessory dwelling units ~~shall be permitted pursuant to State ADU law~~.

SECTION 9. Modify Zoning Code Section 37-30.430 [New Urbanism (NU) Zoning Districts] as follows:

Sec. 37-30.430. Use classifications.

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	P	P	P	NP	(5~~6~~)
Junior Accessory Dwelling Units	P	P	P	NP	(5)
Employee Housing, Small Project	P	P	P	NP	(37~~38~~)
Mobile ~~h~~Home Park	NP	CUP	CUP	NP	
Single-family Dwellings—Attached	CUP	SPR	SPR	SPR	(34~~35~~)
Single Room Occupancy Housing	NP	NP	CUP	CUP	(6~~7~~)
Supportive Housing	P	P	P	SPR	
Transitional Housing	P	P	P	SPR	
Mixed Uses					
Mixed Use Buildings and Developments	NP	NP	SPR	SPR	(23~~24~~)(30~~31~~)
Flex Use Buildings	NP	NP	CUP	SPR	(7~~8~~)
Public and Semipublic Uses					
Clubs and Lodges	CUP	CUP	CUP	CUP	(17~~18~~)
Mural Exhibits	SPR	SPR	SPR	SPR	(15~~16~~)
Parking Lots and	NP	NP	CUP	CUP	(20~~21~~)

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

Table 37-30.190 New Urbanism (NU) Districts Use Classifications					
Land Use	**NE (Low)**	**NG-1 (Medium)**	**NG-2 (High)**	**VC**	**Additional Use Regulations**
Structures					
Schools—Trade	NP	NP	NP	NP	(9~~10~~) (33~~34~~)
Telecommunications Facilities:					
Major	NP	NP	NP	CUP	(18~~19~~)
Minor	CUP	CUP	CUP	P	(18~~19~~)
Utilities—Major	NP	NP	NP	NP	(25~~26~~)
Commercial Uses					
Adult Entertainment Facilities	NP	NP	NP	NP	(26~~27~~)
Animal Boarding	NP	NP	NP	CUP	(35~~36~~)
Animal Hospitals	NP	NP	NP	CUP	(35~~36~~)
Automated Teller Machines (ATMs)	NP	NP	CUP	SPR	(24~~25~~) (27~~28~~)
Bars	NP	NP	NP	CUP	(17~~18~~)
Catering Services	NP	NP	NP	NP	(21~~22~~)
Commercial Recreation and Entertainment	NP	NP	NP	CUP	(8~~9~~) (17~~18~~)
Convenience Stores:	NP	NP	CUP	SPR	(17~~18~~)
With Gas Pumps	NP	NP	NP	CUP	(9~~10~~) (10~~11~~) (17~~18~~) (22~~23~~)
Entertainment, Live (Excluding Adult Entertainment)	NP	NP	NP	CUP	(14~~15~~) (17~~18~~)
Financial Services	NP	NP	NP	SPR	(24~~25~~) (27~~8~~)
Food and Beverage Sales	NP	NP	CUP	SPR	(17~~18~~) (24~~25~~)
Funeral Services	NP	NP	NP	SPR	(16~~17~~)
Hotels and Motels:	NP	NP	NP	CUP	(6~~7~~)
Extended Stay	NP	NP	NP	CUP	(6~~7~~)(38~~39~~)
Kiosks:					
Permanent	NP	NP	NP	CUP	(36~~37~~)
Temporary or Semi-permanent	NP	NP	NP	CUP	(36~~37~~)
Live-work Units	NP	NP	CUP	SPR	(19~~20~~)
Maintenance and Repair Services:					
Minor	NP	NP	NP	SPR	(9~~10~~)
Nurseries	NP	NP	NP	NP	(9~~10~~)(28~~29~~)
Personal Services	NP	NP	CUP	SPR	(24~~25~~)
Restaurants:	NP	NP	CUP	SPR	(17~~18~~)

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

Table 37-30.190 New Urbanism (NU) Districts Use Classifications					
Land Use	**NE (Low)**	**NG-1 (Medium)**	**NG-2 (High)**	**VC**	**Additional Use Regulations**
With Drive-through or Drive-in Facilities	NP	NP	NP	NP	(17~~18~~) (24~~25~~)
Retail Sales:	NP	NP	CUP	SPR	(17~~18~~)
With Drive-through Facilities	NP	NP	NP	CUP	(24~~25~~)
Service Stations	NP	NP	NP	CUP	(9~~10~~) (10~~11~~) (17~~18~~)
Shopping Centers:	NP	NP	NP	SPR	(9~~10~~) (17~~18~~) (22~~23~~)
With Gas Pumps	NP	NP	NP	CUP	(9~~10~~) (10~~11~~) (17~~18~~)(22~~23~~)
Speculative Buildings	NP	NP	NP	SPR	(11~~12~~)
Vehicle Washing	NP	NP	NP	CUP	(9~~10~~)(10~~11~~)(32~~33~~)
Accessory Uses and Structures					(12~~13~~)
Animals—Domestic	P	P	P	P	(29~~30~~)
Utilities—Minor	P	P	P	P	(31~~32~~)
Temporary Uses	TULP	TULP	TULP	TULP	(13~~14~~)

(5~~6~~)	See *Section 37-50.250: Accessory dwelling units~~ shall be permitted pursuant to State ADU law~~*.
(6~~7~~)	See *Section 37-50.270: Single room occupancy (SRO) housing*.
(7~~8~~)	Flex-space buildings may be constructed in the VC subject to the approval of a SPR or may be considered in the NG-2 subject to a CUP or as may be provided for through the applicable specific plan. Flex-space buildings initially provide residential occupancies; however, are designed and constructed to allow the later conversion of the unit (in part or in its entirety) to accommodate neighborhood serving pedestrian-oriented commercial and mixed uses at a future date.
(8~~9~~)	Commercial recreation and entertainment uses less than two thousand square feet in floor area are allowed with a SPR in the VC district.
(9~~10~~)	See *Section 37-50.170: Outdoor storage and display*.
(10~~11~~)	See *Section 37-50.260: Service stations, vehicle repair, and vehicle washing*.
(11~~12~~)	See *Section 37-50.280: Speculative buildings*.
(12~~13~~)	Accessory uses and structures will require a SPR or a CUP if required for the principal use.
(13~~14~~)	See *Section 37-50.300: Temporary use of land*.
(14~~15~~)	A live entertainment permit shall be issued for live entertainment uses in the VC district in accordance with *Section 37-60.490: Minor conditional use permit—Live entertainment permit*.
(15~~16~~)	See *Section 37-50.150: Mural exhibits*.
(16~~17~~)	Funeral services with crematories shall require a CUP.
(17~~18~~)	See *Section 37-50.030: Alcohol license review*.
(18~~19~~)	See *Section 37-50.290: Telecommunication facilities*. Only stealth telecommunication facilities shall be permitted.
(19~~20~~)	See *Section 37-50.130: Live-work units*. In the NG-2 district, live-work units may only be located in neighborhood centers or as otherwise provided for in the specific plan.
(20~~21~~)	Does not apply to the parking required to serve the use per *Section 37-50.360: Off-street parking and loading spaces regulations*.
(21~~22~~)	Catering is only permitted as an accessory use to a restaurant in the VC district. The parking or storage of catering vehicles is prohibited.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(22~~23~~)	Convenience stores with gas pumps (including sales, display, storage, restrooms, etc.) are limited to a maximum of two thousand five hundred square feet of gross floor area in the VC district.
(23~~24~~)	Mixed use buildings in the VC district shall have no more than twenty-five percent of the gross floor area of the ground floor of a building dedicated to residential uses unless otherwise authorized by the applicable specific plan regulations.
(24~~25~~)	Drive-through and drive-in uses shall not be permitted except as otherwise provided for in this section with a CUP.
(25~~26~~)	Water well, drainage, and flood control facilities may be considered subject to the approval of a CUP unless otherwise authorized in the specific plan.
(26~~27~~)	See *Section 37-50.020: Adult entertainment facilities*. Adult bookstores shall be subject to the same supplemental regulations applicable to adult entertainment facilities.
(27~~28~~)	ATM facilities that are located entirely within a building and are not externally accessible shall be a permitted use in the VC district.
(28~~29~~)	Nursery uses are allowed as an accessory use only in the VC district.
(29~~30~~)	Not more than four domestic animals are permitted per residential dwelling unit except that newborn and baby animals up to the age of three months shall not be counted.
(30~~31~~)	Prohibited commercial uses in mixed use developments include vehicle-related uses including repair, sales, service, storage, and washing; animal sales and services; maintenance and repair services; pawn shops; tattoo and/or body piercing parlors; industrial uses; and other uses deemed inappropriate by the city planner. In mixed use buildings, commercial uses shall be limited to retail, restaurants, offices, services, and similar pedestrian-oriented uses, which are deemed by the city planner to be compatible with residential uses.
(31~~32~~)	Minor utilities shall not unreasonably interfere with the use, enjoyment, or aesthetics of adjacent uses.
(32~~33~~)	Vehicle washing may be considered subject to the approval of a CUP as an accessory use to a service station use only in the VC district.
(33~~34~~)	Truck and heavy equipment driving schools shall not be permitted.
(34~~35~~)	Single-family attached dwelling units may be considered subject to the approval of a conditional use permit in the NE district to promote neighborhood diversity and to achieve minimum density requirements.
(35~~36~~)	Only allowed when ancillary to an animal hospital.
(36~~37~~)	Permanent or temporary kiosks that are designed and included as part of a larger development review application for another use (such as a shopping center, retail, or restaurant use) that involves the entire subject parcel or lot where the kiosk will be located shall be subject to the same development review process as required for that use.
(37~~38~~)	*Small project employee housing* is a permitted use in the NE, NG-1, and NG-2 districts only within *single-family dwellings—detached*. Small project employee housing may be allowed in other dwelling types within NG-1 and NG-2 districts upon approval of a CUP.
(38~~39~~)	See *Section 37-50.085 (Extended stay for hotel/motel uses).”*

SECTION 10. Modify Zoning Code Sections 37-40.290 and 37-40.310 [Central City (CC) Overlay District] as follows:

“Sec. 37-40.290. Purpose.

(c) Promote live entertainment uses in the downtown core area of the city without adversely impacting adjacent land uses;~~ and~~

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(d) Encourage pedestrian-oriented neighborhoods where local residents and employees have services, shops, entertainment, jobs, and access to transit within walking distance of their homes and workplace; and~~.~~

(e) Promote the vitality of Main Street within the Downtown Core through the integration of pedestrian-oriented design, accessible parking options, and active storefronts that prioritize transparency and safety for residents and visitors throughout the week.

Sec. 37-40.310. Use classifications.

~~(2) Assembly and Similar Uses. Clubs, lodges, places of religious assembly, and similar assembly uses shall only be permitted above the ground floor of buildings facing Main Street within the downtown core area.~~

(~~3~~2) Live Entertainment Uses. Live entertainment uses shall be a permitted use in the downtown core area and shall not be subject to the approval of a conditional use permit for a live entertainment permit if the live entertainment use meets the following requirements:**"**

SECTION 11. Modify Zoning Code Sections 37-50.060, 37-50.075, 37-50.100, 37-50.300, and 37-50.305 and add Sections 37-50.250 and 37-50.335 (Supplemental Regulations) as follows:

"Sec. 37-50.060. Density bonus.

(a) **Purpose.** In accordance with Sections 65915~~, 65915.5, and 65917~~ through 65918 of the California Government Code, the purpose of this section is to provide density bonuses, incentives, or concessions for the production of housing for very-low, lower, and moderate income households, senior households, and for the provision of child care facilities ~~day care centers~~ and donations of land. In enacting this section, it is also the intent of the city to implement the goals, objectives, and policies of the city's general plan housing element and to establish a city density bonus for the provision of affordable senior housing.

(b) **Definitions.** The following definitions shall apply to this section:

(1) Affordable Ownership Cost.

(C) Not less than twenty-eight percent of gross household income, not to exceed thirty-five percent of one hundred ten ~~Thirty percent of one hundred twenty~~ percent of area median income for moderate income households.

(2) Affordable Rent. Monthly rent, including a reasonable allowance for garbage collection, water, electricity, gas, and other heating, cooking, and refrigeration fuels, and all mandatory fees charged for use of the property, which does not exceed:

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(C) Thirty percent of one hundred ten percent of area median income for moderate income households.

(3) Area Median Income. The annual median income for Monterey County, adjusted for household size, as published periodically in Title 25, Section 6932, California Code of Regulations, or its successor provision, or as established by the city ~~of Salinas~~ in the event that such median income figures are no longer published periodically in the California Code of Regulations.

(5) Child care facility~~Day Care Center~~. A facility installed, operated, and maintained under this section for the nonresidential care of children, as defined under applicable State licensing requirements for the facility.~~A facility approved and licensed by the state, other than a family day care home, that provides nonmedical care on less than a twenty-four hour basis, including infant centers, preschools, extended day care facilities, adult day care and elderly day care facilities. Day care center does not include residential care facilities, residential service facilities, interim housing, or convalescent hospitals/nursing homes.~~

(13) Lower-Income Student. A student who has a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in Education Code Section 69432.7 (k). The eligibility of a student to occupy a unit for lower-income students under this section shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education in which the student is enrolled or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver from the college or university, the California Student Aid Commission, or the federal government.

(14~~13~~) Maximum Residential Density. The maximum number of residential dwelling units permitted by the Zoning Code on the date the application is deemed complete.

(15~~14~~) Moderate Income Households. Households whose income does not exceed one hundred twenty percent of area median income, adjusted for household size in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Act of 1937.

(16~~15~~) Nonrestricted Units. All dwelling units within a residential development except the target units, but including those required to be made affordable pursuant to *Chapter 17, Article III: Inclusionary Housing Requirements* of the Salinas Municipal Code.

(17~~16~~) Qualifying Residents. Persons eligible to reside in senior housing as defined in California Civil Code Section 51.3.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(18~~17~~) Residential Development. Any project requiring any specific plan, development agreement, planned unit development permit, tentative map, minor subdivision, conditional use permit, site plan review, or building permit, for which a development review application has been submitted to the city, and which would create five or more additional dwelling units by construction or alteration of structures, not including conversion of existing dwelling units to condominiums. Developments that would create five to nine additional dwelling units may request a density bonus pursuant to *Section 37-50.060: Density* bonus but are not subject to the city's inclusionary housing ordinance, which is applicable only to developments that would create ten or more additional dwelling units in accordance with *Section 17-8(o)* of the Salinas Municipal Code.

(19~~18~~) Senior Housing Type 1. A senior citizen housing development of thirty-five dwelling units or more as defined in California Civil Code Section 51.3, or a mobile_home park that limits residency based on age requirements for older persons pursuant to California Civil Code Section 798.76 or 799.5. This definition pertains to the density bonus allowed for senior housing dwelling units allowed in accordance with the state density bonus provisions.

(20~~19~~) Senior Housing Type 2. A residential development of five dwelling units or more designed for residency by qualifying residents in accordance with California Civil Code Section 51.3 and in which a minimum of fifty percent of the dwelling units are provided at an affordable housing cost as required by *Section 37-50.060(i)*. This definition applies to the density bonus allowed for senior housing dwelling units in accordance with the city of Salinas density bonus provisions.

(21) Student housing development. A development that contains bedrooms containing two or more bedspaces that have a shared or private bathroom, access to a shared or private living room and laundry facilities, and access to a shared or private kitchen.

(22~~20~~) Target Unit. A dwelling unit within a housing development that is reserved for sale or rent to, and is made available at an affordable rent or affordable ownership cost to, very-low, lower, or moderate income households, or is a dwelling unit in a senior housing development, and which qualifies the residential development for a density bonus and other incentives or concessions pursuant to *Section 37-50.060(c)* or *37-50.060(g)*.

(23~~21~~) Very-low Income Households. Households with an annual income, which does not exceed the United States Department of Housing and Urban Development's annual determination for very-low income households with incomes of approximately fifty percent of area median income, adjusted for household size.

(c) **State Density Bonuses, Incentives, and Concessions for Construction of Affordable and Senior Housing**.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(4) Basic Density Bonus in Accordance with State Law (Student Housing). A student housing development is eligible for a twenty percent density bonus if it includes at least twenty percent of the total units as units affordable to lower-income students, provided the development meets all of the following:

(A) All units in the student housing development shall be used exclusively for undergraduate, graduate, or professional students currently enrolled, or enrolled within the past six months, in at least six units at an accredited institution of higher education.

(B) The developer shall, as a condition of receiving a certificate of occupancy, provide evidence that it has either:

(i). Entered into an operating agreement or master lease with one or more institutions of higher education for all units; or

(ii). Established a system for confirming renters' status as students.

(C) The applicable affordable units shall be occupied by lower-income students and offered at an affordable rent calculated at thirty percent of sixty-five percent of the area median income for a single-room occupancy unit type.

(D) The development shall provide priority for affordable units to lower-income students experiencing homelessness, verified by a homeless service provider or an institution of higher education.

(E) The student housing development shall not be located on a site that, pursuant to Government Code Section 65915(c)(3), would require replacement units for projects with greater than a thirty-five percent density bonus.

(5~~4~~) Additional Density Bonus in Accordance with State Law. In addition to the base density bonus set forth in *Section 37-50.060(c)(1)* or *(c)(3)*, a housing development may qualify for a density bonus of up to fifty percent, and where the development provides deeper levels of affordability pursuant to Government Code Section 65915(v), may qualify for an additional density bonus of up to fifty percent, for a combined maximum of one hundred percent. The density bonus ~~to which the applicant is entitled~~ shall increase if the percentage of affordable housing units exceeds the base percentage ~~established in *Section 37-50.060(c)(1)* or *(c)(3)* above~~, as follows:

(A) Very-low Income Units. For each one percent increase above five percent in the percentage of dwelling units affordable to very-low income households, the density bonus shall be increased by two and one-half percent ~~up to a maximum of thirty-five percent.~~ and shall increase by an additional three and three-quarters percent once the percentage of very-low income units reaches eleven percent, as

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

calculated pursuant to Government Code Section 65915(v). For projects that provide at least fifteen percent of the total dwelling units affordable to very-low income households, the density bonus may increase up to a maximum of fifty percent.

(B) Lower Income Units. For each one percent increase above ten percent in the percentage of dwelling units affordable to lower income households, the density bonus shall be increased by one and one-half percent ~~up to a maximum of thirty-five percent.~~ and shall increase by an additional three and three-quarters percent once the percentage of lower-income units reaches twenty percent, as calculated pursuant to Government Code Section 65915(v). For projects that provide at least twenty-four percent of the total dwelling units affordable to lower-income households, the density bonus may increase up to a maximum of fifty percent.

(C) Moderate Income Ownership Units. For each one percent increase above ten percent of the percentage of ownership units affordable to moderate income households, the density bonus shall be increased by one percent ~~up to a maximum of thirty-five percent.~~ and shall increase by an additional three and three-quarters percent once the percentage of moderate-income ownership units reaches forty percent as calculated pursuant to Government Code Section 65915(v). For projects that provide at least forty-four percent of the total ownership units affordable to moderate-income households, the density bonus may increase up to a maximum of fifty percent.

(6~~5~~) Calculation of Density Bonus.

(D) Each residential development is entitled to only one density bonus, which may be selected by the applicant based on the percentage of either very-low income target units, lower income target units, or moderate income ownership target units, or the project's status as either a senior housing type 1 or 2 development. Density bonuses from more than one category may not be combined, except that bonuses for land dedication pursuant to *Section 37-50.060(d)* may be combined with bonuses granted pursuant to this subsection, consistent with the maximum density bonus permitted under State law~~up to a maximum of thirty-five percent~~, and an additional square footage bonus for ~~day care~~child care facilities~~ centers~~ may be granted as described in *Section 37-50.060(e)*.

(7~~6~~) Incentives or Concessions in Accordance with State Law. A residential development is eligible for incentives and concessions if it includes at least five dwelling units, and the applicant seeks a density bonus and agrees to construct affordable dwelling units as follows:

(B) Lower Income Units. A residential development is entitled to one incentive or concession if it includes at least ten percent of the

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

dwelling units for lower income households; two incentives or concessions if it includes at least seventeen percent ~~twenty percent~~ of the dwelling units for lower income households; and three incentives or concessions if it includes at least twenty-four percent ~~thirty percent~~ of the dwelling units for lower income households.

(D) Student Housing. A student housing development is entitled to one incentive or concession if at least twenty percent of the total units are for lower-income students. If a project includes at least twenty-three percent of the total units for lower-income students, the applicant shall instead receive two incentives or concessions.

(E) Large Set-Aside Projects. A residential development is entitled to four incentives or concessions if it includes at least sixteen percent of the dwelling units for very ~~-~~low-~~-~~income households, or at least forty-five percent of the ownership units for moderate-income households.

(F) One Hundred Percent Affordable Projects. A residential development meeting the criteria of Government Code Section 65915(b)(1)(G), in which one hundred percent of all dwelling units, exclusive of a manager's unit or units, are affordable to lower-income households, except that up to twenty percent of the units may be for moderate-income households, is entitled to five incentives or concessions. If such a project is within one-half mile of a major transit stop or within a very low vehicle travel area in a designated county, the applicant shall also receive a height increase of up to three additional stories, or thirty-three feet.

(8) Incentives or concessions are prohibited if they would result in a development with a commercial floor area ratio greater than two and one-half times the commercial floor area ratio permitted under the base zoning.

(9) A concession shall not be required if it would approve, waive, or reduce development standards for a hotel, motel, bed and breakfast inn, or other transient lodging use.

(10~~7~~)The requirements of this section are minimum requirements and shall not preclude a residential development from providing additional affordable dwelling units or affordable dwelling units with lower rents or sales prices than required by this section.

(11~~8~~) In accordance with state law, neither the granting of an incentive or concession nor the granting of a density bonus shall be interpreted, in and of itself, to require a general plan amendment, Zoning Code amendment or rezone, or other discretionary review application approval.

(e) **State Density Bonus or Incentive or Concession for Child Care Facility~~Day Care Centers~~.**

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(1) A residential development that includes at least five dwelling units; includes target units as specified in *Section 37-50.060(c)(1)*, *(c)(2)*, or (c)(3); and includes a child care facility ~~day care center~~ that will be located on the premises of, as part of, or adjacent to the residential development, is eligible for either of the following, at the option of the city, if requested by the applicant in accordance with state law:

(A) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the Child Care Facility, such that the bonus square footage shall not exceed:~~A density bonus in addition to those permitted by *Sections 37-50.060(c)* and *(d)* that is equal to the square footage of the gross floor area of the day care center; or~~

(i). Existing Structures: a maximum of five square feet of floor area for each one square foot of floor area contained in the Child Care Facility for projects involving existing structures;

(ii). New Structures: a maximum of 10 square feet of floor area for each one square foot of floor area contained in the Child Care Facility for projects involving new structures.

(B) An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the ~~day care center~~child care facility.

(2) For purposes of calculating the density bonus under this section, both indoor and outdoor square footage requirements for the Child Care Facility as set forth in applicable State child care licensing requirements shall be included in the floor area of the Child Care Facility.

(3) ~~The city may approve the density bonus or incentive or concession described in this section if it makes the following finding and requires as a condition of approval that the day care center will remain in operation for a period of time equal to or longer than the period of time during which the target units are required to remain affordable pursuant to *Section 37-50.060(i)*.~~ The City shall require, as a condition of approval, that:

(A) The Child Care Facility shall remain in operation for a period of time that is as long as or longer than the period during which the target units are required to remain affordable pursuant to *Section 37-50.060(i)*; and

(B) Of the children who attend the Child Care Facility, the percentage of children of very low-, low-, or moderate-income households shall be equal to or greater than the percentage of affordable units required to establish eligibility for a density bonus pursuant to *Section 37-50.060(c).*

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(~~3~~4) Notwithstanding any other requirement of this section, the city shall not be required to provide a density bonus or incentive or concession for a child care facility ~~day care center~~ if it finds, based ~~up~~on substantial evidence, that the community already has adequate child care facility ~~day care center~~ facilities.

Table 37-50.10 Density Bonus Summary				
Target Units or Category	**Minimum % Target Units(A)**	**Bonus Granted**	**Additional Bonus for Each 1% Increase in Target Units**	**% of Target Units Required for Maximum Bonus**
Pursuant to State Density Bonus Law: A state density bonus may be selected from only one category, except that bonuses for land donation may be combined with others~~, up to a maximum of 35%,~~ and an additional sq. ft. bonus may be granted for a ~~day care~~child care facility ~~center~~.				
Very-low income	5%	20%	2.5%	15~~11~~%
Lower income	10%	20%	1.5%	24~~20~~%
Moderate income (ownership units only)	10%	5%	1%	44~~40~~%
Foster Youth, Disabled Vets, Homeless	10%	20%	-	-
Senior housing type 1 (35 dwelling units or more or senior mobile home park; no affordable units required)	100% senior	20%	-	-
Student Housing	20%	35%	3.75%	24%
Land donation for very-low income housing	10% of market-rate units	15%	1%	35~~30~~%
~~Day care center~~	-	~~Sq. ft. in day care center(B)~~	-	-

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

Table 37-50.20 Example of Use of Density Bonuses for a 100-Dwelling Unit Project			
Number (%) of Affordable Units in the Category	**Density Bonus Granted (%)**	**Additional Density Bonus Units Granted**	**Total Dwelling Units in the Development**
Very-Low Income Units (For Sale or Rent)			
More than 15~~1~~%	50~~35~~% (maximum possible)	50~~35~~	150~~135~~
Lower Income Units (For Sale or Rent)			
More than 24~~0~~%	50~~35~~% (maximum possible)	50~~35~~	150~~135~~
Moderate Income Units (For Sale)			
More than 44~~0~~%	50~~35~~% (maximum possible)	50~~35~~	150~~135~~

(A)	Only the project's base density is considered when determining the percentage of target units. See *Section 37-50.060(c)~~(5)(B)~~*.

Table 37-50.30 State Density Bonus Incentives and Concessions Summary				
Target Units or Category	**% of Target Units**			
Pursuant to State Density Bonus	1 Incentive / Concession	2 Incentives / Concessions	3 Incentives / Concessions	4 Incentives / Concessions
Very-low income	5%	10%	15%	16%
Lower income	10%	17~~20~~%	24~~30~~%	-
Moderate income (ownership units only)	10%	20%	30%	45%
Student Housing	20%	23%	-	-
Condominium conversion (33% moderate income)	(E~~D~~)	-	-	-
Condominium conversion (25% lower income)	(E~~D~~)	-	-	-
~~Day care center~~Child care facility	(E~~D~~)	-	-	-
Maximum Incentive(s)/ Concession(s)(A)(B)(C)(D)	1	2	3	4

(D)	One-hundred percent Affordable Projects may be entitled to five concessions or incentives and, if located within one-half mile of a major transit stop or within a designated very low vehicle travel area, may also receive a height increase of up to three additional stories, or thirty-three feet.
(E~~D~~)	Condominium conversions and ~~day care centers~~child care facilities may have one concession or a density bonus at the city's option, but not both.

(i) **Affordability and Occupancy Standards.**

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(2) Target units offered for rent to lower income and very-low income households shall be made available for rent at an affordable rent and shall remain restricted and affordable to the designated income group for a minimum period of fifty-five~~thirty~~ years~~, except that senior housing type 2 target units offered for rent shall remain restricted and affordable to the designated income group for a minimum period of fifty-five years~~. A longer term of affordability may be required if the residential development receives a subsidy of any type including, but not limited to, a loan, grant, mortgage financing, mortgage insurance, or rental subsidy, and the subsidy program requires a longer term of affordability, or as prescribed in any guidelines adopted pursuant to *Section 37-50.060(b)(8)*.

(3) Target units offered for sale to very-low, lower, or moderate income households shall be sold at an affordable ownership cost. ~~Senior housing type 2 target units offered for sale shall remain restricted and affordable to the designated income group for a minimum period of forty-five years.~~ For all ~~other~~ target units offered for sale any subordinate shared appreciation documents shall continue for a term of at least forty-five years~~thirty years~~. If resale restrictions are used in lieu of shared appreciation documents, any resale restriction shall continue for a term of at least thirty years. A longer term of affordability may be required if the residential development receives a subsidy of any type including, but not limited to, a loan, grant, mortgage financing, mortgage insurance, or rental subsidy, and the subsidy program requires a longer term of affordability, or as prescribed in any guidelines adopted pursuant to *Section 37-50.060(b)(8)*.

(6) The city council by resolution may establish fees for projects requesting density bonuses and incentives or concessions and for the on-going administration and monitoring of the target units and ~~day care centers~~child care facilities, which fees may be updated periodically, as required.

(j) **Development Standards.**

(6) Upon the request of the developer, the city shall not require an off-street vehicular parking standard, inclusive of handicapped and guest parking, of a residential development, meeting the criteria of *Section 37-50.060(c)(1), (c)(2),~~or~~ (c)(3), or (c)(4)* that exceeds the following:

(D) One bedspace in a student housing development: zero parking spaces.

(k) **Development Incentives or Concessions.**

(1) One to ~~three~~ five incentives or concessions may be requested for eligible residential developments pursuant to *Section 37-50.060(c)(7~~6~~)*.

(3) **Concessions ~~Not Requiring Financial Pro Forma from Applicant~~.** The following concessions and incentives shall be available to the applicant without any requirement for the applicant demonstrate to the city that the requested concession or incentives results in identifiable, financially

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

sufficient, and actual cost reductions to the project pursuant to California Government Code Section 65915(l)(1):

(4) **Additional Concessions.** When requested by the applicant, the following concessions and incentives may also be granted, subject to the findings required by Government Code Section 65915(d)(1)~~Concessions Requiring Financial Pro Forma from Applicant. When requested by the applicant, the following concessions and incentives shall require the applicant to demonstrate to the city council that the requested concessions or incentives result in identifiable, financially sufficient, and actual cost reductions to the project pursuant to California Government Code Section 65915(l)(1)~~:

(A) A reduction of development regulations standards or a modification of Zoning Code requirements that exceed or are in addition to those permitted in *Section 37-50.060(k)(3)*;

~~(E) A density bonus exceeding that required by Government Code Section 65915 where the applicant agrees to construct more affordable units than would qualify the residential project for the maximum thirty-five percent density bonus.~~

(5) Applicants may seek a waiver or modification of development standards that will have the effect of precluding the construction of a residential development meeting the criteria of *Section 37-50.060(c)(1), (c)(2),* ~~or~~ *(c)(3), or (c)(4)* at the densities or with the incentives or concessions permitted by this section. ~~The applicant shall show that the waiver or modification is necessary to make the dwelling units economically feasible based upon appropriate financial analysis and documentation as specified in *Section 37-50.060(l)(4).*~~

(l) **Application Requirements.** Applications for a density bonus ~~shall include:~~ shall be filed in accordance with this section and shall include a minimum affordable housing component, regardless of whether the residential development also requires or has been granted a conditional use permit, subdivision map, or other discretionary permit or approval pursuant to Government Code Section 65915 (d)(1). The application shall be accompanied by the required filing fee and shall include, at a minimum, the following:

(3) For all incentives and concessions except those listed in *Section 37-50.060(k)(3)*, the applicant may include reasonable documentation to demonstrate that the requested incentive or concession will result in identifiable and actual cost reductions to provide for affordable housing costs or rents. Submission of such documentation shall not be required as a condition of application completeness.~~the application shall provide a pro forma to the city demonstrating that the requested incentives and concessions result in identifiable, financially sufficient, and actual cost reductions. The cost of reviewing any required pro forma data submitted in support of a request for a concession or incentive including, but not limited to, the cost to the city of hiring a consultant to review the pro forma, shall~~

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

~~be borne by the applicant. The pro forma shall be reviewed by a third party as selected by the city and paid for by the applicant unless the city planner waives the requirement for such a review.~~

(4) A description of any requested waivers or modifications of development standards, identifying the jurisdiction's required development standard and the modified standard proposed, shown on a site plan if applicable. The applicant may include reasonable documentation to demonstrate that the waiver or modification is necessary to make the housing development feasible and that the development standard would otherwise have the effect of precluding the construction of a housing development at the densities, or with the incentives or concessions permitted by this section. Submission of such documentation shall not be required as a condition of application completeness.~~For waivers or modifications of development standards, the application shall provide a pro forma to the city demonstrating that the waiver or modification is necessary to make the dwelling units economically feasible based upon appropriate financial analysis and documentation. The application shall also demonstrate to the city that the development standards will have the effect of precluding the construction of a housing development at the densities or with the incentives or concessions permitted by this section. The cost of reviewing any required pro forma submitted in support of a request for a waiver or modification including, but not limited to, the cost to the city of hiring a consultant to review the pro forma, shall be borne by the applicant.~~

(6) If a density bonus or concession is requested for a ~~day care center~~child care facility, the application shall show the location and square footage of the child care facility ~~day care center~~ and provide evidence that the findings included in *Section 37-50.060(e)(2)* can be made.

~~(7) If a mixed use building or development is proposed, the application shall provide evidence that the finding included in *Section 37-50.060(k)(3)(l)* can be made.~~

(m) **Review of Application.**

(2) Before approving an application for a density bonus, incentive, concession, waiver, or modification, the approval body shall make the following findings:

(A) The application is eligible for a density bonus and any concessions, incentives, waivers, modifications, or reduced parking standards requested; conforms to all standards for affordability included in this section~~, and includes a financing mechanism for all implementation and monitoring costs~~.

(B) Any requested incentive or concession may be supported by documentation provided by the applicant to demonstrate that the incentive or concession will result in identifiable~~, financially~~

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

~~sufficient, and actual cost reductions based upon appropriate financial analysis and documentation as described in *Section 37-50.060(l)*~~ and actual cost reductions to provide for affordable housing costs or rents; however, submission of such documentation shall not be required as a condition of application completeness.

(D) If the density bonus, incentive, or concession is based all or in part on the inclusion of a child care facility~~day care center~~, the approval body has made the finding included in *Section 37-50.060(e)(2)*.

(F) If a waiver or modification is requested, the applicant may include reasonable documentation to demonstrate that the waiver or modification is necessary to make the housing development feasible and that the development standard would otherwise preclude such construction; however, submission of such documentation shall not be required as a condition of application completeness.~~ the developer has shown that the waiver or modification is necessary to make the dwelling units economically feasible by providing appropriate financial analysis and documentation as described in *Section 37-50.060(l)*, and the development standards will have the effect of precluding the construction of a housing development at the densities or with the incentives or concession permitted by this section.~~

(3) If the required findings can be made, and a request for an incentive or concession is otherwise consistent with this section, the approval body may deny an incentive or concession only if it makes a written finding, based upon substantial evidence, of either of the following:

(A) The incentive or concession does not result in identifiable and actual cost reductions to provide for affordable housing costs or rents~~The incentive or concession is not required to provide for affordable rents or affordable ownership costs~~; or

~~(5) If a density bonus or concession is based on the provision of day care centers, and if the required findings can be made, the approval body may deny the bonus or concession only if it finds, based on substantial evidence, that the city already has adequate day care centers.~~

(5~~6~~) A request for a minor modification of an approved density bonus housing plan may be granted by the city manager or their designee if the modification is substantially in compliance with the original density bonus housing plan and conditions of approval, as determined by the City Manager or their designee. Other modifications to the density bonus housing plan shall be processed in the same manner as the original plan.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

Sec. 37-50.075. Employee housing.

(a) **Purpose.** Employee housing standards are intended to allow the development and operation ~~by the employer~~ of employee housing in specified zoning districts in a manner that is compatible with surrounding areas, in accordance with California Health & Safety Code § 17008.

(b) **General.**

(1) Agricultural employee housing is a permitted use in the Agriculture (A) zoning district, subject to all the requirements of *Section 37-50.075(c): Agricultural employee housing regulations*.

(2) Small project employee housing is a permitted use in all R districts, subject to all the requirements in subsection (d) of this section, Small Project Employee Housing, in the same manner as a single-family dwelling of the same type in the same zoning district.

(3) Medium project employee with occupancy limited to between seven and fourteen employees per lot, ~~housing use~~ may be allowed in all R districts, subject to all the requirements in subsection (e) of this section, Medium Project Employee Housing, and an administrative conditional use permit issued pursuant to Article VI, Division 8: Conditional use permits. Medium project employee housing with occupancy greater than fourteen persons per lot, but not greater than 14 persons per dwelling unit may be allowed in R-M districts subject to all the requirements in Section 37-50.075(e), Medium Project Employee Housing, and a non-administrative conditional use permit issued pursuant to Article VI, Division 8: Conditional use permits.

(c) **Agricultural Employee Housing Regulations**

Development Regulations.

(5) Streamlined Approval for Agricultural Employee Housing Developments. To be eligible for streamlined approval under this section, in accordance with the provisions of California Health and Safety Code Section 17021.8, an agricultural employee housing development must meet all of the following requirements:

(F) The development must be located on land designated as agricultural in the City General Plan.

(G) The development must be twelve units or less.

(H) The development must not be located in any of the following areas:

(i). Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(ii). A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(iii). A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356.

(iv). A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist.

(v). A floodplain as determined by maps promulgated by the Federal Emergency Management Agency.

(I) The development must meet all applicable requirements of the City's Municipal Code, including, but not limited to, the following:

(i). The development must have adequate water and wastewater facilities;

(ii). The development must comply with all applicable zoning and land use regulations; and

(iii). The development must comply with all applicable building and safety codes.

(6) ~~(5)~~ Other development regulations. See Table 37-50.45.

Table 37-50.45 Employee Housing, Agricultural

(G)	**Conflict Between Regulations.** (1) Conflict Between Regulations. Agricultural employee housing regulated under this section shall be treated as an agricultural use. Where a conflict occurs between these regulations and agricultural use regulations, the agricultural use regulations shall prevail.

(d) **Small Project Employee Housing Regulations**

Development Regulations.

(1) **New construction.** Small project employee housing shall be treated the same as a single-family dwelling and shall be constructed subject to the development regulations and design standards in *Division 2: Residential Districts* of the Zoning Code and *Section 37-50.110, Infill Residential Development in the R-L District*.

(2) **Occupancy limitation.** Small project employee housing shall be limited to six employees per lot.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(3) **Performance Standards.** Small project employee housing is subject to *Section 37-5~~8~~0.180 Performance standards*.

~~(4) **Transportation.** No buses are permitted to pick up and drop off at the property unless approved through a Non-administrative Conditional Use Permit. Only passenger vans or vehicles are permitted to conduct passenger loading at the property.~~

(4~~5~~) **Conflict Between Regulations.** Except as modified by this *Section 37-50.075: Employee housing, small project*, development regulations applicable to the zoning district shall apply. Where a conflict occurs between the base district regulations and this section of the code, this section shall prevail.

(e) **Medium Project Employee Housing Regulations**

Development Regulations.

(4) **Dwelling requirements.** Medium project employee housing must include the following:

(a) A minimum of two full bathrooms per dwelling unit.

(8) **Performance Standards.** Medium project employee housing is subject to *Section 37-5~~8~~0.180 Performance standards*.

Sec. 37-50.100. Home occupations.

(a) **Purpose.** The purpose of this section is to:

(2) Reduce air pollution and traffic congestion by allowing a residence to double as a place of employment; ~~and~~

(3) ~~To a~~Allow for limited education and recreational activities in residential zones where such activities would not be detrimental to the neighborhood; and

(4) Allow home-based food businesses to operate as an accessory use within a residence by establishing criteria and procedures for the approval of Cottage Food Operations and Microenterprise Home Kitchen Operations.

(b) **Definitions.** The following definitions shall apply to this section:

(3) Home-based Food Businesses. Home-based food businesses are regulated under the following operations:

(A) Cottage Food Operation. An operation as defined in Health and Safety Code Section 113758, as may be amended, which maintains a valid home occupation permit and business license with the City of Salinas, and is registered and/or permitted by the Monterey County Health Department.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(B) Microenterprise Home Kitchen Operation. A food facility operated by a resident within a private home where food is stored, handled, and prepared for, and may be served to, consumers in accordance with this section, that meets the requirements of Health and Safety Code Section 113825, as may be amended, maintains a valid home occupation permit and business license with the City of Salinas, and is registered and/or permitted by the Monterey County Health Department.

(e) **Home Occupation Operating Standards.** ~~(1)~~ A home occupation shall comply with each of the following regulations:

(1~~A~~) The home occupation may not be located in a garage or an accessory structure except as provided for elsewhere in this section and for ancillary storage provided that all required off-street parking requirements are met.

(2~~B~~) A home occupation shall be conducted entirely within a dwelling unit and shall occupy no more than twenty-five percent of the floor area except as provided for elsewhere in this section.

(3~~C~~) No outdoor storage of materials or equipment used in the home occupation shall be permitted.

(4~~D~~) The existence of a home occupation shall not be apparent (e.g., noise, vibrations, odors, etc.) beyond the boundaries of the site.

(5~~E~~) A home occupation may be granted only to a resident of the dwelling unit. ~~and~~

(6) ~~n~~No one other than a resident of the dwelling unit shall be employed on-site or report to work at the site in the conduct of a home occupation, except as provided for elsewhere in this section.

(7 ~~F~~) A home occupation shall not create pedestrian or vehicle traffic in excess of the normal amount in the zoning district.

(8 ~~G~~) No prohibited vehicles or equipment as defined in *Section 37-50.190: Recreational vehicles, prohibited vehicles, and equipment parking and storage* may be parked or stored at the site in conjunction with the home occupation.

(9 ~~H~~) No on-site vehicle repair, beauty or barbershop, ~~food preparation,~~ or boarding or training of animals shall be permitted.

(10 ~~I~~) A home occupation shall not include a sales room or office open to customers/clients. No customers, clients, or students shall come to the home in conjunction with the home occupation except as provided for elsewhere in this section.

(11 ~~J~~) No on-site signs, (including vehicle signs) advertising the home occupation shall be permitted.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(12~~K~~) The home occupation shall be subject to the provisions of Section 37-50.180: Performance standards regarding noise, glare, combustibles and explosives, radioactive materials, hazardous materials, heat and humidity, and any other performance standards adopted by the city.

~~(L) The home occupation shall be subject to the provisions of Section 37-50.180: Performance standards regarding noise, glare, combustibles and explosives, radioactive materials, hazardous materials, heat and humidity, and any other performance standards adopted by the city.~~

(h) **Home-Based Food Businesses.** In addition to the operating standards in Section 37-50.100(e), home-based food businesses shall be subject to the following provisions:

(1) A Cottage Food Operation shall comply with Health and Safety Code Sections 113758 and 114365 through 114365.6;

(2) A Microenterprise Home Kitchen Operation shall comply with Health and Safety Code Section 113825;

(3) A Cottage Food Operation and a Microenterprise Home Kitchen Operation shall not be operated concurrently at the same residence;

(4) Food preparation, service, and dining shall be limited to the area approved by the County Health Department and shall be conducted in a manner that does not materially or significantly affect the residential use of the property;

(5) Home occupations shall not generate automobile or truck traffic at a volume inconsistent with the normal traffic levels in the vicinity, create demand for additional parking, or involve deliveries to or from the premises in excess of what is customary for a residential dwelling unit;

(6) No more than one truck or motor vehicle larger than three-quarter ton shall be used in connection with a home-based food business. Such vehicle shall not be parked or stored at the residential location and shall be subject to the parking and storage regulations of Section 37-50.190;

(7) Vehicle maintenance related to a home-based food business shall not occur on the premises;

(8) Vehicles associated with a home-based food business shall not obstruct or impede the flow of traffic on public streets or driveways or generate undue noise during loading or unloading activities;

(9) A Microenterprise Home Kitchen Operation requires that food be consumed on-site, picked up by the consumer, or delivered to the consumer, and prohibits outdoor food vending;

(10) The use or storage of hazardous materials other than those normally found at a private residence is prohibited; and

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(11) A home-based food business shall not employ more than one full-time equivalent employee, excluding family members or household members.

(c) **Applicability.** These regulations shall apply to all infill residential development that is located on lots or parcels zoned low density residential (R-L-5.5) as follows: (For purposes of this section, the development scenarios listed below shall constitute "infill residential development.")

(1) Except for projects proposed per SB 9 (see Section 37-50.335), n~~N~~ew single-family detached dwelling units that are constructed on:

~~(3) The subdivision of land, or the demolition of an existing single-family detached dwelling unit or any portions thereof, where the existing dwelling unit is located on two or more legal lots of record; and~~

~~(4) Second story attached second dwelling units with more than two hundred fifty square feet of gross floor area.~~

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 and a junior accessory dwelling unit conforming to the provisions of this section shall be approved ministerially within the time limits specified by Government Code Sections 66310 through 66342. As State law may be amended from time to time, this section shall be interpreted and applied in a manner consistent with State law. Where a conflict occurs between this section and applicable State law, State law shall prevail.

(b) **Units Allowed Under Government Code Section 66323.**

(1) Where Permitted.

(A) A Building Permit is required for accessory dwelling units and junior accessory dwelling units. Pursuant to Government Code Section 66323(a), such permits shall be approved ministerially, without discretionary review or public hearing, if the accessory dwelling unit or junior accessory dwelling unit complies with this section (b) of this Section 37-50.250.

(B) Accessory dwelling units are allowed as a permitted use in zoning districts that allow single-family or multifamily residential use, subject to this section. All accessory dwelling units are permitted on all lots that (1) are zoned to allow single-family or multifamily residential uses and (2) include a proposed or existing dwelling unit.

(C) The following units are permitted per Government Code Section 66323:

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(i). One accessory dwelling unit is permitted per lot within the existing or proposed space of a single-family dwelling or accessory structure; a junior accessory dwelling unit is permitted within the existing or proposed space of a single-family dwelling and shall comply with subsection (d).

(ii). One detached, new construction accessory dwelling unit is permitted on lots with an existing or proposed single-family dwelling.

(iii). Multiple accessory dwelling units within the portions of multifamily dwelling structures that are not used as livable space. Local agencies must allow an amount of accessory dwelling units up to twenty-five percent of the dwelling units in existing multifamily dwelling structures, or a minimum of one, whichever is greater;

(iv). Up to two detached accessory dwelling units on a lot that has a proposed multifamily dwelling or up to eight detached accessory dwelling units on a lot that has an existing multifamily dwelling, provided that the number of accessory dwelling units does not exceed the number of existing dwelling units on the lot.

(v). Units from subsections (i). and (ii). above may be combined on one lot and units from subsections (iii). And (iv). above may be combined on one lot.

(2) Processing Time and Submittal Requirements.

(A) The City shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(B) When an accessory dwelling unit is constructed subject to a Governor-declared state of emergency issued on or after February 1, 2025, the City shall issue a certificate of occupancy for the accessory dwelling unit, even if the primary dwelling has not yet received a certificate of occupancy, provided all applicable requirements are met, including verification that the primary dwelling was substantially damaged or destroyed by the declared emergency, consistent with Government Code Section 66328.

(C) Additional processing and submittal regulations for all accessory dwelling units and junior accessory dwelling units allowed under Section 37-50.250 are contained in subsection (c)(2) below.

(3) Development Regulations and Standards

(A) Single-Family Residential Development.

(i). Converted Accessory Dwelling Unit and Junior Accessory

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

Dwelling Unit.

a. Number: One accessory dwelling unit and one junior accessory dwelling unit.

b. Expansion: An accessory dwelling unit created from an existing accessory structure may expand not more than one hundred fifty square feet beyond the same physical dimensions as the existing accessory structure, limited to accommodating ingress and egress.

c. Access: The unit shall have exterior access from the proposed or existing single-family dwelling.

d. Front Setback: No minimum setback shall be required in the front yard.

e. Side and Rear Setback: Side and rear setbacks shall be sufficient for fire and safety.

(ii). Detached, New Construction Accessory Dwelling Unit.

a. Number: One detached, new construction accessory dwelling unit that does not exceed eight hundred square feet of livable space.

b. Front Setback: No minimum setback shall be required in the front yard.

c. Setbacks: No side or rear yard setback of more than four feet shall be required.

d. Height: The height standards of subsection (c)(3)(C)(iii) shall apply, as applicable.

(B) Multi-Family Residential Development.

(i). Converted Accessory Dwelling Units.

a. Number: At least one accessory dwelling unit, and up to twenty-five percent of the number of existing multifamily dwelling units, within the portions of an existing multifamily dwelling not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages.

(ii). Detached Accessory Dwelling Units.

a. Number: On a lot with a proposed multifamily dwelling, not more than two detached units. On a lot with an existing multifamily dwelling, not more than eight detached units, not to exceed the number of existing dwelling units on the lot.

b. Front Setback: No minimum setback shall be required in the front yard.

c. Side and Rear Setback: No side or rear yard setback of more than four feet shall be required. If the existing multifamily dwelling has a rear or side setback of less

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

than four feet, no modification of the existing dwelling shall be required as a condition of approval.

d. Height: The height standards of subsection (c)(3)(C)(iii) shall apply, as applicable.

(D) Parking. No parking shall be required for an accessory dwelling unit allowed under Government Code Section 66323.

(E) The City shall not require the applicant to install a new or separate utility connection directly between the unit and the utility or impose a related connection fee or capacity charge, unless the unit was constructed with a new single-family dwelling, or upon separate conveyance of the accessory dwelling unit pursuant to Section 66342. This applies to accessory dwelling units and junior accessory dwelling units.

(F) Other Standards. The City shall not impose any objective development or design standard that is not allowed by Government Code Section 66323 on a unit authorized by that section of Government Code.

(c) **Other Accessory Dwelling Units Not Regulated by Government Code Section 66323.**

(1) Where Permitted.

(A) A Building Permit is required for accessory dwelling units and junior accessory dwelling units. Pursuant to Government Code Section 66317(a), such permits shall be approved ministerially, without discretionary review or public hearing, if the accessory dwelling unit or junior accessory dwelling unit complies with this this section (c) of this Section 37-50.250.

(B) Accessory dwelling units are allowed as a permitted use in zoning districts that allow single-family or multifamily residential use, subject to this section. All accessory dwelling units are permitted on all lots that (1) are zoned to allow single-family or multifamily residential uses and (2) include a proposed or existing dwelling unit.

(C) One accessory dwelling unit per lot with an existing or proposed single-family or multifamily dwelling is allowed, which may be attached to, located within, or detached from the proposed or existing primary dwelling, including conversion of existing space or accessory structures, subject to the development standards of subsection (c)(3)(per Government Code Section 66314). This unit may be combined with the units allowed under Government Code Section 66323.

(2) Processing Time and Submittal Requirements.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(A) The application for an accessory dwelling unit or junior accessory dwelling unit shall be submitted and reviewed through the building permit process with ministerial planning review.

(B) The City shall determine whether an application to create or serve an accessory dwelling unit is complete and shall provide written notice of this determination to the applicant no later than fifteen business days after the City receives the application.

(C) The City shall act on an application to create an accessory dwelling unit or junior accessory dwelling unit within sixty days from the date they receive a complete application when there is an existing single-family or multifamily dwelling on the lot, unless either of the following applies:

(i). If the permit application to create or serve an accessory dwelling unit is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the City may delay approving or denying the permit application for the accessory dwelling unit until the permitting agency approves or denies the permit application to create the new single-family or multifamily dwelling, but the application to create or serve the accessory dwelling unit shall be considered without discretionary review or hearing; or

(ii). If the applicant requests a delay, the sixty-day period shall be tolled for the duration of the delay.

(D) If the City has not acted on the completed application for the accessory dwelling unit or junior accessory dwelling unit within sixty days, and neither of the above exceptions is met, then the application for the accessory dwelling unit or junior accessory dwelling unit shall be deemed approved.

(E) If the City denies an application for an accessory dwelling unit or junior accessory dwelling unit, the City shall, within the applicable review period, provide the applicant, in writing, a full set of comments identifying all items that are defective or deficient and describing how the application may be remedied.

(F) The City shall provide an appeal process for an applicant whose application is determined to be incomplete or denied and require the permitting agency to issue a final written determination no later than sixty business days following receipt of a written appeal.

(3) Development Regulations and Standards – Accessory Dwelling Units.

(A) Accessory dwelling units shall comply with all applicable base zone district objective development standards, including limits on lot coverage, objective design standards, floor-area ratio, open space, front setbacks, and minimum lot size.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(B) Attached Accessory Dwelling Units

(i). Location. Attached accessory dwelling units must be accompanied by a proposed or existing single-family or multifamily dwelling.

(ii). Floor Area.

a. The minimum floor area shall be one hundred fifty square feet.

b. A single-family attached accessory dwelling unit shall comply with the following standards:

i. If the accessory dwelling unit expands the existing primary dwelling, then the floor area shall not exceed fifty percent of the living area of the existing primary dwelling unit, as long as an accessory dwelling unit with one bedroom or fewer is allowed to be at least eight hundred fifty square feet or an accessory dwelling unit with more than one bedroom is allowed to be at least one thousand square feet.

(iii). Setbacks.

a. The minimum side, street side, and rear yard setback shall be four feet.

b. No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(iv). Maximum Height.

a. The maximum height of attached dwelling units shall be two stories and twenty-five feet or the maximum height specified by the base zone district for the primary dwelling, whichever is lower.

b. Attached accessory dwelling units that are interior to an existing structure that is converted shall not exceed the height of that existing structure.

(C) Detached Accessory Dwelling Units

(i). Floor Area.

a. The minimum floor area shall be one hundred fifty square feet.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

b. 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.

(ii). Minimum Setbacks.

a. The minimum side, street side, and rear-yard setback shall be four feet.

b. No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(iii). Maximum Height. The maximum height of detached accessory dwelling units shall be as follows:

a. For detached accessory dwelling units, the maximum height shall be sixteen feet. Where the detached accessory dwelling unit is within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as defined in Section 21155 of the California Public Resources Code, or with an existing or proposed multifamily dwelling of more than one story, the maximum height shall be eighteen feet. A detached accessory dwelling unit may be up to two stories if compliant with these height restrictions and the building code.

b. Height Exceptions:

i. An additional two feet in height shall be allowed to accommodate a roof pitch on an accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

ii. When an existing accessory structure is converted to a detached accessory dwelling unit, the maximum height may exceed the limits of subsection iii.a. to an amount equal to the height of the existing accessory structure to be converted.

(4) Other Development Standards

(A) Owner occupancy is not required on a property with an accessory dwelling unit.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(B) Fire sprinklers shall not be required for an accessory dwelling unit or a junior accessory dwelling unit if fire sprinklers are not required for the primary dwelling unit. The construction of an accessory dwelling unit or junior accessory dwelling unit shall not trigger a requirement to install fire sprinklers in an existing primary dwelling unit. However, if the primary dwelling unit undergoes substantial remodeling and is required to install fire sprinklers, any accessory dwelling unit or junior accessory dwelling unit created after the remodel shall also be required to install fire sprinklers.

(C) A demolition permit for a detached garage that is to be replaced with a detached or attached accessory dwelling unit shall be reviewed with the application for the accessory dwelling unit and issued at the same time, and no written notice or placard shall be required unless the property is within an architecturally and historically significant historic district.

(D) Availability of Utilities. All accessory dwelling units shall be connected to public utilities or their equivalent, including water, electric, and sewer services, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(i). The City may require a new or separate utility connection directly between an accessory dwelling unit and the utility.

(ii). The City may require a water or sewer service connection directly between an accessory dwelling unit and the water and sewer service, or demonstration that the well and septic system is adequately sized for the new demand.

(E) Building Code. Building code requirements for detached dwellings shall be applied to accessory dwelling units, except that the construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations).

(F) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(G) Parking.

(i). A maximum of one parking space shall be required per accessory dwelling unit or per bedroom, whichever is less in accordance with Section 37-50.360, off-street parking and loading spaces regulations. These spaces may be provided as tandem parking on a driveway or in setback areas; however, off-street parking spaces for accessory dwelling units are not required in any of the following instances:

a. The accessory dwelling unit is within one-half-mile

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

walking distance of public transit.

b. The accessory dwelling unit is within an architecturally and historically significant historic district.

c. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

d. When on-street parking permits are required but not offered to the occupant(s) of the accessory dwelling unit.

e. There is a car-share vehicle within one block of the accessory dwelling unit.

f. When a permit application for the accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in Government Code Section 66322.

(ii). When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking is not required.

(d) **Development Regulations and Standards – Junior Accessory Dwelling Units.**

(1) Location. Junior accessory dwelling units shall be accompanied by a proposed or existing single-family dwelling on a lot zoned for single-family use. A junior accessory dwelling unit shall be within the walls of the primary single-family dwelling, including, but not limited to, an attached garage.

(2) Maximum Number of Junior Accessory Dwelling Units. When accompanied by a proposed or existing single-family dwelling, the maximum number of junior accessory dwelling units shall be one per lot.

(3) Floor Areas.

(A) The minimum floor area shall be one hundred fifty square feet.

(B) The maximum floor area shall be five hundred square feet of interior livable space.

(4) Parking. No parking shall be required for a junior accessory dwelling unit, including replacement parking.

(5) Exterior Access. A separate entrance from the main entrance to the proposed or existing single-family residence shall be provided to the junior accessory dwelling unit. If a junior accessory dwelling unit does not include a separate bathroom, the junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(6) Sanitation Facilities. Sanitation facilities may be separate or shared with the primary dwelling. If shared with the primary dwelling, the junior accessory dwelling unit shall provide an interior entry to the living area of the primary dwelling, separate from the exterior access required to the junior accessory dwelling unit.

(7) Kitchen Features. An efficiency kitchen shall be provided, including all the following:

(A) A cooking facility with appliances.

(B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(8) Occupancy. Owner-occupancy shall be required if a junior accessory dwelling unit shares sanitation facilities with the existing structure. In such cases, the owner shall occupy the single-family residence in which the junior accessory dwelling unit is permitted and may reside in either the remaining portion of the structure or in the junior accessory dwelling unit. Owner occupancy shall not be required if the junior accessory dwelling unit has separate sanitation facilities, or if the owner is a governmental agency, land trust, or housing organization.

(9) Deed Restriction. A deed restriction shall be recorded on the property, which shall run with the land, and a copy of which shall be provided to the Planning Division. 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 junior accessory dwelling unit. The deed restriction shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family dwelling, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(C) A requirement for owner-occupancy of junior accessory dwelling units with shared sanitation facilities.

(e) **Density.**

(1) An accessory dwelling unit that conforms to the requirements of this section shall not be considered for the purposes of evaluating the density requirements established in Salinas General Plan, and shall be consistent with the Salinas General Plan and zoning designation for the lot.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(2) An accessory dwelling unit shall not be considered a new residential use for the purpose of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(3) An accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(f) **Rental and Sale Limitations.**

(1) Long-Term Rentals Only. Rental of the accessory dwelling unit and junior accessory dwelling unit created pursuant to this section shall be for a term longer than thirty days. Occupancy of the accessory dwelling unit or junior accessory dwelling unit shall not be allowed until the City approves occupancy of the primary dwelling unit.

(2) Sale and Conveyance. An accessory dwelling unit may be sold or conveyed separately from the primary residence to a qualified buyer if all the requirements of Government Code Section 66341 are met.

(3) Condominium Conveyance. If all the requirements of Government Code Section 66342 are met, the separate conveyance of the primary dwelling unit and the accessory dwelling unit are allowed as condominiums.

(g) **Fees.**

(1) Connection Fees or Capacity Charges**.** An accessory dwelling unit shall not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling. This provision applies only to accessory dwelling units, not to junior accessory dwelling units.

(2) Impact Fees. Impact fees shall not be imposed on an accessory dwelling that is less than seven hundred fifty square feet in floor area, or any junior accessory dwelling unit with five hundred square feet or less of interior floor area. For all other accessory dwellings, impact fees shall be charged proportionately to the square footage of the primary dwelling unit.

(3) School mitigation fee. An accessory dwelling unit or junior accessory dwelling unit with less than five hundred square feet of interior livable space shall not be subject to school mitigation fees, pursuant to Education Code Section 17620(a)(1)(C).

(4) Restrictions on Fees in Covenants, Conditions, and Restrictions. Reasonable restrictions in any covenant, condition, or restriction shall not include any fee or other financial requirement, pursuant to Civil Code Section 714.3(b).

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(h) **Conditions for Nonconforming Uses and Structures**

(1) Nonconforming Conditions. Notwithstanding Section 37-50.160, nonconforming uses and structures, to the contrary, until January 1, 2030, an owner of an accessory dwelling unit or junior accessory dwelling unit that receives a notice to correct violations or abate nuisance, in relation to the accessory dwelling unit or junior accessory dwelling unit, may request a delay for five years in enforcement of a building standard, as long as the violation is not a health and safety issue as determined by the local agency, subject to compliance with the Government Code Section 66331 and Health and Safety Code Section 17980.12(a)-(c), and the following conditions:

(A) The accessory dwelling unit or junior accessory dwelling unit was built before January 1, 2020.

(B) The accessory dwelling unit or junior accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit or junior accessory dwelling unit was built, had a noncompliant accessory dwelling unit or junior accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(2) The City shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit in compliance with Government Code Section 66322(b).

Sec. 37-50.300. Temporary use of land.

(g) **Duration.**

(1) Pumpkin Patches. ~~The sale of pumpkins between October 1 and November 1~~Up to sixty days, once per calendar year;

(5) Christmas Tree Sales. Retail sales of Christmas trees ~~between Thanksgiving Day and December 31~~up to sixty days, once per calendar year;

Sec. 37-50.305. Emergency shelters.

(b) **General.** Type A emergency shelters are a permitted use in the Mixed Arterial Frontage (MAF), Mixed-Use (MX), and Public/Semipublic (PS) zoning districts, subject to all the requirements of this Section 37-50.305. No individual or household may be denied shelter in a type A emergency shelter due to an inability to pay. Emergency shelters not conforming to this section (i.e., type B emergency shelters) may be allowed in the MAF and PS districts with a non-administrative conditional use permit issued pursuant to *Article VI, Division 8: Conditional use permits*.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(c) **Development Regulations—Type A Emergency Shelters.**

(1) Capacity. Shelter capacity shall ~~not be limited by this section, except as required by~~comply with applicable building, fire, ~~or~~and health and safety codes.~~Shelter shall contain a maximum of fifty beds and shall serve no more than fifty persons nightly.~~

~~(6) Proximity to other emergency shelters. Emergency shelters shall be located at least three hundred feet from other emergency shelters.~~

(6~~7~~) Parking. A minimum of one parking space shall be provided for each staff member on duty during the shift with the largest number of employees working, provided that parking requirements for emergency shelters shall not exceed those required for other residential or commercial uses within the same zoning district. ~~A minimum of two parking spaces shall be provided, plus an additional space for every eight authorized residents. Parking required for an emergency shelter may be on the same or a different site, provided that a minimum of fifty percent of such parking shall be within three hundred feet, and the remainder shall be within nine hundred feet of the use, measured from the parking facility to the public entrance, or primary entrance in the case of a private facility, via the shortest pedestrian route as approved by the city planner. Accessible parking requirements specified in *Section 37-50.390: Accessible parking spaces* apply to facilities permitted pursuant to this section. Required parking for an emergency shelter shall not be located within any Residential low density (RL), Residential medium density (RM), Parks (P), or Open Space (OS) zoning district. When calculating minimum parking requirements, a fractional number equal to, or greater than, one-half will increase the required number by one space.~~

(7~~8~~) National Pollutant Discharge Elimination System (NPDES) permit. Emergency shelter uses shall provide for inlet protection and trash containment and otherwise comply with federal, state and local water quality regulations including those established by the city's NPDES permit.**”**

Sec. 37-50.335. SB 9 Units – Two-unit residential developments.

(a) **Purpose.** The purpose of this section is to establish regulations and standards to govern the development of qualified two-unit residential developments pursuant to Section 65852.21 of the California Government Code (Senate Bill 9), as amended, in the R-L district.

(b) **Definition.** A “two-unit residential development” or “SB 9 unit” shall be defined as set forth in *Section 37-10.440: “T” definitions*. Accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) shall not be included in this definition.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(c) **Applicability.** This section shall govern the construction, conversion, modification or alteration, and legalization of any two-unit residential development, or any portion or component thereof, created pursuant to the authority of California Government Code Sections 65852.21 and 66411.7. This section shall only apply to properties designated R-L, unless otherwise specifically provided by this section. Also see Chapter 31: *Subdivision Ordinance*, which implements urban lot splits per Section 66411.7 of the California Government Code, and Section 37-50.250: *Accessory dwelling units* of the Salinas Municipal Code.

(d) **Conformance with State law.** This section shall remain in effect until such time as California Government Code Section 65852.21 is repealed or superseded or its requirements for ministerial approval of housing development projects are materially amended, whether by legislation or initiative, or are held to be unenforceable by a court of competent jurisdiction, at which time this section shall become null and void.

(e) **Urban lot split not required.** An urban lot split is optional, and not required, to create a two-unit residential development pursuant to this section.

(f) **Permitted use.** Each unit in a two-unit residential development shall be used solely as a single-unit dwelling, as defined in Section 37-10.430: *"S" definitions*.

(1) Conforming home occupations shall be permitted therein, per Section 37-50.100: *Home Occupations*.

(2) The use of any unit in a two-unit residential development created pursuant to this section (including an existing primary dwelling on the lot or parcel) for any other residential or quasi-residential use is prohibited. However, this subsection shall not be construed to prohibit a person's residence in a two-unit residential development based on a protected class such as race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information; but the land use of the two-unit residential development shall be that of single-unit dwellings and not of any of the above list of prohibited uses.

(3) The use of any unit created pursuant to this section as a short-term rental is prohibited. This prohibition also applies to the existing primary dwelling on a lot or parcel that creates a new dwelling unit under the authority of this section. Any existing short-term rental on the lot or parcel shall be discontinued prior to approval of a Certificate of Occupancy for any unit created under the authority of this section.

(4) Any unit permitted as part of a two-unit residential development shall be maintained as such in perpetuity in conformance with the requirements of this section, or unless the unit is demolished with proper City permits. The reductions and exceptions to the zoning development standards, otherwise normally applicable to residential development, which are allowed in this section, are for the express purpose of promoting the development and

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

maintenance of two-unit residential developments. If for any reason a permitted two-unit residential development is not maintained on a lot in conformance with this section, the lot shall be brought into compliance with the applicable zoning development standards for residential development, or returned to the vested legal nonconforming condition of the lot prior to the development of the two-unit residential development, including, but not limited to, the zoning requirements for setbacks, lot coverage, usable open space, floor-area ratio, and parking.

(g) **Site requirements.** The following site requirements apply to all two-unit residential developments:

(1) Minimum lot size. There is no minimum lot size for creation of a two-unit residential development on an existing lot or parcel. Any new lot or parcel created through an urban lot split shall comply with the requirements of Chapter 31: *Subdivision Ordinance of the Salinas Municipal Code*.

(2) Legal parcel or lot. The site of a proposed two-unit residential development shall be a legal parcel or lot.

(3) Zoning. The lot or parcel shall be completely within the R-L district.

(4) Sites not eligible.

(A) Any lot or parcel not within the R-L district.

(B) Mobile homes or mobile home parks in any zoning district, planned development district, or specific plan.

(C) Any R-L lot or parcel developed with two or more existing principal residential units, any nonresidential uses, or any mixed-use development (including commercial or other nonresidential uses), shall not use the provisions of this section to add floor area, add residential units, or make any other alterations to the building(s) or site.

(5) Prohibited locations and other restrictions. To be eligible to create a two-unit residential development pursuant to this section, a lot or parcel shall comply with the following:

(A) Wetlands. The site is not located within wetlands, as defined in US Fish and Wildlife Service Manual, Part 660, PW 2 (June 21, 1993).

(B) Hazardous waste site. The site is not on a hazardous waste site that is listed per California Government Code Section 65962.5 or designated by California Health and Safety Code Section 25356.

(C) Earthquake fault zone. The site is not within a delineated earthquake fault zone, as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

by the California Building Standards Commission under the California Building Standards Law.

(D) Flood zone. The site is not within a special flood hazard area for the 100-year flood (any Zone A or Zone V), unless one of the following two conditions is satisfied:

(i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or

(ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum floodplain management criteria of the National Flood Insurance Program, pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(E) Regulatory floodway. The site is not within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

(F) Conservation lands. The site is not on lands identified for conservation in an adopted Natural Community Conservation Plan pursuant to the Natural Community Conservation Planning Act (Chapter 10, commencing with Section 2800) of Division 3 of the Fish and Game Code, Habitat Conservation Plan, pursuant to the federal Endangered Species Act of 1973 (16 United States Code [U.S.C.] Section 1531 et seq.), or other adopted natural resource protection plan.

(G) Protected species habitat. The site is not within habitat for protected species identified as candidate, sensitive, or species of special status by State or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (U.S.C. Section 1531 et seq.), the California Endangered Species Act (Chapter 1.5, commencing with Section 2050) of Division 3 of the Fish and Game Code, or the Native Plant Protection Act (Chapter 10 commencing with Section 1900 of Division 2 of the Fish and Game Code).

(H) Conservation easement. The site is not on lands under conservation easement.

(I) Historic properties. The site is not on the same lot or parcel as a City-designated Historic Landmark, or within a

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

historic district or property included on the State Historic Resources Inventory, and is not on the same lot or parcel as a contributing property or building within a City-designated Historic District.

(J) Housing restrictions.

(i) The proposed housing development would not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; housing that is subject to any form of public agency rent or price control through a public entity's valid exercise of its police power; and housing that has been occupied by a tenant in the last three years.

(ii) The owner has not withdrawn rent- or price-controlled accommodations from rent or lease on this parcel within 15 years prior to the date of application for the proposed project.

(h) **Permit Required.**

(1) Building Permit Review. Permit applications for any unit of a two-unit residential development shall be reviewed and acted upon by the chief building official in accordance with the following procedures:

(A) Building permit required. A building permit is required for a two-unit residential development. A certificate of occupancy shall be obtained prior to occupancy.

(B) Municipal code and state law compliance. A two-unit residential development shall be in accordance to all applicable provisions of the Salinas Municipal Code and State building, fire, health, and utility codes and requirements.

(C) Expiration of building permit. An issued building permit shall expire in accordance with the provisions of Chapter 9: *Buildings*.

(2) Planning Division Review. Permit applications for any unit of a two-unit residential development shall be reviewed and acted upon by the community development director in accordance with the following procedures:

(A) Administrative permit. An administrative permit application shall be reviewed and approved ministerially, without any public notice or a public hearing, in accordance with Division 4: *Administrative Permits* and all applicable requirements of Government Code Section 65852.21. Any modifications imposed by the city planner pursuant to Section 37-60.190: *City Planner Duties* shall be limited

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

to changes necessary to ensure compliance with objective City standards. The applicant shall not be required to modify the application to adhere any standard that is not written in an objective manner.

(B) 60-day review. The community development director shall either approve or deny the application within 60 days, subject to the following requirements and all requirements of this section:

(i) The 60-day time period shall not commence until the community development director receives a completed application.

(ii) If the applicant requests a delay, the 60-day period shall be tolled for the period of the delay.

(iii) When the community development director provides a notice of incomplete application, or written corrections to the applicant, with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant, the 60-day period shall be tolled until the applicant resubmits revised application materials pursuant to the community development director's corrections. The time an applicant takes to revise and resubmit the application shall be equivalent to a request for delay per Subsection 37-50.335(h)(2)(B)(ii).

(iv) Any preliminary inquiry, consultation, or courtesy review by City staff, and any other question, request, or submittal not meeting the requirements of the Salinas Municipal Code, as applicable, shall not constitute an application for the purposes of this section.

(v) If the community development director fails to approve or deny a completed application within the time period required by Government Code Section 65852.21(h), the application shall be deemed approved to the extent required by State law.

(C) Permit timing. The following exceptions to the 60-day review requirement shall apply:

(i) Urban lot split. If an urban lot split is proposed for any lot or parcel involved a two-unit residential development application, all procedures required for the processing and approval of an urban lot split per Chapter 31: *Subdivision Ordinance* shall be completed to the satisfaction of the community development director and the public works director prior to acceptance of an application for building permits for the two-unit residential development.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(ii) Conversion of new garage area. When a new single-unit dwelling is constructed on a lot or parcel with new garage(s) that constitute(s) required parking under the Salinas Municipal Code, no application shall be accepted for conversion of the new garage(s) to the second unit of a two-unit residential development, or an ADU or JADU, until the single-unit dwelling appurtenant to the garage(s) receives a certificate of occupancy.

(D) Written comments for denial. If the community development director denies an application for any unit of a two-unit residential development, the community development director shall, within the time period prescribed by this section, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(3) No public notice. Neither the City, nor the applicant, property owner, or builder, shall be required to post a public notice, send a mailed notice, post or send an electronic notice on a website or other computer system, or give any other form of public notice for the application for or issuance of demolition, grading, or building permits for or substantially related to a project for a two-unit residential development.

(i) **Rental terms and requirements.** If rented, the rental terms for any unit of a two-unit residential development shall not be less than 31 consecutive days, nor shall rental terms allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant.

(j) **Density, zoning, and General Plan conformance.** A two-unit residential development that conforms to all applicable requirements shall not be considered to exceed the allowable density for the lot upon which it is located and shall be considered a residential use that is consistent with the General Plan and zoning designations for the lot. A second principal unit of a two-unit residential development shall not be included in density calculation for the purposes of determining conformance with the zoning or General Plan.

(k) **Maximum number of units permitted.** The maximum number of dwelling units permitted shall be as follows:

(1) No urban lot split. For any lot or parcel not utilizing the urban lot split provisions, no more than two principal units shall be permitted on the site (a two-unit residential development, or an existing primary dwelling and a second principal unit), in addition to two ADUs, or one ADU and one JADU, as applicable under Section 37-50.250: *Accessory dwelling units*.

(2) Urban lot split parcels. Any lot or parcel created through an Urban Lot Split, under the authority of California Government Code Section 66411.7 and Chapter 31: *Subdivision Ordin*ance, shall not contain more than two

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

dwelling units of any type, including an ADU or JADU, and no ADU or JADU shall be located on a lot or parcel without a primary dwelling on the same lot or parcel, per Section 37-50.250: *Accessory dwelling units*, including a new parcel created through an Urban Lot Split. This section implements California Government Code Section 66411.7(j).

(l) **No Discretionary Exceptions.** A two-unit residential development project shall not include a request for an exception to any objective standard by applying for a variance, conditional use permit, or any other discretionary permit for permitted use, number of units, setbacks, height, lot coverage, open space, floor-area ratio, or any other applicable objective design or development standard.

(m) **Development and design standards.**

(1) Table 37-50.46 identifies objective development and design standards for all two-unit residential developments.

Table 37-50.85 Two-Unit Residential Developments - Regulations	
Topic	**Regulation**
Locations permitted	Two-unit residential developments are permitted only on a lot or parcel meeting the site requirements and restrictions of Subsection 37-50.335(g).
Number and configurations permitted	The new unit(s) in a two-unit residential development may be permitted in the following configurations, provided that the number of units complies with Subsection 37-50.335(k). (A) One new unit incorporated entirely within an existing residential unit. (B) One new unit incorporated entirely within an existing accessory building, including garages. (C) One new unit attached to and increasing the size of an existing residential unit or an existing accessory building. (D) One new unit detached from and located on the same lot as an existing unit. A unit that is attached to another detached accessory building, but not another residential unit, or is attached by a breezeway or porch, is considered detached. (E) Two newly constructed attached units (duplex) or two detached residential units on a vacant lot.
Base allowance for each unit	A maximum 800-square-foot attached or detached residential dwelling unit, with four-foot side and rear setbacks, shall be permitted in compliance with all other development standards

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

Table 37-50.85 Two-Unit Residential Developments - Regulations	
Topic	**Regulation**
	of this section, notwithstanding limits on lot coverage, floor-area ratio, or requirements for usable open space, front yard and street side yard setbacks, or landscaping, provided that any encroachment into the required front yard or street side yard setback shall be of the minimum amount necessary to make an 800-square-foot unit feasible.
Minimum unit width	The minimum unit width shall not be less than seven feet in any direction, in accordance with Section R304.2 of Part 2.5 of Title 24 of the 2025 California Residential Code.
Floor-area ratio	(A) The maximum ratio of building floor area to lot size shall conform to the requirements of the zoning district, except in the circumstance provided for the base allowance for each unit regulations in Table 37-50.46. (B) For the purposes of floor-area ratio exemption of garage area, a two-unit residential development on a lot or parcel shall constitute a "multiunit dwelling," for this subsection only, whether the two units are attached or detached.
Height	See Table 37-30.30: *Residential Low Density (R-L) District Development Regulations*
Yards	
Front	See Table 37-30.30: *Residential Low Density (R-L) District Development Regulations*
Side and Rear	Maximum 4 feet
Utility easements	All required utility no-build easements shall be provided as required by the concerned utility. Such easements may be greater than the setbacks required by this section.
Permitted projections	See *Section 37-50.040: Building projections into yards*.
Parking	(A) One parking space shall be required per each unit pursuant to this section, except that no parking may be required where: (1) The lot or parcel is located within one-half mile walking distance of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3; or

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

Table 37-50.85 Two-Unit Residential Developments - Regulations	
Topic	**Regulation**
	(2) There is a designated parking area for one or more car-share vehicles within one block of the parcel. (B) A new garage proposed in conjunction with a two-unit residential development shall comply with the development standards applicable to a garage as required in Subsection 37-30.080(j): *Garages*. See subsection (2) below for additional information.
Landscaping	See Article V, Division 4*: Landscaping and Irrigation*
Nonconforming Uses and Structures	See Section 37-50.160: *Nonconforming uses and structures*, unless otherwise specified in this section.

(2) Additional Regulations:

(A) Garage demolition, rebuild, and relocation. An existing garage may be demolished and rebuilt or otherwise replaced in conjunction with a two-unit residential development project subject to the following:

(i) The garage shall be located in the same or a more conforming location on the lot with the same or more conforming dimensions as the existing garage.

(ii) The garage shall comply with the applicable height limit for garages, except for the height of any second-story residential dwelling unit above the garage, the height of which is regulated by Section 37-50.250: *Accessory dwelling units*.

(iii) Rebuild or new construction of a garage (or other parking area such as a carport) that is functionally inaccessible or infeasible to use for parking shall be prohibited.

a. ADUs and JADUs. Replacement parking shall not be required where a garage, carport, covered parking structure, or uncovered parking space is demolished or converted in conjunction with the construction of an ADU or JADU pursuant to *Section 37-50.250: Accessory dwelling units*, to the extent replacement parking is not required by state law.

b. SB 9 two-unit housing developments. For a two-unit housing development authorized pursuant to this section, the City may require no more than one off-street parking space per unit, and no parking shall be required if the parcel is within one-half mile walking

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

distance of a high-quality transit corridor or major transit stop.

(B) Access to a public street. Each principal unit shall face or have frontage upon a public street or permanent means of access to a public street, using at least one of the methods described in this subsection. Driveways shall be limited to the minimum width required for access to each garage or required parking space.

(i) Vehicular Access. When automobile parking is required or proposed, vehicular access to a public street or alley shall be provided by a paved driveway that complies with the development standards of Article V, Division 2: *Parking, Loading, and Outdoor Lighting*, and meets the requirements of the Building and Fire Codes.

(ii) Pedestrian Access. Pedestrian access to a public street shall be provided by an exterior passageway from the primary entrance of each unit in the two-unit residential development as follows, except in the circumstance provided for the base allowance for each unit regulations in Table 37-50.46:

(a) Covered. Every building shall have a covered front entryway.

(b) Walkway. A pedestrian path connecting a point of entrance to provide access to and between the units of a two-unit residential development, constructed in accordance with all applicable requirements of Chapter 9: *Buildings and the Salinas Fire Department*.

(C) Other standards not specified. Except as otherwise specified in this section, two-unit residential development projects developed in accordance with this section shall comply with all applicable development standards of the principal building of the R-L District as provided in *Section 37-30.040: Residential Low Density (R-L) District* and any other applicable provisions of the R-L District in this Title.

SECTION 12. Modify Zoning Code Sections 37-50.350, 37-50.360, and 37-50.450 (Parking, Loading, and Outdoor Lighting) as follows:

Sec. 37-50.350. - Basic requirements for off-street parking and loading.

(g) **Location and Ownership.** The parking and loading required to serve a use shall be on the same site as the use served, except as follows:

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

(4) Required front and corner-side yards and open space areas of a site shall not be used to meet off-street parking requirements, except for driveways ~~ADU replacement parking per Section 37-50.250~~ .

Sec. 37-50.360. Off-street parking and loading spaces regulations.

"Table 37-50.100 Schedule A: Off-Street Parking and Loading Spaces Required		
Use Classifications	**Schedule A Off-Street Parking Spaces**	**Off-Street Loading Spaces per** Use Classification Group in **Schedule B**
Residential		
Employee Housing, Agricultural	Per § 37-50.075	
Employee Housing, Small Project	~~Consistent with that required of the dwelling type occupied by the small project employee housing~~ See Single-family Dwellings	
Single-family Dwellings (Detached and Attached Units) Duplex Dwellings, Green Court Dwellings	4-bedrooms or less: 2 per dwelling unit ~~(2 garaged*)~~. See Section37-50.350(g)(4).	
	5+ bedrooms: 3 per dwelling unit ~~(2 garaged*),~~ 3rd space may be tandem. See Section37-50.350(g)(4).	
Condominiums	4- bedrooms or less: 2 per dwelling unit ~~(2 covered~~).	
	5+ bedrooms: 3 per dwelling unit ~~(2 covered)~~, 3rd space may be tandem.	
Mobile H~~h~~ome Parks	2 per dwelling unit, ~~(1 covered)~~; plus 1 space per 8 dwelling units, which must be designated for guest parking; tandem parking is permitted.	
Residential Care Facilities	A residential care facility serving more than 7 persons, shall provide at least 1 off-street parking space. A residential care facility serving less than six persons shall provide off-street parking spaces equal to the greatest number of employees on duty at any one time, in addition to a minimum of one off-street parking space per ten residents for visitors.	
Large Residential Care and	1 per 3 licensed beds.	B

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

"Table 37-50.100 Schedule A: Off-Street Parking and Loading Spaces Required		
Use Classifications	**Schedule A Off-Street Parking Spaces**	**Off-Street Loading Spaces per** Use Classification Group in **Schedule B**
Residential Service Facilities		
Supportive Housing	Supportive housing shall be subject to the same parking requirements applicable to other residential uses of the same type, permitted in the same way, in the same zoning district. No minimum parking requirements if the development is within a half mile of a public transit stop.	

(2)	The following parking requirements shall apply to properties located in the East Romie Lane Corridor overlay district (see *Article IV, Division 6: East Romie Lane Corridor (ERL) Overlay District*): (~~A~~i) In the East Romie Lane Corridor overlay district, medical and dental offices existing as of September 5, 1996, that convert to business and professional offices and return to medical or dental office uses at a later date shall provide parking at the rate of one space for every two hundred fifty square feet of medical or dental office. (~~B~~ii) In the East Romie Lane Corridor overlay district, business and professional offices existing as of September 5, 1996, that convert to medical and dental offices shall provide parking at the rate of one space for every two hundred square feet of medical or dental office.

Table 37-50.110 Schedule B: Off-Street Loading Spaces Required			
	Number of Spaces Required(~~A~~1)		
Gross Floor Area (sq. ft.)	**10′×20′×10′**	**12′×35′×16′**	**12′×50′×16′**

(~~A~~1)	Measurements shown = width × length × height

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

Sec. 37-50.450. Driveways.

Table 37-50.150 Driveways				
Use	**Max. Width**	**Max. Street Frontage (%)**	**Max. No. of Driveways Allowed**	**Additional Regulations(~~A~~1)**
Residential (1—2 d.u.)				
1 garage or uncovered parking space	~~10~~ 20 ft. Max.	50%	2	1, 2, 3, 4, 6, 8
2 car garage~~s~~ or uncovered parking spaces	20 ft. Max.	50%	2	1, 2, 3, 4, 6, 8
3 car garage~~s~~ or uncovered parking spaces	28 ft. Max.	50%	2	2, 3, 4, 5, 6, 8

(5) No portion of any driveway shall be permitted between:

(~~A~~a) The points of curvature of any curb return; and

(~~B~~b) Between the point of intersection of extended curb lines and a point thirty feet therefrom; fifty feet therefrom for commercial and industrial parcels and/or uses; and one hundred fifty feet from an arterial street or as otherwise approved by the city engineer.

(8) Residential single family dwelling unit driveway width may be increased to extend a maximum of ten (10) feet into the adjacent side yard from the existing driveway past the width of the garage ~~into that portion of the required front yard that is~~ on the opposite side of the garage as the front door of the dwelling unit~~, subject to the approval of a Minor Conditional Use Permit pursuant to Section 37-60.490(b).~~, provided the following standards are met:

(a) Any construction, reconstruction, or closure of the right of way shall require an encroachment permit;

(b) NPDES compliance – Contractor shall provide construction BMPs for site improvements (See Sec. 29-3 for definitions);

(c) No vehicles shall be permitted to traverse or park on patios, walkways, or any area designated as landscaping; and

(d) Driveway width increase shall taper back to the existing driveway width at the property line; and

(e) No vehicle shall access this driveway extension by traversing over parkway strip between sidewalk and curb.

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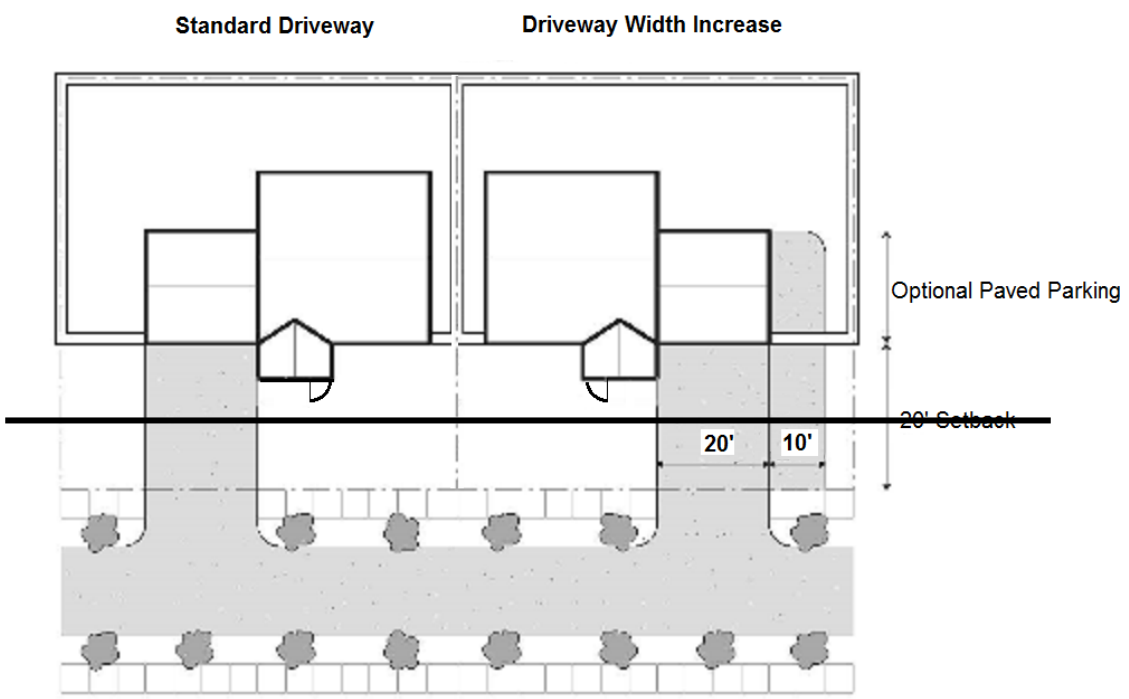

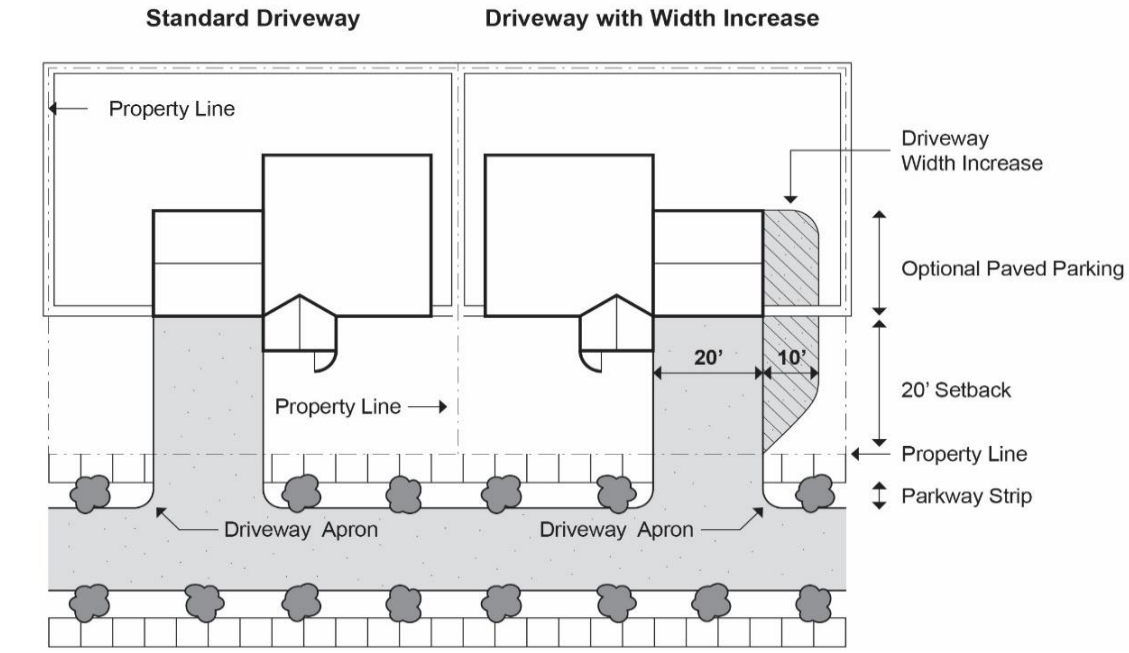

”

SECTION 13. Modify Zoning Code Sections 37-60.490 and 36-60.520 (Conditional Use Permits) as follows:

“Sec. 37-60.490. Minor conditional use permits.

~~(b) Conditional Use Permit for Driveway Width Increase.~~

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~~(1) Applicability. An application for a conditional use permit for residential single family dwelling unit driveway width increase shall apply to development in accordance with the requirements of *Section 37-50.450(b)(7).*~~

~~(2) Notice of Intent to Approve to Adjacent Property Owners. An application for conditional use permit for residential single family dwelling unit driveway width increase shall require a public hearing and decision by the planning commission in accordance with *Section 37-60.510: Planning commission* duties unless notice of intent to approve a conditional use permit for residential single family dwelling unit driveway width increase is provided to all owners of real property abutting the boundaries of the site as shown on the latest equalized assessment roll (or other reliable method as approved by the city council) at the time of the application submittal. The notice shall be mailed or delivered at least ten calendar days prior to the proposed approval date set forth by the city planner. If no response in opposition to a conditional use permit for residential single family dwelling unit driveway width increase is received by the city planner prior to the noticing deadline and the application for the conditional use permit for residential single family dwelling unit driveway width increase conforms to the regulations established in this Zoning Code, the city planner is authorized to approve or approve with conditions or modifications, the application and no public hearing or notice is required unless an appeal is submitted requesting a hearing.~~

~~(3) City Planner's Review and Action. If no hearing is required, the city planner, shall approve, approve with conditions or modifications, or deny the application.~~

~~(4) Findings for Approval. In approving the application, the planning commission or city planner, as applicable, shall establish the findings in *Section 37-60.520: Required findings.*~~

~~(5) Effective Date—Appeals. A conditional use permit for residential single family dwelling unit driveway width increase shall be effective ten days after the date of the decision unless appealed in accordance with *Article VI, Division 17: Appeals.*~~

Sec. 37-60.520. Required findings.

(b) That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained are consistent with the Salinas general plan and will not be detrimental to ~~the~~ public health <u>or</u>~~,~~ safety~~, or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the city~~; and”

SECTION 14. This Ordinance shall take effect and be in force thirty days from and after its adoption.

Docusign Envelope ID: 2B010993-E151-804D-8353-D07AE1BBEEB3

SECTION 15. 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 17 of the Salinas Municipal Code (Housing) to modify Sections 17-21.040, 17-21.050, 17-21.060, and 17-21.070; and amending Chapter 37 of the Salinas Municipal Code (Zoning Code) to modify Article I, Division 2 (Definitions), Section 37-30.020 [Agricultural (A) Zoning District], Sections 37-30.050, 37-30.060, 37-30.110, 37-30.150, and 37-30.160 [Residential (R) Zoning Districts], Section 37-30.200 [Commercial (C) Zoning Districts], Sections 37-30.230, 37-30.240, 37-30.250, 37-30.260, and 37-30.270 [Mixed Use (MU) Zoning Districts], Section 37-30.310 [Industrial (I) Zoning Districts], Section 37-30.390 [Public/Semipublic (PS) Zoning District], Section 37-30.430 [New Urbanism (NU) Zoning Districts], Sections 37-40.290 and 37-40.310 [Central City (CC) Overlay District], Sections 37-50.060, 37-50.075, 37-50.100, and 37-50.305 (Supplemental Regulations), Sections 37-50.350, 37-50.360, and 37-50.450 (Parking, Loading, and Outdoor Lighting), Sections 37-60.490 and 36-60.520 (Conditional Use Permits), and to add Sections 37-50.250 and 37-50.335 (Supplemental Regulations) to ensure consistency with the State housing law and implementation of the City's Housing Element, as well as updates addressing local priorities and other legal requirements."

SECTION 16. 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 the 18th day of August 2026, and passed and adopted on the 1st day of September 2026, by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

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APPROVED:

Signed by:
Dennis Donohue
580C799697274E5...

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